

ORDINANCE NO. 458
(AS AMENDED THROUGH 458.13)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
458 REGULATING FLOOD HAZARD AREAS AND IMPLEMENTING THE NATIONAL
FLOOD INSURANCE PROGRAM

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

Section 1. This ordinance is adopted pursuant to the requirements of the National Flood Insurance Program, Title 42 United States Code 4001, et. seq., as amended, including all regulations adopted pursuant thereto. The purpose of the ordinance is to protect the public health, safety, and welfare and minimize public and private costs caused by flooding by regulating development within flood hazard areas. Flood heights may be increased by man-made or natural causes. 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.

Section 2. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. **100 Year Flood**: Means and refers to the Base Flood as defined herein below.
- b. **Awareness Map**: Means and refers to those floodplain maps produced by the Department of Water Resources of the State of California that initially identify flood hazard areas using approximate assessment procedures to map 100 year floodplains for both riverine and alluvial fan conditions. Such "awareness floodplains" will be shown simply as flood prone areas without specific depth and other flood hazard data.
- c. **Base Flood**: Means and refers to a flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term commonly used throughout this ordinance.
- d. **Base Flood Elevation (BFE)**: Means and refers to the elevation shown on the Flood Insurance Rate Map 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 (1%) or greater chance of being equaled or exceeded in any given year.
- e. **Basement**: Means and refers to any area of a building having its floor subgrade (below ground level) on all sides.
- f. **CVWD**: Means and refers to the Coachella Valley Water District, a special district created under California law.
- g. **Colorado River Floodway Fringe**: Means and refers to that area subject to inundation by floods of varying magnitudes generated from the Colorado River, up to and including the floodway flow, but which is not required for the safe conveyance of the floodway flow and is not included in the computation of the Colorado River Floodway base flood elevation.
- h. **Development**: Means and refers to any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures,

mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials.

- i. **Elevation Certificate (FEMA Form 81-31):** Means and refers to a form used for recording the finished floor elevations and adjacent ground of a building.
- j. **Existing Manufactured Home Park or Subdivision:** Means and refers to 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, either final site grading or pouring of concrete pads, and the construction of streets) is completed before July 5, 1979.
- k. **Expansion to an Existing Manufactured Home Park or Subdivision:** Means and refers to 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, either final site grading or pouring of concrete pads, or the construction of streets).
- l. **FEMA:** Means and refers to the “Federal Emergency Management Agency.”
- m. **Flood Boundary and Floodway Map (FBFM):** Means and refers to the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
- n. **Flood Insurance Rate Map (FIRM):** Means and refers to the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- o. **Flood Insurance Study:** Means and refers to the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map(s), the Flood Boundary and Floodway Map(s), and the water surface elevations of the base floods.
- p. **Floodplain Administrator:** Means and refers to the Director of the Department of Building and Safety for the County of Riverside.
- q. **Floodproofing:** Means and refers to 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. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- r. **Floodway:** Means and refers to the channel of a river or other watercourse and adjacent land areas necessary to discharge the waters from the 100 year flood without increasing the water surface elevation of that flood more than one foot at any one point; or that area identified by the United States Department of the Interior, Bureau of Reclamation as required to safely convey the levee-design flood of the Colorado River.
- s. **Highest Adjacent Grade:** Means and refers to the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- t. **Historic Structure:** Means and refers to any structure that is:
 - 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

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; or

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of 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.

- u. **Levee-Design Flood:** Means and refers to flooding of the Colorado River equivalent to a flow rate of 75,000 cubic feet per second from the Palo Verde Diversion Dam to Taylor Ferry.
- v. **LOMR:** Means and refers to a "Letter of Map Revision."
- w. **Lowest Floor:** Means and refers to the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of Section 6 of this ordinance.
- x. **Manufactured Home:** Means and refers to 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.
- y. **Manufactured Home Park or Subdivision:** Means and refers to a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- z. **New Construction:** Means and refers to structures for which the "start of construction" commenced on or after July 5, 1979, and includes any subsequent improvements to such structures.
- aa. **New Manufactured Home Park or Subdivision:** Means and refers to 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, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after July 5, 1979.
- bb. **RCFC&WCD:** Means and refers to the Riverside County Flood Control and Water Conservation District, a special district created under California law.
- cc. **Recreational Vehicle:** Means and refers to a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- dd. **Special Flood Hazard Area (SFHA):** Means and refers to an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH. This

includes floodplains, flood boundaries and flood hazards within the studies listed in Section 3.

- ee. **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.
- ff. **Structure:** Means and refers to all buildings and structures, including agricultural buildings, that require a registration certificate and manufactured homes; and their appurtenances such as gas or liquid storage tanks and flow obstructing walls or fences.
- gg. **Substantial Improvements/Substantially Improved:** Means and refers to any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not include any alterations necessary to comply with existing state or local health, sanitary or safety code specifications or regulations, or any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- hh. **Substantial Damage:** Means and refers to 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.
- ii. **Violation:** Means and refers to the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 3. APPLICABILITY. This ordinance shall apply to all the following unincorporated areas of the County of Riverside:

- a. The flood hazard areas shown on the maps prepared by the Federal Insurance Administration entitled "The Flood Insurance Study for the County of Riverside"

effective August 28, 2008, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary Maps, including any amendments, revisions or additions thereto that hereafter go into effect pursuant to the provisions of the applicable Federal law.

- b. The flood hazard areas shown on the maps prepared by the U.S. Army Corps of Engineers entitled:
 - 1. San Gorgonio River and Smith Creek, June 1973.
 - 2. San Gorgonio River and Tributaries, October 1974.
 - 3. Santa Ana River Mainstem Project, August 1991.

- c. The flood hazard areas shown on the maps prepared for Riverside County entitled:
 - 1. Wildomar Valley, 100-year Flood Plain Limits, October 1979, as last revised May 1986.
 - 2. Cactus Valley, 100-year Flood Plain and Floodway Limits, March 1980.
 - 3. Cabazon Flood Study, Flood Hazard Areas, June 1980.
 - 4. Lakeview & Sierra Vista Tracts, 100-year Floodplain Limits, October 1990.
 - 5. Tualota Creek, October 1984
 - 6. Long Valley Wash, October 2002
 - 7. Paloma Wash, October 2002
 - 8. Warm Springs Creek, February 2003
 - 9. Awareness Maps supplemented as needed by delineated Floodplain area information.
 - 10. Juniper Flats Floodplain, May 2006
 - 11. "Flood Insurance Study for Oasis Area of the Coachella Valley, April 2003

- d. 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.

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

Section 4. ADMINISTRATION. Notwithstanding the provisions of any other ordinance to the contrary, within the unincorporated area of Riverside County shown on the maps referred to in Section 3, 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 the requirements of this ordinance or between the requirements of this and any other ordinance, the more stringent requirements shall apply. The Floodplain Administrator shall administer, coordinate, implement, and

enforce this ordinance by granting or denying development permits in accord with its provisions.

Section 5. PROCEDURE.

- a. Insofar as it is feasible, it is intended that the requirements of this ordinance shall be integrated into the processing of applications for development permits under other County Ordinances including, but not limited to, Ordinances Nos. 348, 369, 457, 460 and 555. When the information required, or the procedures involved, in the processing of such applications is not sufficient to assure compliance with the requirements of this ordinance, a separate application shall be filed as hereinafter provided.
- b. Whenever an application for a permit involves land which lies within the boundaries of any map referred to in Section 3 of this ordinance, the department head that accepts the application shall determine if a separate application shall be filed. If a permit would allow the location of any structure or substantial improvement thereto, or allow the alteration of land by grading or otherwise, or allow the placement of a recreational vehicle pursuant to subsection 6.a.6 of this ordinance, and the existing permit procedure does not otherwise provide for a specific recommendation by a flood control district, a separate application shall be filed by the applicant.
- c. All separate applications shall be filed with the department head that accepts the basic application and shall be accompanied by a fee as set forth in Ordinance No. 671. Sites on noncontiguous parcels shall require separate submittals. Each application shall contain plans that, at a minimum, include the following:
 - 1. A plat map drawn to scale of the property proposed to be developed showing location, type and use of any structures proposed, base flood elevation data, floodways and floodplains, including adjoining properties necessary to be shown for continuity.
 - 2. Elevation contours, with maximum interval of:

<u>SLOPE</u>	<u>INTERVAL</u>
0 - 2%	2'
3 - 9%	4'
10% plus	10'
 - 3. Elevations, in relation to the 1988 North American Vertical Datum, of the area to be developed, including adjoining properties necessary to be shown for continuity. The elevation, in relation to the 1988 North American Vertical Datum, of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement shall be stated.
 - 4. The method by which the applicant proposes to comply with the requirements of this ordinance, including proposed elevations of any structures or fills, flood proofing, erosion protection, flow-through area, any proposals to modify existing flow of storm waters and any other relevant information. If any structure is to be flood proofed, the elevation, in relation

to the 1988 North American Vertical Datum, to which such structure is to be flood proofed shall be stated.

5. All applications plans shall be prepared and certified by a civil engineer registered in the State of California.
- d. Upon acceptance of both applications as being complete for filing, the department head shall forward copies of the basic application and the separate application to the RCFC&WCD, unless the proposed development lies within the area jurisdiction of the CVWD, in which case it shall be forwarded to said District.
- e. Within 30 days of receipt thereof, the RCFC&WCD or the CVWD, respectively, shall determine if any further information is required in order to process the application and, if required, shall inform the applicant or his representative by regular mail of the need for additional information. RCFC&WCD and CVWD shall review and process separate applications within their respective jurisdictions as provided herein.
- f. When base flood elevation data has not been provided in accordance with Section 3, 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 Section 6.

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

- g. Within 30 days after determining that all required information has been obtained, the RCFC&WCD or CVWD shall issue a report approving, with conditions or modifications, or denying the proposed plan.
- h. The RCFC&WCD and CVWD shall maintain a record of all applications reviewed and approved pursuant to this Ordinance. Said record shall consist of the application form, accompanying plans and Elevation Certificate (FEMA Form 81-31).

Section 6. CONSTRUCTION STANDARDS. Within the areas shown on the maps listed in Section 3, the following requirements shall apply:

- a. **Special Flood Hazard Areas.** Within the areas shown on the maps listed in Section 3 as a Special Flood Hazard Area or floodplain, all proposed developments shall meet the following requirements:
 1. All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. All new structures and substantial improvements to existing structures shall:

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. Be constructed with materials resistant to flood damage.
 - c. Be constructed by methods and practices that minimize flood damages.
 - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. All subdivision proposals and other proposed new development, including manufactured home parks or subdivisions greater than 50 lots or 5 acres, whichever is less, shall be required to identify the base flood elevation and be reviewed to determine whether such proposals will be reasonably safe from flooding. All such proposals shall be reviewed to assure that:
 - a. Such proposal is consistent with the need to minimize flood damage.
 - b. Prior to grading, a Conditional LOMR has been issued by FEMA.
 - c. Prior to inspection for occupancy, a LOMR has been issued by FEMA for areas shown as floodplain on the effective FIRM.
 - d. All utilities and facilities, such as sewer, gas, electrical, propane tanks, and water systems are located and constructed to minimize or eliminate flood damage.
 - e. Adequate drainage is provided to reduce exposure to flood hazards.
 - f. All other required state and federal permits have been obtained.
 - g. Alteration or relocation of a watercourse: Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.
3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
4. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
5. All manufactured homes to be placed or substantially improved shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes shall:
 - a. Be elevated on a permanent foundation such that the lowest floor is at or above the base flood elevation; and
 - b. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The requirements of Subsections 6.a.5.a. and 6.a.5.b. herein shall only apply to i) manufactured homes located outside of a manufactured home park or subdivision or ii) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage.

Notwithstanding the aforementioned requirements, manufactured homes that have not incurred substantial damage due to flood and are to be placed or substantially improved in an existing manufactured home park or subdivision may either have their chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement or meet the requirements of Subsection 6.a.5.a. herein.

6. All recreational vehicles to be placed shall:
 - a. Be on the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use.Otherwise, recreational vehicles shall meet the separate application requirements of Subsection 5.b. and the elevation and anchoring requirements for manufactured homes in Subsection 6.a.5. 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.
7. Except as otherwise provided under Subsection 6.a.5., all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.
8. All new construction and substantial improvements of nonresidential structures shall either (a) have the lowest floor (including basement) elevated to or above the base flood level, or (b) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural 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. 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.

10. Within any AO zone on the Flood Insurance Rate Maps, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map (at least two feet if no depth number is specified).
11. Within any AO zone on the Flood Insurance Rate Maps, all new construction and substantial improvements of nonresidential structures shall either (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map (at least two feet if no depth number is specified), or (b) together with attendant utility and sanitary facilities be completely flood proofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
12. Within any AH and AO zones on the Flood Insurance Rate Maps, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures, shall be provided.
13. Whenever a watercourse or mapped floodplain is to be altered or relocated, the flood carrying capacity of the altered or relocated portion of the watercourse or mapped floodplain shall be maintained. Manufactured slopes that encroach into a floodplain and which are subject to erosive velocities, are considered flood control facilities and must be maintained by a public entity. However, the appropriateness of such encroachment shall be determined at the sole discretion of the RCFC&WCD or the CVWD. Adjacent communities and the Federal Insurance Administration shall be notified of any such alteration or relocation by means of a request for a LOMR for floodplains shown on the effective FIRM panel. Within 6 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 Letter of Map Revision (LOMR).
14. All plans prepared for the development of property within a mapped floodplain shall be prepared and certified by a civil engineer registered in the State of California.

15. All proposed development applications shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
16. All new buildings and/or substantial improvements located within the 500 year floodplain limits of Lake Elsinore shall have their lowest floor elevated a minimum of three (3) feet above said water body's 100 year water surface elevation. For the purpose of this ordinance, Lake Elsinore's water surface elevation shall be 1265.7 (NAVD 88).
17. Any flood water storage displaced as a result of fill placement within Lake Elsinore's 100 year floodplain shall be made up by excavating 1.3 times the displaced volume within the elevation range between 1249.4 and 1265.7 (NAVD88).

b. Floodways.

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

ii.) Until such time that a regulatory floodway is adopted, no new construction or other development (including fill) shall be permitted within Zones A, A1-30 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 1 foot or as determined by the RCFC&WCD or the CVWD at any point along the floodplain.

Section 7. APPEALS AND REQUESTS FOR VARIANCES.

- a. An applicant, or any interested party, shall have the right to appeal the decision that is made on an application if he believes that an error has been made by the RCFC&WCD or CVWD. An applicant shall also have the right to request that a variance be granted to the requirements of this ordinance, or to the conditions imposed upon a permit.
- b. Applications for an appeal or for a variance shall be made to the Board of Supervisors, upon the form provided by the Clerk of the Board, accompanied by a fee as set forth in Ordinance No. 671. Upon receipt of a completed application, the Clerk of the Board shall set the matter for hearing before the Board not less than 5 nor more than 45 days thereafter and shall give notice, by mail, to the applicant, the appellant, the department head with whom the application was originally filed and the applicable General Manager-Chief Engineer of

- RCFC&WCD or CVWD. The Board shall render its decision on the matter within 30 days after the close of the hearing on the matter.
- c. Appeals may be granted by the Board if there has been an error in any requirement, decision or determination relating to the application for the permit.
 - d. Variances on the requirements of this ordinance or the conditions of an approved permit may only be granted if the Board finds:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. 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.
 - 4. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the granting of the variance.
 - f. Any applicant to whom a variance is granted shall promptly record an instrument evidencing said variance with the Riverside County Recorder's office. Said recordation shall be maintained until such time that the applicable flood hazard area has been removed.

Section 8. 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 County Water District, for any flood damages resulting from reliance on this ordinance or any determination made thereunder.

Section 9. 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, which is incorporated herein by this reference.

Section 10. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not effect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 11. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 458 06/05/1979 (Eff: 07/05/1979)
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458.2 06/02/1981 (Eff: 07/01/1981)
458.3 Item 3.2 of 08/30/1983 (Eff:09/29/1983)
458.4 Item 3.4 of 06/05/1984 (Eff: 07/05/1984)
458.5 Item 3.4 of 04/22/1986 (Eff: 05/22/1986)
458.6 Item 9.3 of 05/05/1987 (Eff: 07/04/1987)
458.7 Item 3.9 03/29/1988 (Eff: 04/28/1987)
458.8 Item 3.1 of 05/03/1988 (Eff: 07/02/1988)
458.9 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)
458.10 Item 3.11 of 07/31/1990 (Eff: 08/30/1990)
458.11 Item 10.1 of 10/16/1990 (Eff: 11/01/1990)
458.12 Item 3.6 of 03/30/1993 (Eff: 04/29/1993)
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458.13 Item 3.11 of 07/29/2008 (Eff: 8/28/2008)