

Summary of Redline Changes to San Bernardino County Floodplain Safety Overlay Chapters

As part of a flood map update, FEMA reviews the ordinance of every participating community impacted by the new maps, to ensure their regulations are in full compliance with the NFIP minimum standards in 44 CFR § 59-60 before the maps become Effective. Noncompliance by the map’s effective date = automatic suspension.

Deadline for having in-force, effective, adopted ordinance that is fully compliant: May 8, 2024. This non-negotiable deadline was set by FEMA Headquarters in the Letter of Final Determination in November 2023.

Much of the ordinance update language came directly from the CA State Model Flood Hazard Ordinance document (available online at <https://water.ca.gov/nfip>), as this language has been pre-approved by the California Department of Water Resources and FEMA Region 9 and has been written to align with the flood provisions of CCR Title 24.

Ordinance Section	Description of Change	Reason for, or Impact of, Change
Multiple locations	Edit: area <u>base</u> flood elevation	Reason: updating to correct NFIP term.
Multiple locations	Edit: Development <u>County</u> Code	Reason: updating per County staff recommendation/guidance.
§ 82.14.010 <u>Authority and Purpose.</u>	<p><u>Adds statutory authority</u> for floodplain management in §.010(a) [<i>“CA Government Code ... confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.”</i>]</p> <p>And <u>expands on</u> purpose and objectives of the ordinance in §.010(b) [<i>per CA State Model language Sec 101-4</i>]</p>	Reason: Statutory authority language is FEMA required for minimum NFIP compliance (44 CFR § 59.22.a.2)
§ 82.14.020 (a) Establishment of Flood Hazard Areas.	<p>Updates the map date reference from “initially prepared in 1978” to the current Countywide Effective FEMA mapping products (Flood Insurance Study and Flood Insurance Rate Maps), dated <u>May 8, 2024</u>. [<i>per CA model 102-2</i>]</p>	<p>Reason: FEMA requires communities to cite their effective mapping products, and the 1978 date is no longer appropriate.</p> <p><i>Additional explanation: this is not a 2024 date, because the flood map update that triggered this ordinance review is a partial-county Physical Map Revision, and is covered under the “and all subsequent amendments and revisions” language preferred in the state of CA.</i></p>

Ordinance Section	Description of Change	Reason for, or Impact of, Change
§ 82.14.030(c) Implementation.	Edit: recommendations <u>requirements</u>	Reason: clarifies that the NFIP standards are requirements in designated flood hazard areas.
§ 82.14.030(e) Severability.	Added severability clause: [<i>"If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole..."</i>]	Reason: Severability language is FEMA required. <i>This provision is included in CA model and thus deemed necessary for inclusion in the ordinance, not just the resolution of adoption.</i>
§ 82.14.040 Elevation of First Floor	Moved language on required elevation of first floor from here to §82.14.050(d)(1) for clarity	Reason: Condensing elevation requirements into one subsection (§ 82.14.040) rather than being repeated in multiple places.
§ 82.14.040(a-b) Review Procedures	Edit to simplify (a) and (b) to match: "A project proposed in [<i>referenced area</i>] shall be subject to a Floodplain Development Standards Review.	Reason: minor edit to remove outdated specificity; details on duties and departments and permit processes will be outlined in an SOP document.
§ 82.14.040(a)(2) Development Restriction.	Minor edits to clarify that this cumulative encroachment provision applies to Zone AE areas without regulatory floodway.	Reason: to align with minimum NFIP compliance requirement at 44 CFR § 60.3(c)10.
§ 82.14.040(c) Undetermined Flood Hazards	Minor edit to clarify that "undetermined flood hazard areas" are <u>Zone D areas</u> on FEMA maps. Also added reference to the <u>California DWR Best Available Map</u> , per DPW staff recommendation.	Reason: minor clarifying edit; adding state best available data source.
§ 82.14.050(b) Construction Materials and Methods	Minor edits to clarify flood resistant materials requirement and that this provision applies to shallow flooding zones <u>AH or AO</u> .	Reason: clarifying edit; to align with minimum NFIP compliance requirement at 44 CFR § 60.3(c)11.
§ 82.14.050(d)(1) Elevation and Floodproofing	Editing elevation requirements for Residential Structures and consolidating the information previously in §.040(a)(1) to this location, for clarity.	Reason: to align with NFIP requirements at 44 CFR § 60.3(c), and CA freeboard requirements in the CBSC (for elevating the lowest floor at least 1 foot above the BFE).
§ 82.14.050(d)(3) Flood Openings	Minor update to clarify the distinction between non-engineered openings (in A above) or engineered openings (in B), and to clarify uses of enclosed areas below the lowest floor (in C).	Reason: to respond to the requested point of clarification raised in review by FEMA's contractor.

Ordinance Section	Description of Change	Reason for, or Impact of, Change
§ 82.14.050(d)(5) Detached Garages and Accessory Structures	Adding clarifying language about requirements for garages and accessory structures <i>[per CA model 301-2]</i>	Reason: to align with CA model flood ordinance and latest NFIP guidance.
§ 82.14.050(f) Design Requirements	Adding requirements for larger subdivisions in A zones to require a BFE to be developed. In (5), adding AO and AH zone drainage requirements per <i>[per CA model 302-1(3)]</i>	Reason: to align with minimum NFIP compliance requirement at for subdivisions at 44 CFR § 60.3(b)3, and AO/AH language as required by 44 CFR 60.3(c)
§ 82.14.050(g)(1) Manufactured Homes Elevation	(B) Within Zone A, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to <u>two</u> feet or more above the highest adjacent grade; or..."	Aligning with the residential structures requirements in Zone A in (d)(1)
§ 82.14.060 Exemptions (Variances) and Modifications.	Updating throughout this section to add CA model language about variances <i>[per CA model Article 107]</i> <ul style="list-style-type: none"> • Requirements and conditions • Reviewing Body • Functionally Dependent Uses • Historic Structures • Recordkeeping 	Reason: to align with NFIP variance requirements in 44 CFR § 60.6 and CA model flood ordinance.
§ 82.14.060 Variance Decisions	“Commission” “Board of Supervisors”	Reason: Confirmed to be the correct body to decide on variance requests.
§ 86.04.010(c)(4) BFE Changes	Adding clarifying language about Letters of Map Change <i>[per newest CA model section 103-4(11) & 105-4]</i> to existing ordinance text.	Reason: to fully meet NFIP requirements of 44 CFR § 65.3.
§ 86.04.010(c)(6) Substantial Improvement and Substantial Damage	Moving the SI/SD provision sentence from §82.14.050(d)(1), and expanding on it <i>[per CA State Model language Sec 101-4]</i>	Reason: to align with NFIP requirements and CA model flood ordinance.
§ 86.04.010(c)(7) Inspections	Coordination of inspections <i>[per CA Model article 106.]</i>	Aligns with CA model language which recognizes the state’s coordination with the CBSC for buildings. Assigns duty to inspect non-structural development to the FPA (or designee) and buildings to be inspected by the BO (as are currently done in county).
§ 86.04.010(c)(8) Biennial Reports	Removed section.	Reason: these biennial reports are no longer required in practice.

Ordinance Section	Description of Change	Reason for, or Impact of, Change
§ 86.04.010(c)(11) Maintain Certifications and Records	NFIP recordkeeping requirements [Per CA DWR Model 103-6] This language expands on the "certifications of lowest floor" and "exceptions/variances" records provisions in current local ordinance.	Reason: to align with NFIP minimum requirements that the community maintains, in perpetuity, copies of all floodplain permits, plans/certifications and related records.
§ 810.01.080(gg), Definitions	Updated Recreational Vehicle to NFIP definition (from 44 CFR § 59.1)	Reason: To align with FEMA definition.