



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 9, 2026

AGENDA ITEM #6

Project Details

Applicant: San Bernardino County Land Use Services Department
Community: All unincorporated communities
Locations: Countywide
Project No.: PMISC-2026-00009
Staff: Kevin Marstall, Land Development Chief
Proposal: Text amendments to the San Bernardino County Development Code relating to floodplain regulations, adding an exception to elevation development standards for the creation of an accessory dwelling unit within an existing structure in the Shaded X Zone and minor amendments related to delegated review authority and definitions.

Newspaper Publication Date: March 29, 2026

Report Prepared By: Kevin Marstall

PROJECT DESCRIPTION:

The project includes a proposed ordinance to amend various subsections within Chapters 82.14, 85.07, 85.11, 86.04, and 810.01.080 of the San Bernardino County Code (Development Code) relating to floodplain regulations. The amendment consists of adding an exception to the elevation requirements for an accessory dwelling unit (ADU) constructed or converted within an existing structure located in the Shaded X Zone, and amendments related to delegated review authority and definitions.

BACKGROUND:

San Bernardino County (County) is a California community that has participated in the National Flood Insurance Program (NFIP) since 1978, for which the County has adopted a Floodplain Ordinance through various sections of the Development Code. The Floodplain Ordinance ensures compliance with the Federal Emergency Management Agency (FEMA) regulations, the Flood Insurance Study (FIS) for San Bernardino County and incorporated cities, and the published Flood Insurance Rate Maps (FIRM).

The County's current Floodplain Ordinance was adopted on April 9, 2024, at which time specific regulations pertaining to the Shaded X Zone included higher standards for elevation of the lowest floor to one foot above the natural pre-development highest adjacent grade.

In 2025, the Land Use Services Department reviewed the Development Code for potential

obstacles to the creation of ADUs and junior accessory dwelling units (JADU), and County staff identified the above-referenced higher standard as conflicting with conversion of existing structures for ADU and JADU. In addition, during that same review, the Floodplain Ordinance was noted to not reflect the duties of the reviewing County officials and departments for compliance with County floodplain regulations. While the floodplain regulations require the Building Official to ensure compliance with numerous floodplain standards, these tasks had been designated from the Building Official to the Land Development Division (LDD), effective since November 2024 when LDD became a stand-alone Division. Finally, the review of the current ordinance also revealed several cleanup items, including an incorrect definition of Flood Zone A1-30, within the Floodplain Ordinance chapters of the Development Code.

The revisions to the Floodplain Ordinance would amend various provisions of Title 8 (Development Code) of the County Code relating to floodplain regulations to be consistent with recently adopted updates to the Development Code (Chapter 84.36) pertaining to ADU and JADU regulations, reflect the designation of floodplain regulation reviews to LDD, and correct the definition of Flood Zone A1-30, thereby ensuring consistency within the County’s Floodplain Ordinance while simplifying and clarifying development standards for applicants and County staff.

ANALYSIS:

The proposed ordinance amends Subsections 82.14.040(b)(1), 82.14.040(b)(2), 82.14.050(d)(1)(D), 82.14.050(d)(3)(B), 82.14.050(d)(4)(B)(I)(VI), 85.07.030(b), 85.07.030(c), 85.07.030(f)(2), 85.07.030(g), 85.11.020(b), 85.11.0320(de), 86.04.010(c)(6), 86.04.010(c)(7), 810.01.080(gg)(3), 810.01.080(gg)(10), 810.01.080(gg)(15)(E), and 810.01.080(gg)(28) , all of Title 8 of the San Bernardino County Development Code relating to floodplain regulations. Proposed amendments and additions to the County’s floodplain ordinance are depicted in Exhibit A to this Staff Report with deletions in strikethrough and additions in redline formatting. The principal changes to each Chapter are briefly summarized below:

CURRENT CODE	REVISIONS
§ 82.14.040 Floodplain Safety Review Areas.	
100 to 500-year Floodplain. Elevation of First Floor	§82.14.040(b)(1) Elevation of First Floor. New construction and substantial improvement of any structure shall be so constructed that the first floor (including basement) shall be one foot §82.14.040(b)(1) Elevation of First Floor. Except as provided by Subsection 82.14.050(d) , new construction and substantial improvement of any existing structure shall be constructed so that the first floor (including basement) is

	above the natural pre-development highest adjacent grade.	one foot above the natural pre-development highest adjacent grade.
100 to 500-year Floodplain. Review Procedures.	§82.14.040(b)(2) Review Procedures. A project proposed in this area shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division based upon the determination by the Land Development Division of the Land Use Services Department. This review shall ensure that the proposed project complies with this County Code regarding flood protection measures.	§82.14.040(b)(2) Review Procedures. A project proposed in this area shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division <u>Official or his or her designee</u> based upon the determination by the Land Development Division of the Land Use Services Department. This review shall ensure that the proposed project complies with this County Code regarding flood protection measures.
§ 82.14.050 Development Standards for Floodplain Safety Review Areas.		
Elevation and Flood-proofing. Exception.	Not included.	<p>§82.14.050(d)(1)(D)(I) <u>Exception. The conversion of an existing structure or accessory structure into an accessory dwelling unit in accordance with Chapter 84.36 (Accessory Dwelling Units) shall be exempt from the requirement of this Subsection 82.14.050(d)(1)(D) if all the following requirements apply:</u></p> <p><u>(i) The conversion is within an existing, legally permitted structure.</u></p> <p><u>(ii) No new construction, additions, or expansion beyond the existing footprint is proposed.</u></p>

		<p><u>(iii) The conversion will maintain existing drainage patterns, avoid blocking floodways, and limit increases in impervious areas.</u></p> <p><u>(iv) The parcel does not have a localized drainage issue, mapped floodways, or areas with repetitive loss history.</u></p> <p><u>(v) The applicant acknowledges residual flood risk in Shaded X Zone on a form provided by the Department and is encouraged to obtain and retain flood insurance.</u></p>
<p>§ 82.14.050 Development Standards for Floodplain Safety Review Areas.</p>		
<p>Elevation and Flood-proofing. Residential Structures.</p>	<p>§82.14.050(d)(1) Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered civil engineer or licensed land surveyor to be properly elevated above the floodplain elevation at the time of certification. The certification shall be provided on the current FEMA Elevation Certificate form to the Building Official.</p>	<p>§82.14.050(d)(1) Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered civil engineer or licensed land surveyor to be properly elevated above the floodplain elevation at the time of certification. The certification shall be provided on the current FEMA Elevation Certificate form to the Building Official <u>or his or her designee.</u></p>
<p>Elevation and Flood-proofing. Flood Openings.</p>	<p>§82.14.050(d)(3)(B) For engineered openings, be designed and certified by a registered civil engineer or an architect. This certification must be verified by the Floodplain Administrator.</p>	<p>§82.14.050(d)(3)(B) For engineered openings, be designed and certified by a registered civil engineer or an architect. This certification must be verified by the Floodplain Administrator <u>or his or her designee.</u></p>
<p>Elevation and Flood-proofing.</p>	<p>§82.14.050(d)(4)(B)(I) (vi) Must comply</p>	<p>§82.14.050(d)(4)(B)(I) (vi) Must comply with floodplain</p>

Detached Garages Accessory Structures.	with floodplain encroachment provisions in §82.14.050(g)(1) below;	encroachment provisions in §82.14.050(g h)(1) below;
§ 85.07.030 Floodplain Development Standards Review Procedures.		
Review Authority.	§85.07.030(b) Building Official.	§85.07.030(b) Building Official, <u>or his or her designee.</u>
Applicability.	§85.07.030(c) A Floodplain Development Standards Review shall be completed before the approval of a land use application or issuance of a development permit in specified areas or where required by the Director or the Building Official.	§85.07.030(c) A Floodplain Development Standards Review shall be completed before the approval of a land use application or issuance of a development permit in specified areas or where required by the Director or the Building Official <u>or his or her designee.</u>
Notation of the Elevation of the First Floor.	§85.07.030(f)(2) One foot above the highest adjacent grade in any area designated as a 100 to 500-year floodplain.	§85.07.030(f)(2) One foot above the highest adjacent grade in any area designated as a 100 to 500-year floodplain, <u>except as provided by Subsection 82.14.050(d).</u>
Structure Siting.	§85.07.030(g) Any structure within a project requiring a Floodplain Development Standards Review shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the Building Official.	§85.07.030(g) Any structure within a project requiring a Floodplain Development Standards Review shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the Building Official <u>or his or her designee.</u>
§ 85.11.020 Flood Hazard Mitigation Required.		
Determination by the Building Official.	§85.11.020(b) The Building Official shall determine, upon visual inspection of the site and review of any pertinent	§85.11.020(b) The Building Official <u>or his or her designee,</u> shall determine, upon visual inspection of the site and review of any pertinent

	<p>available resources, whether there is evidence of a discernible watercourse that could affect or could be affected by the proposed improvements or land disturbing activity. If evidence of a discernible watercourse exists, the Building Official may require a Floodplain Development Standards Review conducted by the Land Development Division that will provide further review of the site and proposed improvements. A review fee may be required.</p>	<p>available resources, whether there is evidence of a discernible watercourse that could affect or could be affected by the proposed improvements or land disturbing activity. If evidence of a discernible watercourse exists, the Building Official <u>or his or her designee</u> may require a Floodplain Development Standards Review conducted by the Land Development Division that will provide further review of the site and proposed improvements. A review fee may be required.</p>
<p>§ 85.11.030 Erosion Control Plan and Inspection Required.</p>		
<p>Review Requirements of Plan.</p>	<p>§85.11.030(d) The Building Official, with the concurrence of the Planning Division and the Land Development Division, when appropriate, shall review the plan and determine that the proposed erosion control measures will be adequate and whether or not an erosion control permit is specifically required.</p>	<p>§85.11.030(d) The Building Official <u>or his or her designee</u>, with the concurrence of the Planning Division and the Land Development Division, when appropriate, shall review the plan and determine that the proposed erosion control measures will be adequate and whether or not an erosion control permit is specifically required.</p>
<p>§ 86.04.010 Responsibilities of Floodplain Administrator.</p>		
<p>Determine Substantial Improvement and Substantial Damage.</p>	<p>§86.04.010(c)(6) For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations,</p>	<p>§86.04.010(c)(6) For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other</p>

	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:	improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official <u>or his or her designee</u> , shall:
Inspections.	§86.04.010(c)(7) All development for which a floodplain development permit is required shall be subject to inspection. For buildings and structures, certification of the lowest floor elevation shall be prepared by a California Licensed Land Surveyor or Civil Engineer and submitted to the Building Official and the Floodplain Administrator.	§86.04.010(c)(7) All development for which a floodplain development permit is required shall be subject to inspection. For buildings and structures, certification of the lowest floor elevation shall be prepared by a California Licensed Land Surveyor or Civil Engineer and submitted to the Building Official <u>or his or her designee</u> and the Floodplain Administrator.
§ 810.01.080 Definitions, F.		
Alluvial Fan.	§810.01.080(gg)(3) 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.	§810.01.080(gg)(3) A geomorphologic <u>al</u> 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.
Encroachment.	§810.01.080(gg)(10) The advance or infringement of	§810.01.080(gg)(10) The advance or infringement of uses, plant growth,

	uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impeded or alter the flow capacity of a floodplain.	fill, excavation, buildings, permanent structures or development into a floodplain which may impeded or alter the flow capacity of a floodplain.
ZONE A1-30.	<p>§810.01.080(gg)(15)(E) Areas that are subject to inundation by the one percent annual chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. ZONE A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No area flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.</p>	<p>§810.01.080(gg)(15)(E) Areas that are subject to inundation by the one percent annual chance flood event (100-year flood), <u>known as numbered A Zones, where the FIRM shows a BFE (old format). AE Zones are now used on new format FIRMs instead of A1-A30 Zones but which will ultimately be protected upon completion of an under-construction federal flood protection system.</u> These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. ZONE A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No area flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.</p>
Highest Adjacent Grade.	<p>§810.01.080(gg)(28) The highest natural elevation of the ground surface, before construction next to the proposed walls of a structure.</p>	<p>§810.01.080(gg)(28) The highest natural elevation of the ground surface, before construction, <u>next adjacent</u> to the proposed walls of a structure.</p>

ENVIRONMENTAL DETERMINATION:

The proposed ordinance consists of administrative updates to the Development Code that will not result in direct or indirect physical changes in the environment and therefore is not a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) (Organizational or Administrative Activities of Governments). Even if considered a project subject to CEQA, the proposed ordinance is intended to provide consistency in the ministerial approvals of ADU and JADUs that have no possibility of having a significant effect on the environment.

FINDINGS:

In accordance with Development Code Section 86.12.060(b), the following findings and the evidence to support the proposed ordinance must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed amendment to the Development Code:

1. The proposed amendment is consistent with the General plan and any applicable community plan or specific plan.
 - a. The proposed amendment is consistent with the San Bernardino County General Plan and any applicable community plan or specific plan, as it maintains consistency with both the National Flood Insurance Program and Federal Emergency Management Agency maps and regulations, adopted as the County’s floodplain ordinance. Specifically, the proposed amendment is consistent with Goals H-1, H-2, and HZ-1, implementing policies H-1.1, H-1.4, H-2.1, H-2.4, HZ-1.4, and HZ-1.5 of the general plan related to housing production, development regulations, and flood hazards.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
 - a. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The amendment allows for additional housing options while continuing to meet or exceed federal and state floodplain regulations. Updates in floodplain regulations to promote housing where warranted will serve the public health, safety, and welfare of the County.
3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.
 - a. The proposed amendment complies with the current standards and requirements of the National Flood Insurance Program as recommended by the Federal Emergency Management Agency. The amendments ensure the continued internal consistency with floodplain regulations and other applicable Development Code provisions related to the development and

use of property within flood hazard areas.

4. The proposed amendment is not a project subject to CEQA, or, in the alternative, even if a Project subject to CEQA is exempt from the requirements of CEQA.
 - a. The proposed ordinance amends specified sections of the Development Code related to floodplain regulations to (1) provide an exception for ADUs created through conversion of existing structures within the Shaded X Zone, and (2) make minor administrative revisions, including clarification of review authority and refinement of one flood zone definition.
 - b. The ordinance does not authorize new development beyond that already permitted under State ADU law and existing County zoning regulations. The ADU provision applies solely to the conversion of existing structures and does not allow expansion of building footprint, increased site coverage, or additional encroachment into regulated flood hazard areas. All applicable building and floodplain safety standards remain in effect.
 - c. The ordinance constitutes an organizational and administrative activity of government that will not result in a direct or reasonably foreseeable indirect physical change in the environment. Therefore, the action is not a “project” under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(5).

That the Planning Commission **RECOMMEND** that the Board of Supervisors take the following action:

1. **FIND** that the proposed ordinance is not a project subject to the California Environmental Quality Act pursuant to Section 15378(b)(5) of the CEQA Guidelines;
2. **ADOPT** the findings for approval of the proposed ordinance;
3. **APPROVE** the proposed ordinance to amend Subsections 82.14.040(b)(1), 82.14.040(b)(2), 82.14.050(d)(1)(D), 82.14.050(d)(3)(B), 82.14.050(d)(4)(B)(I)(VI), 85.07.030(b), 85.07.030(c), 85.07.030(f)(2), 85.07.030(g), 85.11.020(b), 85.11.0320(de), 86.04.010(c)(6), 86.04.010(c)(7), 810.01.080(gg)(3), 810.01.080(gg)(10), 810.01.080(gg)(15)(E), and 810.01.080(gg)(28) relating to floodplain regulations.

ATTACHMENTS:

Exhibit A: Proposed Ordinance

Exhibit A: Proposed Ordinance

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ORDINANCE NO.

An ordinance of San Bernardino County, State of California, to amend Subsections 82.14.040(b)(1), 82.14.040(b)(2), 82.14.050(d)(1)(D), 82.14.050(d)(3)(B), 82.14.050(d)(4)(B)(I)(VI), 85.07.030(b), 85.07.030(c), 85.07.030(f)(2), 85.07.030(g), 85.11.020(b), 85.11.030(d), 86.04.010(c)(6), 86.04.010(c)(7), 810.01.080(gg)(3), 810.01.080(gg)(10), 810.01.080(gg)(15)(E), and 810.01.080(gg)(28), all of Title 8 of the San Bernardino County Code relating to Floodplain Safety regulations.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

(a) This ordinance will amend various portions of Title 8 of the San Bernardino County Code (Development Code) relating to floodplain regulations. The revisions are required to ensure consistency with recently adopted updates to the Development Code pertaining to accessory dwelling units and junior accessory dwelling units throughout San Bernardino County.

(b) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Development Code.

(c) This ordinance is not a project subject to the California Environmental Quality Act pursuant to California Code of Regulations, title 14, Section 15378(b)(5) because the ordinance relates to an administrative update to floodplain regulations that will not result in direct or indirect physical changes in the environment.

SECTION 2. Subsection 82.14.040(b)(1) of the San Bernardino County Code is amended, to read:

Section 82.14.040 Floodplain Safety Review Areas.

1 ...

2 (b)(1) *Elevation of First Floor.* Except as provided by Subsection 82.14.050(d), N~~n~~ew
3 construction and substantial improvement of any existing structure shall be ~~se~~
4 constructed so that the first floor (including basement) ~~shall be~~is one foot above the
5 natural pre-development highest adjacent grade.

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8 SECTION 3. Subsection 82.14.040(b)(2) of the San Bernardino County Code is
9 amended, to read:

10 **Section 82.14.040 Floodplain Safety Review Areas.**

11 ...

12 (b)(2) *Review Procedures.* A project proposed in this area shall be subject
13 to a Floodplain Development Standards Review conducted by the Building ~~and Safety~~
14 Division Official or his or her designee based upon the determination by the Land
15 Development Division of the Land Use Services Department. This review shall ensure
16 that the proposed project complies with this County Code regarding flood protection
17 measures.

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19 SECTION 4. Subsection 82.14.050(d)(1)(D) of the San Bernardino County Code
20 is amended, to read:

21 **Section 82.14.050 Development Standards for Floodplain Safety Review Areas.**

22 ...

23 (d)(1)(D) In a Shaded X Zone (the 100- to 500-year floodplain),
24 elevated one foot above the natural pre-development highest adjacent grade.

25 (l) Exception. The conversion of an existing structure or
26 accessory structure into an accessory dwelling unit in accordance with Chapter 84.36
27 (Accessory Dwelling Units) shall be exempt from the requirement of this Subsection
28

1 [82.14.050\(d\)\(1\)\(D\) if all the following requirements apply:](#)

2 [\(i\) The conversion is within an existing, legally](#)
3 [permitted structure.](#)

4 [\(ii\) No new construction, additions, or expansion](#)
5 [beyond the existing footprint is proposed.](#)

6 [\(iii\) The conversion will maintain existing](#)
7 [drainage patterns, avoid blocking floodways, and limit increases in impervious areas.](#)

8 [\(iv\) The parcel does not have a localized drainage](#)
9 [issue, mapped floodways, or area with repetitive loss history.](#)

10 [\(v\) The applicant acknowledges residual flood](#)
11 [risk in Shaded X Zone on a form provided by the Department and is encouraged to](#)
12 [obtain and maintain flood insurance.](#)

13 Upon completion of the structure, the elevation of the lowest floor (including
14 basement) shall be certified by a registered civil engineer or licensed land surveyor to
15 be properly elevated above the floodplain elevation at the time of certification. The
16 certification shall be provided on the current FEMA Elevation Certificate form to the
17 Building Official [or his or her designee](#).

18
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20 SECTION 5. Subsection 82.14.050(d)(3)(B) of the San Bernardino County Code
21 is amended, to read:

22 **Section 82.14.050 Development Standards for Floodplain Safety Review Areas.**

23 . . .

24 (d)(3)(B) For engineered openings, be designed and certified by a
25 registered civil engineer or an architect. This certification must be verified by the
26 Floodplain Administrator [or his or her designee](#).

27
28 SECTION 6. Subsection 82.14.050(d)(4)(B)(I)(VI) of the San Bernardino County

1 Code is amended, to read:

2 **Section 82.14.050 Development Standards for Floodplain Safety Review Areas.**

3 ...

4
5 (d)(4)(B)(I)(VI) Must comply with floodplain encroachment
6 provisions in subsection §82.14.050(gh)(1) below; and

7
8 SECTION 7. Subsection 85.07.030(b) of the San Bernardino County Code is
9 amended, to read:

10 **Section 85.07.030 Floodplain Development Standards Review Procedures.**

11 ...

12 (b) *Review Authority.* Building Official or his or her designee.

13
14 SECTION 8. Subsection 85.07.030(c) of the San Bernardino County Code is
15 amended, to read:

16 **Section 85.07.030 Floodplain Development Standards Review Procedures.**

17 ...

18 (c) *Applicability.* A Floodplain Development Standards Review shall be completed
19 before the approval of a land use application or issuance of a development permit in
20 specified areas or where required by the Director or the Building Official or his or her
21 designee.

22
23 SECTION 9. Subsection 85.07.030(f)(2) of the San Bernardino County Code is
24 amended, to read:

25 **Section 85.07.030 Floodplain Development Standards Review Procedures.**

26 ...

27 (f)(2) One foot above the highest adjacent grade in any area designated
28 as a 100 to 500-year floodplain, except as provided by Subsection 82.14.050(d).

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2 SECTION 10. Subsection 85.07.030(g) of the San Bernardino County Code is
3 amended, to read:

4 **Section 85.07.030 Floodplain Development Standards Review Procedures.**

5 ...

6 (g) *Structure Siting.* Any structure within a project requiring a Floodplain
7 Development Standards Review shall be sited to modify or maintain the natural drainage
8 way in a manner acceptable to and approved by the Building Official or his or her
9 designee.

10
11 SECTION 11. Subsection 85.11.020(b) of the San Bernardino County Code is
12 amended, to read:

13 **Section 85.11.020 Flood Hazard Mitigation Required.**

14 ...

15 (b) *Determination by the Building Official.* The Building Official or his or her
16 designee shall determine, upon visual inspection of the site and review of any pertinent
17 available resources, whether there is evidence of a discernible watercourse that could
18 affect or could be affected by the proposed improvements or land disturbing activity. If
19 evidence of a discernible watercourse exists, the Building Official or his or her designee
20 may require a Floodplain Development Standards Review conducted by the Land
21 Development Division that will provide further review of the site and proposed
22 improvements. A review fee may be required.
23

24
25 SECTION 12. Subsection 85.11.030(d) of the San Bernardino County Code is
26 amended, to read:

27 **Section 85.11.030 Erosion Control Plan and Inspection Required.**

28 ...

1 (d) *Review Requirements of Plan.* The Building Official or his or her designee, with
2 the concurrence of the Planning Division and the Land Development Division, when
3 appropriate, shall review the plan and determine that the proposed erosion control
4 measures will be adequate and whether or not an erosion control permit is specifically
5 required.

6
7 SECTION 13. Subsection 86.04.010(c)(6) of the San Bernardino County Code is
8 amended, to read:

9 **§ 86.04.010 Responsibilities of Floodplain Administrator.**

10 . . .

11 (c)(6) *Determine Substantial Improvement and Substantial Damage.* For
12 applications for building permits to improve buildings and structures, including alterations,
13 movement, enlargement, replacement, repair, additions, rehabilitations, renovations,
14 substantial improvements, repairs of substantial damage, and any other improvement of
15 or work on such buildings and structures, the Floodplain Administrator, in coordination
16 with the Building Official or his or her designee, shall:

17 (A) Estimate the market value, or require the applicant to obtain
18 an appraisal of the market value prepared by a qualified independent appraiser, of the
19 building or structure before the start of construction of the proposed work. In the case of
20 repair, the market value of the building or structure shall be the market value before the
21 damage occurred and before any repairs are made.

22 (B) Compare the cost to perform the improvement, the cost to
23 repair the damaged building to its pre-damaged condition, or the combined costs of
24 improvements and repairs, when applicable, to the market value of the building or
25 structure.

26 (C) Determine and document whether the proposed work
27 constitutes substantial improvement or repair of substantial damage.
28

1 (D) Notify the applicant when it is determined that the work
2 constitutes substantial improvement or repair of substantial damage and that compliance
3 with the flood resistant construction requirements of the building code is required and
4 notify the applicant when it is determined that work does not constitute substantial
5 improvement or repair of substantial damage.

6
7 SECTION 14. Subsection 86.04.010(c)(7) of the San Bernardino County Code is
8 amended, to read:

9 **§ 86.04.010 Responsibilities of Floodplain Administrator.**

10 . . .

11 (c)(7) *Inspections.* All development for which a floodplain development
12 permit is required shall be subject to inspection. For buildings and structures, certification
13 of the lowest floor elevation shall be prepared by a California Licensed Land Surveyor or
14 Civil Engineer and submitted to the Bbuilding Oofficial or his or her designee and the
15 Floodplain Administrator.

16
17 SECTION 15. Subsection 810.01.080(gg)(3) of the San Bernardino County Code
18 is amended, to read:

19 **Section 810.01.080 Definitions, F.**

20 . . .

21 (gg)(3) **ALLUVIAL FAN.** A geomorphological feature characterized by a
22 cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded
23 from mountain slopes, transported by flood flows, and then deposited on the valley floors,
24 and which is subject to flash flooding, high velocity flows, debris flows, erosion sediment
25 movement and deposition, and channel migration.

26
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28 SECTION 16. Subsection 810.01.080(gg)(10) of the San Bernardino County Code

1 is amended, to read:

2 **Section 810.01.080 Definitions, F.**

3 . . .

4 (gg)(10) **ENCROACHMENT.** The advance or infringement of uses,
5 plant growth, fill, excavation, buildings, permanent structures or development into a
6 floodplain which may impeded or alter the flow capacity of a floodplain.
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8
9 SECTION 17. Subsection 810.01.080(gg)(15)(E) of the San Bernardino County
10 Code is amended, to read:

11 **Section 810.01.080 Definitions, F.**

12 . . .

13 (gg)(15)(E) **ZONE A1-30.** Areas that are subject to inundation by
14 the one percent annual chance flood event (100-year flood), known as numbered A
15 Zones, where the FIRM shows a BFE (old format). AE Zone is now used on new format
16 FIRMs instead of A1-A30 Zonebut which will ultimately be protected upon completion of
17 an under construction federal flood protection system. These are areas of special flood
18 hazard where enough progress has been made on the construction of a protection
19 system, such as dikes, dams, and levees, to consider it complete for insurance rating
20 purposes. ZONE A99 may only be used when the flood protection system has reached
21 specified statutory progress toward completion. No area flood elevations or depths are
22 shown. Mandatory flood insurance purchase requirements apply.
23

24 SECTION 18. Subsection 810.01.080(gg)(28) of the San Bernardino County Code
25 is amended, to read:

26 **Section 810.01.080 Definitions, F.**

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(gg)(28) HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, before construction, ~~next~~adjacent to the proposed walls of a structure.

SECTION 19. This ordinance shall take effect 30 days from the date of adoption.

DAWN ROWE, Chair
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 20__.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 LAURA FEINGOLD
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____

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