

DATE: March 26, 2025

TO: Orange County Planning Commission

FROM: OC Development Services/Planning

SUBJECT: Public Hearing for Zoning Code Amendment CA 25-01 (FP “Floodplain” Overlay District)

PROPOSAL: Initiate and recommend for adoption by the Board of Supervisors the proposed Zoning Code Amendment to revise the Floodplain Overlay District with updated information to ensure continued consistency with the floodplain management requirements of the National Flood Insurance Program (NFIP) and Community Rating System (CRS) program.

GENERAL PLAN/ZONING: Orange County Comprehensive Zoning Code section 7-9-42, FP “Floodplain” Overlay District

LOCATION: Unincorporated Areas of Orange County

APPLICANT: OC Infrastructure/Flood Programs

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RECOMMENDED ACTION:

OC Development Services/Planning recommends the Planning Commission:

- a. Receive staff report.
- b. Conduct public hearing.
- c. Authorize OC Development Services/Planning staff to initiate Zoning Code Amendment CA 25-01 that will revise section 7-9-42, FP “Floodplain” Overlay District of the Orange County Comprehensive Zoning Code.

- d. Adopt Planning Commission Resolution No. 2025-01 (Attachment 1) that recommends the Board of Supervisors:
 1. Find that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA), Common Sense Exemption, pursuant to CEQA Guidelines Section 15061 (b) (3).
 2. Adopt Zoning Code Amendment CA 25-01 (Attachment 2) that will revise section 7-9-42, FP "Floodplain" Overlay District to ensure compliance with the National Flood Insurance Program (NFIP) and Community Rating System (CRS).

BACKGROUND:

The Community Rating System (CRS) is a Federal Emergency Management Agency (FEMA) program that provides flood insurance premium discounts to communities that implement programs and measures exceeding the minimum requirements of the National Flood Insurance Program (NFIP)(Attachment 3 and 4). The NFIP provides federally backed flood insurance within communities that enact and enforce floodplain regulations. The County of Orange has participated in the CRS program for many years; and in 2017 the County achieved a CRS Class 5 rating, resulting in a 25% discount in flood insurance premiums for residents of unincorporated Orange County.

Communities must meet certain prerequisites to attain certain CRS Class ratings. For example, a new prerequisite that was implemented in 2021, requires communities to adopt and enforce at least a 1-foot freeboard (height of the structure's lowest floor above the Base Flood Elevation) requirement for all residential buildings and manufactured homes, including machinery or equipment. If a community does not meet this prerequisite by their first CRS Cycle Verification Visit after January 2021, it could receive a Class 9 (5% discount) rating, a downgrade from the County's current Class 5 rating.

Participants in the CRS program undergo an annual recertification process, with a detailed in-person Cycle Verification Visit on a three- or five-year schedule. The County is on a five-year schedule and due for an in-person Cycle Verification Visit in 2025, which FEMA's contractor has scheduled for August 2025.

DISCUSSION:

To prepare for the 2025 Cycle Verification Visit, staff from OC Infrastructure/Flood Programs and the California Department of Water Resources (DWR) reviewed the County's floodplain regulations in the Comprehensive Zoning Code and determined that several revisions to the floodplain regulations are required to satisfy the prerequisites for a Class 5 rating. If the County does not meet these prerequisites before the 2025 Cycle Verification Visit, the County's rating

could be downgraded from Class 5 to Class 9. A downgrade of this magnitude would result in significant negative cost impacts to existing and future flood insurance policyholders in Unincorporated areas due to the substantial decrease in insurance premium discount from 25% down to 5%.

The proposed revisions recommended by Flood Programs and DWR staff to the Zoning Code include:

- Adding several flood-related definitions.
- Updating requirements for development in flood hazard areas.
- Revising the elevation requirement for the lowest floor of the structure in flood hazard areas.

The proposed Zoning Code amendment would impact new construction and substantial improvements for existing structures, including manufactured homes, within Unincorporated Orange County's Floodplain Overlay Districts. The amendment to the Zoning Code must be in effect prior to the County's upcoming CRS Cycle Verification Visit in 2025.

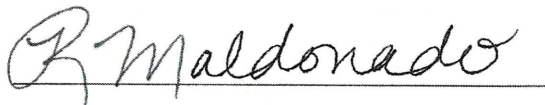
To ensure the proposed revisions are effective prior to the upcoming CRS Cycle Verification Visit, staff is requesting the Planning Commission to both initiate and recommend the Board of Supervisors adopt the proposed Amendment during the same meeting.

COMPLIANCE WITH CEQA:

The proposed project is exempt (Common Sense Exemption) from the provisions of CEQA pursuant to CEQA Guidelines Section 15061 (b) (3) since there is no possibility that the zoning code amendment to update the floodplain section of the code to continue to be eligible for the FEMA Community Rating System Program, may have a significant effect on the environment.

Submitted by:

Concurred by:



Ruby Maldonado, Contract Senior Planner
OC Development Services/Planning



Cindy Salazar, Division Manager
OC Development Services/Planning

ATTACHMENTS:

1. Planning Commission Resolution No. 2025-01

2. Proposed Zoning Code Amendment CA 25-01 – Strikethrough Version
3. National Flood Insurance Program Community Rating System Coordinator's Manual (https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf)
4. Addendum to the 2017 CRS Coordinator's Manual (https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinator-manual_addendum-2021.pdf)
5. NFIP's Community Rating System (CRS) Class 8 Freeboard Prerequisite Frequently Asked Questions (https://crsresources.org/files/2021-addendum/class_8_freeboard_faq.pdf)