

Construction Limitations Within The F-1 Floodway

PURPOSE

To provide policy guidelines and procedures for consistent implementation of regulations limiting construction on existing structures within the F-1 Floodway Combining District.

GENERAL

The County's floodplain and floodway regulations are derived from the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Regulations (NFIP), which mapped and defined the primary floodplain and floodway.

Sonoma County Code Section 26-56-020 applies to all uses within a floodway and states that no new permanent structure nor new structure intended for human occupancy shall be permitted within the floodway.

Sonoma County Code Section 26-56-030(e) expands on Section 26-56-020 to clarify that no building or structure shall be constructed, erected, moved, converted, altered or enlarged in the floodway, nor shall any other condition be allowed which would tend to cause significant stream channel alteration or adversely affect the carrying or storage capacity of a floodway, or otherwise constitute a threat to life and property. Existing lawfully created structures located within a floodway are considered to be a non-conforming use. This same section permits ordinary maintenance and repair of existing non-conforming structures subject to the provisions of [Article 94](#).

Note: In the interest of public health and safety, the authority having jurisdiction may allow an existing structure, or foundation footprint for a flood elevation to be moved further away from a river, creek or stream with known flooding.

Sonoma County Code Section 26-94-020(a) applies to all non-conforming structures and allows existing non-conforming residential or agricultural structures to be rebuilt on the original foundation footprint. Reconstruction of commercial or industrial uses is allowed if damaged less than 50% of the replacement value of the structure. In both cases, the reconstructed or substantially improved structure must comply with flood elevation requirements per Chapter 7B of the Sonoma County Code.

Sonoma County Code Section 26-94-040(a) allows non-conforming residential or agricultural structures to be remodeled or repaired. Residential and agricultural structures are allowed to be rebuilt on the original foundation footprint. Commercial and industrial uses are limited to 20% of the appraised value of the structure during any calendar year for repairs and maintenance. Foundation work shall be exempt from the 20% calculation. PRMD Policy 9-2-12 should be reviewed for thresholds triggering code compliant septic system requirements for changes in use and rebuilds.

DEFINITIONS

For purposes of interpretation and implementation of this policy, the following definitions shall apply:

“Base Flood Elevation (BFE)” means the water surface level of a watercourse or waterbody, referenced to an established datum, that corresponds to a flood event that has a one percent chance of being equaled or exceeded in any given year.

“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 the Regulatory Floodway. The area of the floodway is depicted on FEMA maps and has been adopted as a floodway combining district (F-1). **The floodway combining district is NOT defined by the elevation of the floodplain and includes the area above and below the flood elevation, just as any other zoning district would apply.**

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards. Flood Insurance Rate Maps show common physical features, such as major highways, secondary roads, railroads, etc., and represent graphic and spatial distribution of flood hazards.

“New Construction” for floodplain purposes, means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by Sonoma County, and includes any subsequent improvements to such structures. Sonoma County adopted floodplain regulations which became effective December, 8, 1981. New construction includes additions to the footprint of an existing structure. New decks are also included as new construction.

“Non-conforming use” means a lawful use existing on the effective date of a zoning ordinance restriction and continuing since that date in nonconformance to the zoning ordinance restriction. Typically any existing lawfully constructed structure within the F-1 is nonconforming since the construction was allowed prior to the zoning ordinance restriction.

“Post-FIRM” means structures constructed after October 1982, when FEMA established its Flood Insurance Rate Maps. See PRMD Policy 4-0-6

“Structure” means anything constructed or erected, the use of which requires location on the ground attachment to something having location on the ground.

“Total Floor Area” is the sum of all habitable and non-habitable areas within each floor of a structure excluding decks.

PROCEDURE

- A. The floodway as designated by FEMA on the Flood Insurance Rate Maps (FIRM) and the F1 combining district has been rectified by FEMA and is hosted on PRMD's "Active Map." Active Map can be used to determine the location of the F1 as it relates to the parcel and in some cases, the location of structures. In determining structure location within the F1, the parcel base can fluctuate ± 10 feet. Hence where the structure is straddling a parcel line, or cannot be seen on Active Map due to canopy coverage, it is recommended that the owner of the structure consult a California licensed Land Surveyor or Civil Engineer to determine whether the structure is within the FEMA designated floodway.

Note: Any adjustments to the location of the F1 can only be made with the Letter of Map Correction (LOMC) process through FEMA. These applications can be screened by the Flood Plain Manager in the Engineering & Water Resource Division.

- B. Permit Technician Staff shall review the submittal and determine the location of the property and existing structure relative to the F1 floodway combining district, either designated as such in the Permit tracking software or by the use of "Active Map" and refer to the Planning Cube if the structure cannot be located. Staff shall also check the parcel Notices and Geo Lookup screen to determine if there are existing structures that are Post FIRM and refer to PRMD Policy 4-0-6 as no improvements subject to floodwater damage is allowed below the Base Flood Elevation on a Post FIRM structure.
1. Undeveloped Property (no existing structures) – NO NEW STRUCTURES ARE ALLOWED IN THE F1 FLOODWAY.
 2. Property with Existing Structures – no new structures are allowed to be built, including additions in the F1 Floodway.
 - a. Exceptions
 - i. Flood Elevations where the building total floor area is unchanged (see requirements in section C "Flood Elevation Projects" below)
 - ii. Damage repair or improvement that does not increase the building total floor area for each floor
 1. Decks may be repaired or replaced, but not increased in size or scope. (i.e., an unenclosed deck without a roof can be replaced, but cannot add a roof or be enclosed, this is considered new construction and prohibited)
 - iii. Septic system pre-treatment devices, cleanouts and septic riser lids
 - iv. Wells including casing, annular seal, well vault, pump, pump block or discharge pipe
 - b. Repairs and/or improvements are allowed within the existing total floor area of for each floor of the structure. Where repairs or improvements are to be made, refer to PRMD Policy 1-4-4 for threshold requirements triggering flood elevation.

(See Section B.2.ii. for repairs or improvements to decks.)

- c. Route to Planning Cube for assistance determining F1 Floodway, location of structure relative to F1 Floodway and determination of 10-year flood event if new or code complying septic system is proposed or required.
- d. Planning Cube shall also review proposed construction plans for determination of allowable construction on existing structures within F-1
 - i. Repair, Replacement, or Improvement projects – Planning staff shall review project to ensure project is within existing total floor area for each floor of original structure and that improvements are consistent with original construction scope. (e.g., remodeling the interior of the structure is consistent with the scope of the original construction, enclosing a previously unenclosed deck or constructing dormers where there were none previously is not consistent with the original construction scope and considered new construction prohibited in the F1).
- e. Route to Well & Septic for conformance with PRMD Policy 9-2-12 Guidelines for Remodeling and Additions with Respect to Septic Systems and PRMD Policy 9-2-15 Reutilization of Existing On-Site Sewage Disposal System and for determination in conjunction with the Engineering Cube, septic system set back at 100 feet from the 10-year flood event.
- f. Route to Code Enforcement Cube if a violation is present.

C. Flood Elevation Projects – whether owner initiated projects, or projects through Community Development Commission, these projects are not considered new construction in the F1 Floodway even if existing structure is rebuilt over existing footprint, or total floor area. The following requirements apply to flood elevation projects:

- a. New interior stairs required for code complying egress are not considered new structures.
- b. New exterior stairs and landings must meet all Planning set-back and lot coverage requirements to the extent feasible. See exceptions in Section 26-88-040(g)
- c. Deck replacements must be no larger in scope of construction or footprint than original deck. (i.e., an unenclosed deck without a roof can be replaced, but cannot add a roof or be enclosed, this is considered new construction and prohibited)
- d. Laundry rooms and hot water heater rooms located below the existing habitable space may be allowed to be incorporated into the total floor area of the elevated structure, but is limited to a maximum of 50 square feet for area dedicated to a laundry room and 16 square feet dedicated to a water heater
- e. Per Zoning Ordinance Section 26-18-030(f)(5), and 26-20-030(f)(4), the space underneath the structure may be utilized for a garage or carport, even if the ten foot to twenty foot setback from any exterior property line cannot be met, subject to the approval of administrative design review, and compliance with the Building Code.
- f. Flood Elevation of existing structures including any rebuilding shall be confined to the vertical projection of the existing foundation footprint.

Approved by:

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