## Require Determination of BFE in Unnumbered Zone A – local floodplain management ordinance amendments

Submit draft ordinances amending the flood provisions of the building code (in <track changes>) for review well in advance of first reading to [DWR\_NFIP@water.ca.gov](mailto:DWR_NFIP@water.ca.gov) or [FEMA-NFIP-R9@fema.dhs.gov](mailto:FEMA-NFIP-R9@fema.dhs.gov). Please put community name in subject line.

**Before you start:** Review the General Instructions for Amending the California Building Standards Code (CCR Title 24) to Adopt Higher Standards for Buildings and Development Located in Flood Hazard Areas.

**NFIP Community Rating System Credits.** Adoption and enforcement of this higher standard may qualify for CRS points (credits). Communities should review the [*CRS Coordinators Manual*](https://www.fema.gov/media-library/assets/documents/8768)and consult with their CRS Resource Specialists. FEMA/ISO determines which provisions qualify for points.

**Description[[1]](#footnote-1):** Many communities have FIRMs that show special flood hazard areas without base flood elevations. FEMA used a variety of methods and data to approximate areas subject to flooding when communities or parts of communities were rural and, at the time, not expected to experience significant development pressure. The methods examined available topography, soils maps, studies prepared by state and federal agencies, and other sources of information. These SFHAs may be called “unnumbered Zone A” or “approximate Zone A.”

The NFIP regulations state that where flood elevation data have not been provided, communities must “obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source.” However, some data from other sources are old and out-of-date and may not reasonably represent current flood hazards.

Some communities produce studies with base flood elevation data. When BFEs or flood depths are approved for use by applicants, the data should be maintained in a form that allows it to be considered when other property owners in the same area apply for permits.

**How Part 2 Appendix G specifies determination of flood elevations:** Part 2 Appendix G Section G103.3 authorizes the local official to require the applicant to obtain, review and reasonably utilize data from another source, which may be data provided by the community. Alternatively, the applicant may be required to determine flood elevations in accordance with accepted techniques. No change to Section G103.3 is necessary to require applicants to determine BFEs in unnumbered Zone A. Some communities may want to amend Section G103.3 to eliminate the option to use data from other sources, in which case all applicants would be required to develop BFE data.

**How the DWR Model Ordinance specifies determination of flood elevations:** The Model Ordinance Section 105-2 outlines options the Floodplain Administrator is authorized to require. If data from other sources are deemed not reasonable to reflect flooding conditions, and if the Floodplain Administrator elects to not require applicants to develop BFE data, an option allows the Floodplain Administrator to use a default value of two feet above the highest adjacent grade, provided there is no evidence indicating flood depths have been or may be greater than two feet. Note this section establishes the depth of the flood, and the building code specifies the elevation of the lowest floor relative to the depth of flooding (i.e., the lowest floor will be at least 3 feet above the highest adjacent grade).

**INSTRUCTIONS**

**Amend local floodplain management regulations.** In the floodplain management regulations, add (or modify) the section that identifies options the Floodplain Administrator (and applicant) have when flood hazard areas do not have BFEs.

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| **Sec. 105-2. - Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator is authorized to:   1. Require the applicant to include base flood elevation data prepared by a qualified professional engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified professional engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant. 2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source. 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, require the applicant to include base flood elevation data in accordance with Section 105-2(1).    1. ~~Require the applicant to include base flood elevation data in accordance with Section 105-2(1) of these regulations; or~~    2. ~~Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.~~ 4. Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified professional engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees. |

1. Reference: [*Reducing Flood Losses Through the International Codes: Coordinating Building Codes and Floodplain Management Regulations*](http://www.fema.gov/media-library/assets/documents/96634)(5th Edition, 2019), International Code Council and FEMA. [↑](#footnote-ref-1)