

Hingtgen, Robert J

From: Vidales, Rene A.
Sent: Wednesday, January 16, 2013 11:01 AM
To: Sinsay, Edwin M; Brazell, Kenneth J
Subject: FW: Rugged Solar
Attachments: Lines of Innundation for Major Use Permits.docx.docx

Expires: Saturday, January 14, 2023 12:00 AM

FYI

René A. Vidales, PE, ENV SP, STP, M.ASCE
Civil Engineer
Discretionary Projects Review | Land Development Division
Planning and Development Services | *County of San Diego*
office: 858.694.3246

From: Vidales, Rene A.
Sent: Wednesday, January 16, 2013 11:01 AM
To: 'Patrick BROWN'
Cc: David Hochart; An, Shou-Tai
Subject: RE: Rugged Solar

Hello Patrick,

The Rugged Solar project is not subject to the Flood Damage Prevention Ordinance because there are no “special flood hazard areas” mapped by either the County or FEMA within the subject project area. However, the lines of inundation need to be shown on the plot plan in order to comply with the Grading Ordinance Sec. 87.602 (a) and the Zoning Ordinance Sec. 7358 (a)(6).

The draft condition of approval will be revised to reflect those references.

Let me know if you have additional questions.
Regards,

René A. Vidales, PE, ENV SP, STP, M.ASCE
Civil Engineer
Discretionary Projects Review | Land Development Division
Planning and Development Services | *County of San Diego*
office: 858.694.3246

From: Patrick BROWN [<mailto:Patrick.BROWN@soitec.com>]
Sent: Thursday, January 10, 2013 3:46 PM
To: An, Shou-Tai; Vidales, Rene A.
Cc: David Hochart
Subject: Rugged Solar

Mr. An and Mr. Vidales,

You reviewed the rugged solar drainage study where we mapped the Tule creek floodway and the lines of the 100 year inundation. Since this is not a mapped county floodway, nor is it mapped by FEMA, are we subject to the flood damage prevention ordinance, even though they are not in regulatory flood zones?

Please let me know.

pb

GRADING ORDINANCE

CHAPTER 6. WATERCOURSES

SEC. 87.601. PURPOSE AND RELATIONSHIP TO OTHER LAWS.

The purpose of this chapter is to protect persons and property against flood hazards. In case of conflict between the regulations imposed by this chapter and other County Ordinances, State and Federal Regulations, the regulation imposing the more stringent restrictions shall prevail.

SEC. 87.602. ACTS PROHIBITED.

No person shall do or commit or cause to be done or committed, any of the following described acts, nor allow the same to be done on his or her property, nor allow the property to remain in such condition:

(a) Deposit any material of any kind in a watercourse which may impair, impede or accelerate the flow of water therein so as to adversely affect adjoining property;

(b) Plant any vegetation (other than grasses or annual crops) within a watercourse which may impair, impede, or divert the flow of water in such watercourse (unless this is required by a land development permit issued by the County);

(c) Commit any act on or in any easement dedicated, granted or reserved for flood control or drainage purposes which will impair the use of such easement for such purposes; or

(d) Within a flood plain where a Flood Plain Designator or a Flood

Channel Designator has been applied under the Zoning Ordinance or within a flood plain as delineated on approved maps issued by the Federal Insurance Administrator (designated by the Secretary of the United States Department of Housing and Urban Development), construct new or substantial improvements of structures unless the lowest floor (including basement) is elevated to or above the level of the 100-year flood or the structure, including attendant utility and sanitary facilities, is flood proofed up to the level of the 100-year flood. "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: (1) before the improvement is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. "Substantial improvements" are considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial Improvements" do not, however, include any alteration to comply with existing federal, state or local health, sanitary, building or safety codes or regulations.

SEC. 87.603. ACTS PROHIBITED UNLESS PERMIT OBTAINED.

No person shall do or commit or cause to be done or committed, any of the following described acts without first obtaining a grading permit pursuant to Chapter 2 of this Division:

(a) Impair, impede or accelerate the flow of water in a watercourse;

(b) Alter the surface of land, by construction, excavation, embankment or otherwise, so as to reduce the capacity of a watercourse;

(c) Construct, alter or remove any flood control or storm water drainage structure, facility or channel of or in a watercourse;

(d) Construct or place any structure in, upon or across a watercourse; or

(e) Place fill or encroachments that would increase the flood level or impair the ability of a floodway to carry and discharge the waters resulting from the 100-year flood, within a "floodway" as shown on San Diego County Flood Plan Maps adopted by the Board of Supervisors and on file at the Department of Public Works, as shown on a "Flood Insurance Rate Map" adopted by the Federal Emergency Management Agency, or as defined in Section 87.803(20) of this Division. Permits may be issued where the effect of the fill or encroachment on flood heights is fully offset by stream improvements.

SEC. 87.604. EXCEPTIONS.

(a) Sections 87.602 and 87.603 do not apply to:

(1) Any act lawfully done pursuant to Chapter 3 (Excavations, Fills and Obstructions) or 4 (Construction) of Division 1 (Protection of Highways) of Title 7 of this Code.

(2) Work performed by the Federal Government, the State of California, the County of San Diego or their agents or contractors. (Note that the County of San Diego is not a "person" to whom this Division applies; see Section 87.803(27) of this Division.)

(3) Acts of the owner of the watercourse in the routine maintenance thereof, provided such acts do not impair, impede or divert the flow of water in such watercourse.

(4) Acts of persons engaged in natural resource extraction operations performed pursuant to a Use Permit, provided such acts are normally and routinely associated with such pursuits and provided further that such acts do not substantially impair, impede, or divert the flow of water in the watercourse.

(5) Repair, reconstruction or improvement to existing structures, provided it:

(aa) is not a substantial improvement (as defined in Section 87.602(d)); (bb) is designed and anchored to prevent flotation, collapse or lateral movement of the structure; (cc) uses construction materials and utility equipment that are resistant to flood damage; and (dd) uses construction methods and practices that will minimize potential flood damage.

(6) Construction of parking facilities within the flood plain fringe area below the 100-year flood level, provided: (aa) The parking facility will service a non-residential building; or (bb) The structure is open and will not impede the flow of flood waters.

(b) In addition, Section 87.603 does not apply to grading which is exempt from the requirement to obtain a grading permit under one or more of the following paragraphs of Section 87.202 of this Division:

(1) Sec. 87.202(d): Specified agricultural tilling or cultivating

(2) Sec. 87.202(e): Specified utility construction

(3) Sec. 87.202(f): Emergency watercourse grading

(4) Sec. 87.202(g): Specified surface mining operations

SEC. 87.803. DEFINITIONS.

(38) "**WATERCOURSE**" means any surface water body (including any arroyo, canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine, reservoir, river, stream, wash, waterway or wetland), in which waters from a tributary drainage area of 100 acres or larger flow in a definite

direction or course, either continuously or intermittently, and any area adjacent thereto which is subject to inundation from a 100-year flood.

ZONING ORDINANCE

7358 FINDINGS REQUIRED

Before any use permit may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 1. Harmony in scale, bulk, coverage and density;
 2. The availability of public facilities, services and utilities;
 3. The harmful effect, if any, upon desirable neighborhood character;
 4. The generation of traffic and the capacity and physical character of surrounding streets;
 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - 6. Any other relevant impact of the proposed use; and**
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

