

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/16/2012	(3) CONTACT/PHONE Nick Forester, Planner II / 805-781-1163	
(4) SUBJECT Consider a request by the County of San Luis Obispo to authorize the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and the Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard Combining designation to comply with the federal law requirements of Federal Emergency Management Act (FEMA) – LRP2012-00002. All Districts			
(5) RECOMMENDED ACTION Planning Staff recommends that the Board of Supervisors authorize the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and The Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard Combining designation to comply with the federal law requirements of FEMA.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. _____) { x } Board Business (Time Est. _30 min_)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances { x } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required { x } N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { x } N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Vincent Morici			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Nick Forester, Planner 2

VIA: Kami Griffin, Assistant Director, Department of Planning and Building

DATE: 10/16/2012

SUBJECT: Consider a request by the County of San Luis Obispo to authorize the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and the Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard Combining designation to comply with the federal law requirements of Federal Emergency Management Act (FEMA) – LRP2012-00002. Supervisorial District All

RECOMMENDATION

Planning Staff recommends that the Board of Supervisors authorize the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and The Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard Combining designation to comply with the federal law requirements of FEMA.

DISCUSSION

Background

Federal law requires communities participating in the National Flood Insurance Program (NFIP) to have adequate permitting and other administrative procedures in place to ensure that local ordinances are in compliance with federal law. A local program deficiency is a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of FEMA flood plain management regulations. FEMA has identified several deficiencies in county code. These include additional definitions, modification and clarifications to applicability and other general corrections and clarifications. Federal law requires correction of any program deficiencies that are identified.

If the County fails to correct the identified deficiencies, the FEMA Regional Director may place the county on probation. Probation has no effect on the continued availability of flood insurance; however, an additional charge of \$50.00 will be added to the premium of each flood insurance policy.

If a community on probationary status fails to take appropriate remedial measures and adopt compliant flood plain management measures during the probationary period, the FEMA Regional Director may suspend a community from the National Flood Insurance Program. If a community is suspended, new flood insurance cannot be purchased and existing policies cannot be renewed. In addition, existing three year policies become void at the end of the current policy year.

Authorization Request

Staff is asking your Board to consider whether to authorize processing of ordinance amendments to the Land Use Ordinance, the Coastal Zone Land Use Ordinance and the Real Property Division Ordinance to bring the County's ordinances into consistency with the requirements of FEMA. Amendments are required to definitions, the Flood Hazard Combining designation section and some of the administrative sections of the ordinances.

Authority

Your Board is considering this proposal today because, unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinances is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the proposed amendments will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed. Your action today only begins the process.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies for comment. The Department will coordinate closely with the Public Works Department on these amendments.

FINANCIAL CONSIDERATIONS

If authorized as a county-initiated amendment, the costs of processing will be absorbed by the Planning and Building Department's operating budget.

RESULTS

Authorization of this Ordinance amendment will allow continued processing, completion of the environmental determination and a final decision to occur after public hearings before both the Planning Commission, and Board of Supervisors. Not authorizing the application will stop the further processing of the Land Use Ordinance amendment and would mean that the County's ordinances are not consistent with FEMA requirements.