

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

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| (1) DEPARTMENT Planning and Building | (2) MEETING DATE 2/24/2015 | (3) CONTACT/PHONE Nick Forester, Planner/(805) 781-1163 | |
| (4) SUBJECT Introduction of amendments to the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code to amend Flood Hazard standards in order to comply with federal law requirements of the Federal Emergency Management Agency (FEMA). Hearing set for March 10, 2015. All Districts. | | | |
| (5) RECOMMENDED ACTION It is recommended that the Board introduce the ordinance in Attachment 1 and direct the Clerk to set for public hearing and tentative action on March 10, 2015. Final action is set to occur on March 24, 2015 as part of the Spring General Plan Amendment Cycle. | | | |
| (6) FUNDING SOURCE(S) Department Budget | (7) CURRENT YEAR FINANCIAL IMPACT \$0.00 | (8) ANNUAL FINANCIAL IMPACT \$0.00 | (9) BUDGETED? Yes |
| (10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___) | | | |
| (11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A | | | |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A | | (13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A | |
| (14) LOCATION MAP N/A | (15) BUSINESS IMPACT STATEMENT? No | (16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____ | |
| (17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe | | | |
| (18) SUPERVISOR DISTRICT(S) All Districts | | | |

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Nick Forester, Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 2/24/2015

SUBJECT: Introduction of amendments to the Real Property Division Ordinance, Title 21 of the San Luis Obispo County Code to amend Flood Hazard standards in order to comply with federal law requirements of the Federal Emergency Management Agency (FEMA). Hearing set for March 10, 2015. All Districts.

RECOMMENDATION

It is recommended that the Board introduce the ordinance in Attachment 1 and direct the Clerk to set for public hearing and tentative action on March 10, 2015. Final action is set to occur on March 24, 2015 as part of the Spring General Plan Amendment Cycle.

DISCUSSION

This ordinance is being introduced on your February 24, 2015 agenda in order to hold a public hearing and take tentative action at your March 10, 2015 meeting.

The following ordinance is recommended for introduction today and for hearing on March 10, 2015:

Hearing to consider a request by the **COUNTY OF SAN LUIS OBISPO** to amend Sections 22.14.060 (Flood Hazard Area) and 22.80.030 (Definitions) of the Land Use Ordinance (Title 22 of County Code), Sections 23.07.060 (Flood Hazard Area), 23.07.062 (Applicability of Flood Hazard Standards), 23.07.064 (Flood Hazard Area Permit Processing Requirements), 23.07.065 (General Hazard Avoidance), 23.07.066 (Construction Standards), 23.11.030 (Definitions) of the Coastal Zone Land Use Ordinance (Title 23 of County Code) and Section 21.03.010(e) of the Real Property Division Ordinance (Title 21 of County Code), to comply with the federal law requirements of the Federal Emergency Management Agency (FEMA).

County File No: LRP2012-00002
Supervisorial District: All Districts

Assessor Parcel Number: Countywide
Date Accepted: N/A

Staff Comments

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 the county code. 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.

The proposed revisions, if adopted will bring local ordinances into compliance with FEMA requirements and will prevent the imposition of additional flood insurance fees and/or cancellation of existing flood insurance policies.

The project proposes revisions to section 21.03.010 (Flood hazard and drainage) of title 21 (Real Property Division Ordinance) of county code as follows:

- For new land divisions, public utilities and facilities such as sewer, gas, electrical and water systems are required to be located and constructed to minimize flood damage.
- Requires that all new subdivisions greater than 50 lots or 5 acres shall identify the Special Flood Hazard Areas and the Base Flood Elevation.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to Public Works and all of the community advisory groups since the amendments will be effective county-wide. This proposed ordinance has been approved by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

Cost of developing the proposed ordinance was covered by the current Department of Planning and Building budget.

RESULTS

Introduction of these amendments today will allow them to be heard on March 10, 2015 and become effective 30 days after final action, which is set for March 24, 2015. (Effective date will be April 23, 2015, assuming final action is taken on March 24, 2015). This action is consistent with the countywide goal of promoting well-governed and safe communities.

ATTACHMENTS

1. Proposed Ordinance for introduction
2. Ordinance showing proposed deletions and additions