



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

(1) DEPARTMENT Public Works	(2) MEETING DATE 1/14/2020	(3) CONTACT/PHONE David Grim Development Services Division Manager (805) 781-1596	
(4) SUBJECT Hearing to consider adoption of the attached ordinances amending Title 22 and 23 of the San Luis Obispo County Code pertaining to flood hazard area permit and processing requirements. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Hold a public hearing and adopt the attached ordinances amending Titles 22 and 23 of the San Luis Obispo County Code pertaining to Flood Hazard Area Permit and Processing Requirements; and 2. If adopted, waive the reading of the ordinances; and 3. Authorize the Director of Public Works to prepare and publish a summary of the ordinance pursuant to the Government Code Section 25124. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 5 minutes) <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: N/A <input type="checkbox"/> 4/5th's 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 Kristin Eriksson			
(18) SUPERVISOR DISTRICT(S) All Districts			

Reference: 20.002



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Public Works
David Grim, Development Services Division Manager
Rob Fitzroy, Deputy Director Planning and Building

VIA: John Diodati, Director of Public Works
Trevor Keith, Director of Planning and Building

DATE: 1/14/2020

SUBJECT: Hearing to consider adoption of the attached ordinances amending Title 22 and 23 of the San Luis Obispo County Code pertaining to flood hazard area permit and processing requirements. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Hold a public hearing and adopt the attached ordinances amending Titles 22 and 23 of the San Luis Obispo County Code pertaining to Flood Hazard Area Permit and Processing Requirements; and
2. If adopted, waive the reading of the ordinances; and
3. Authorize the Director of Public Works to prepare and publish a summary of the ordinance pursuant to the Government Code Section 25124.

DISCUSSION

Under current County Code land use ordinances pertaining to permitting and processing within a flood hazard designation, drainage plans are required to be based on Federal Emergency Management Agency (FEMA) flood hazard data. In addition, it requires structures to not be located within the floodway or be subject to inundation by a 100-year storm. The current ordinances provide for review by the Director of

Public Works in granting a waiver or modification to the requirements for submitting drainage plans. Such a waiver has been utilized infrequently and only with Board of Supervisors input.

This past summer, the County's Community Floodplain Management Program (CFMP) was reviewed by staff from the Department of Water Resources (DWR). DWR, acting in their oversight role for FEMA, conducted an extensive review of the last three years of the County's permitting and processing within County flood hazard areas. While the County has adhered to the ordinance, DWR staff objected to the land use ordinance provisions which would grant "waivers or modifications." As a result, DWR has instructed the County to revise the ordinance to strike out any discretionary review of the floodplain elevations or modifications to those elevations. The attached letter dated November 1, 2019 to our Board chairperson indicates their formal instruction (see Attachment 5).

By updating the ordinances, eliminating such discretion by the Director of Public Works, the County ensures our continued participation in the National Flood Insurance Program (Program). Impacts to future development and projects within the defined floodplain should be unchanged as previous deviations from the 100-year storm levels were infrequent and not of magnitude to risk the County's participation in the Program. DWR expects to see action by our Board of Supervisors in order to complete the County's CFMP review.

Attachments 1 and 2 are the proposed ordinances with exact text to be revised under Title 22 and 23, respectively. Attachments 3 and 4 are the proposed ordinances for adoption by the Board of Supervisors.

OTHER AGENCY INVOLVEMENT/IMPACT

DWR conducted a review of the County's CFMP this past summer. Their agency staff provided input on necessary revisions to our ordinance for compliance with the Program.

County Counsel has reviewed and approved the proposed ordinances as to legal form and effect.

As an administrative action, these ordinance revisions are not subject to the California Environmental Quality Act (CEQA).

FINANCIAL CONSIDERATIONS

The proposed ordinance amendments are covered by current budgets within the departments as a County-initiated amendment.

RESULTS

Adopting the proposed ordinances will ensure the County's compliance with the National Flood Insurance Program allowing our County property owners to secure insurance and claims under that program.

Moreover, the ordinance revision will further protect our flood and waterways from potential restrictions or inundation under future development.

ATTACHMENTS

- 1 Ordinance Showing; Title 22.14.060 – Redline Version
- 2 Ordinance Showing Deletions; Title 23.07.064– Redline Version
- 3 Ordinance for Adoption; Title 22.14.060 – Recommended
- 4 Ordinance for Adoption; Title 23.07.064 – Recommended
- 5 Letter from DWR Regarding County’s Community Flood Program (November 1, 2019)

c: Chris Macek, Planning and Building

File: CF 490.70.01

Reference: 20.002

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