



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Public Works  
Department No.: 054  
For Agenda Of: October 7, 2008  
Placement: Set Hearing  
Estimated Tme: 10 minutes on October  
28, 2008 and November  
18, 2008  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors

FROM: Department Scott McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: **Set Hearings to Adopt "An Ordinance Amending Chapter 15A of the Santa Barbara County Code relating to Flood Plain Management Regulations"**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: No

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

- 1) Set the first reading for October 28, 2008 (ESTIMATED TIME: 10 MINUTES) to Introduce an ordinance entitled, "An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations".
- 2) Set the second reading for November 18, 2008 (ESTIMATED TIME: 10 MINUTES) to Adopt the ordinance entitled, "An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations"; and
  - a) File the attached CEQA Notice of Exemption to Adopt an Ordinance entitled "An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations" (POST);

**Summary Text:**

This Ordinance is to amend Chapter 15A relating to Flood Plain Management Regulations of the Santa Barbara County Code. Two items within Chapter 15A are being amended.

## I. “Standards for manufactured units”

This amendment is recommended by staff to clarify certain requirements of the County’s Floodplain Management Ordinance (“Ordinance”) relating to Manufactured Housing Units (mobile homes).

In general, the County’s Ordinance requires specific foundation requirements for new Manufactured Housing units, or when the unit is proposed to be substantially improved. These requirements apply to units located in the FEMA identified 100 year flood plain. However, an ambiguity exists relating to units proposed to be substantially improved.

The ambiguity relates to that situation where an existing manufactured housing unit located in a special flood hazard area proposes to substantially improve. Manufactured housing units located in special flood hazard areas are subject to specific foundation requirements to guard against flotation, collapse and lateral movement during flood events. The particular ambiguity could be misinterpreted to mean that existing manufactured housing units located in the FEMA 100 year floodplain, that have not been subject to prior substantial damages from flooding, would not be subject to requirements under the County’s Floodplain Management Ordinance.

This misinterpretation is not the intent of the Ordinance, and discussions with the Federal Emergency Management Agency (FEMA) indicated that the Ordinance needed clarification. This Ordinance to amend Chapter 15A will address FEMA’s request for the District to clarify the language and the intent of the County Code.

There are six manufactured housing parks located in the unincorporated area of the County that collectively contain 168 manufactured housing units that currently are located within the special flood hazard area. The Flood Control District contacted by letter the owners of the six manufactured housing parks. The letter informed the owners of the proposed Ordinance change and offered to meet with them to further explain if they preferred. No requests to meet were received. One park owner did call the District with a question, which was adequately answered, and another park owner called to request that the District forward the letter to their park manager, which was done.

## II. “Market Value”; “Substantial improvement 10-year accumulation”

This amendment is recommended by staff to add the definition of “market value” and to introduce a rolling ten-year accumulated value related to “substantial improvement” to the Ordinance.

Any reconstruction, rehabilitation, addition, or other proposed new development of a structure is subject to the requirements listed in Section 15A-16, “Standards of construction,” as if it were new construction if the value of the proposed development equals or exceeds fifty percent of the market value of the structure before construction, Development exceeding fifty percent of the market value of the structure before construction is known as “substantial improvement”.

The “market value” definition will standardize the steps required to establish the market value of the structure in question. This will allow projects County-wide to be consistently valued.

The adoption of a ten-year accumulated value of reconstruction, rehabilitation, addition or other proposed new development is beneficial to the community in that projects in this category will be subject to safer standards of construction.

FEMA considers the concept of accumulated value to be a beneficial floodplain management requirement and gives the community additional community rating credits when adopted.

**Background:**

This ambiguity was brought to light when an owner of a manufactured housing unit that fit that situation described above applied for a building permit. The applicant took the position that no specific foundation requirements applied. Fortunately, a solution was derived that met both the applicant’s and the County’s satisfaction, however, after discussion with FEMA officials, it was agreed that the Ordinance needed to be clarified to meet the requirements of FEMA.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Flood Plain Management is an on-going program of the Flood Control District and costs associated with this program are included in the 2008-09 Adopted Budget under the Development Cost Center of the Water Resources Division of the Public Works Department as shown on page D-336 in the budget book.

**Special Instructions:**

Direct the Clerk of the Board after the October 7, 2008 meeting:

1. Publish notice of these two hearings pursuant to Section 6066 of the Government Code in the Santa Barbara News Press, a newspaper of general circulation (once ten days before the first hearing);

Direct the Clerk of the Board after the November 18, 2008 meeting:

1. Post the attached Notice of Exemption;
2. Publish a copy of the amended ordinance or summary of with names of the members of the BOS voting for or against the amendment in the Santa Barbara News Press within 15 days of adoption of the ordinance; and

3. Send a copy of the adopted ordinance, stamped Notice of Exemption, and minute order to the Flood Control District office; Attn: Christina Lopez.

**Attachments:**

1. “An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations”
2. CEQA Notice of Exemption to Adopt an Ordinance entitled “An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations” and

**Authored by:** Jon Frye, Civil Engineering Manager, 568-3444