

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on:
Department Name: Public Works
Department No.: 04-07-04
Agenda Date: 04/20/04
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
County of Santa Barbara

FROM: Phillip M. Demery
Public Works Directors

STAFF CONTACT: Thomas Fayram, Deputy Public Works Director
Michael Parker, Engineering Tech, Specialist, Ext. 3449

SUBJECT: **Set Hearings to Adopted an Ordinance entitled “An Ordinance Amending Chapter 15A of the Santa Barbara County Code Relating to Flood Plain Management Regulations”**

Recommendation(s):

That the Board of Supervisors:

- 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);
- B. Set the first hearing for May 11, 2004 to (ESTIMATED TIME: 10 MINUTES):
 - 1) Introduce an ordinance entitled, “An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations”;
- C. Set the second hearing for May 25, 2004 to (ESTIMATED TIME: 10 MINUTES):
 - 1) Adopt the ordinance entitled, “An Ordinance Amending Chapter 15A, of the Santa Barbara County Code Relating to Flood Plain Management Regulations”;

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

In the 1970s, the County of Santa Barbara became a participant in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP). A goal of the NFIP is to enable property owners in participating communities to purchase flood insurance as a protection

against flood losses. To participate in the program a community must adopt and enforce a flood plain management ordinance to reduce future flood risk to new construction developed in flood plain areas. In exchange, FEMA provides flood plain identification and mapping, flood plain regulations, and makes flood insurance available to residents in the community. Residents of communities that choose not to participate in the NFIP are not able to purchase flood insurance.

In 1990, the State developed a model ordinance for local agencies to adopt to conform to the latest NFIP guidelines. On December 4, 1990, your Board adopted Ordinance No. 3898 and added Chapter 15A-1 through 15A-26 of the County Code to comply with the latest NFIP guidelines.

Earlier this year, staff was notified by the FEMA that minor changes were needed in our Flood Plain Management Ordinance to maintain our compliance with the NFIP. This amendment reflects the changes required by FEMA.

Mandates and Service Levels:

Amending our Flood Plain Management Ordinance was necessary to comply with FEMA's National Flood Insurance Program.

Fiscal and Facilities Impacts:

There are no fiscal impacts associated with amending this ordinance. Flood Plain Management is an on-going program of the Flood Control District.

Special Instructions:

Direct the Clerk of the Board to:

1. Post the attached Notice of Exemption;
2. 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);
3. 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
4. Send a copy of the adopted ordinance, stamped Notice of Exemption, and minute order to the Flood Control District office; Attn: Christina Lopez.

Concurrence: County Counsel

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 15 A OF THE
SANTA BARBARA COUNTY CODE RELATING TO FLOOD
PLAIN MANAGEMENT REGULATIONS**

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 15A entitled “Flood Plain Management” of the Santa Barbara County Code is hereby amended as hereinafter appears.

The amendment of said Chapter 15A shall not have any effect on any criminal or civil litigation or claims, including claims for fees, arising under said Chapter and shall not operate as an abatement of any criminal or civil action or proceeding arising under said Chapter 15A and pending before or filed after the effective date of this Ordinance.

SECTION 2:

Section 15A-15.1.d is hereby added to the County Code, and shall read as follows:

“Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.”

SECTION 3:

Section 15A-16.3.c.i of Santa Barbara County Code is hereby amended to read as follows:

“Be flood-proofed two (2) feet above the base flood elevation (BFE) so that the structure is water-tight with walls substantially impermeable to the passage of water; and.”

SECTION 4:

Section 15A-21.1 of the Santa Barbara County Code is hereby amended to read as follows:

“Prohibiting encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.”

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SECTION 5:

Amendments to this Chapter shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2004 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM

SHANE STARK
COUNTY COUNSEL

By: _____
Deputy