

CORRECTIVE ACTION PLAN

**Presented to:
State of California-California Natural
Resources Agency
Department of Water Resources
Northern Region Office
2440 Main Street
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**COUNTY OF
LAKE**

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EXHIBITS

1. California Department of Water Resources Letter Dated October 18, 2019
2. Permitting Process Procedures
3. Lake County Management Floodplain Ordinance (Draft)
4. List of Structures Not Meeting Minimum National Flood Insurance Program Requirements

Executive Summary

The County has prepared this Corrective Action Plan (CAP) to mitigate the violations to the maximum extent possible. The intent of this CAP is to go beyond mitigation of the violations themselves and implement additional mitigation measures intended to safeguard against the reoccurrence of similar violations in the future, reduce flood damage risk throughout the County, and to preserve the County's good standing in the National Flood Insurance Program (NFIP) and the Class 7 ranking in the Community Rating System (CRS). Preservation of the County's ranking in the CRS remains critical since any retrograding could result in higher flood insurance premiums throughout the County.

Introduction

In response to the California Department of Water Resources (DWR) October 18, 2019 letter to Board of Supervisors Chair Tina Scott (Exhibit 1), the County of Lake has prepared a Corrective Action Plan (CAP) to mitigate violations to the maximum extent possible. The intent of the CAP is to go beyond remedy of the violations themselves and preserve the County's standing the NFIP and the Class 7 ranking in the Community Rating System (CRS).

The County has a long history of dedication to flood protection and a compliant floodplain management program. The Lake County Watershed Protection District, was originally created as the Lake County Flood Control and Water Conservation District as a political subdivision of the State of California established under the Lake County Flood Control and Water Conservation Act, of the State Water Code in 1951. The District is administered by the Director of Water Resources who reports to the County Board of Supervisors, which acts as its Board of Directors. The Watershed Protection District administers the National Flood Insurance Program for Lake County, manages the Municipal Stormwater Program, plans and implements flood control projects, aerial photography, groundwater management planning, watershed management planning and development of grant proposals.

The CAP addresses specific actions we have taken to mitigate the deficiencies identified in the CAV report, including: Permitting Process Improvements, Lake Floodplain Management Ordinance modifications, Evaluation of Elevation Certificates for NFIP Compliance, and an Implementation schedule for various actions.

Background

In March 2019, DWR along with a representative from FEMA, performed a Community Assistance Visit (CAV) to evaluate the County's participation in the National Flood Insurance Program (NFIP). The aforementioned letter of October 18, 2019 notified the County that several deficiencies were discovered. The CAV report that accompanied the letter included fourteen (14) structures that were highlighted for various potential violations, and the letter specified that a CAP must be submitted by November 22, 2019. The letter requires the CAP to address four (4) specific community actions, which is the objective of

this plan.

Since 2015 and prior to the Community Assistance Visit, Lake County has been affected by 10 disasters. These disasters resulted in 60 percent of Lake County's land mass burned with 1,950 housing units destroyed or 5.5% of our housing stock lost to fire. Our rebuild has been slowed due to resource limitations and the economic effects that result from such devastating losses. As a result, the Lake County Board of Supervisors adopted a Fiscal Crisis Management Plan that continued a hiring freeze which has also impacted the County's ability to fill vacancies with knowledgeable and experienced staff.

Permitting Process Improvements

Immediate Actions taken by the County of Lake to correct program deficiencies.

The County of Lake staff prepared 20 Elevation certificates that were missing from the files. This effort involved contacting property owners, obtaining permissions, conducting site visits and completing the Elevation Certificates. Furthermore, County of Lake obtained 27 Elevation certificates by hiring a licensed surveyor to conduct site visits and complete the Elevation Certificates. County staff made contact with the property owners to obtain permission.

The County has implemented new procedures in the Community Development Department (CDD) and other related departments to assure compliant processing of permits and applications to prevent similar violations in the future. The new written procedures and handout are in Exhibit 2.

When a new structures is proposed the applicant must talk to a land use planner and obtain a zoning clearance prior to the permit being inputted into the permitting system. The land use planner requires that the Floodplain Manager acknowledge on the building permit application identifying whether or not the floodplain regulations will apply to the construction. The land use planners also will not provide a clearance for dwelling unless a Benchmark Letter is provided by a licensed surveyor with the application. The County has a database called Accela that tracks all building permit applications and issued permits using permit numbers. When a person stops by CDD for a permit, a file is opened and a parcel number or address is entered into the database. If the property is in a floodplain, the flood zone is automatically populated.

Previously, the land use planner identified the flood zone on the building permit application but the plan reviewer and/or technician was not regularly noting the flood zone on the plans. Currently, the job jacket is stamped by the technician and the plan reviewer stamps all plans with large red font "Flood Plain." The plan reviewer also notes the plans with the Elevation and Freeboard measurements. Plan Reviewer also attaches flood opening requirements and vents examples to the building permit plans.

Staff is implementing a checklist for prior to issuance and prior to final that will be scanned into Accela and the supervisor will be able to use this document to crosscheck the monthly reports.

A more rigorous ongoing training program has been implemented for applicable County staff in CDD and DPW.

Recent trainings include:

- 2017 a 2-day workshop/course (Floodplain Management and Duties and Elevation Certificate)
- 2018 Substantial Improvements and Substantial Damage workshop and 2-day CRS workshop
- 2019 1-day Elevation Certificate workshop

The staff is developing an administrative procedure and a user-friendly form for determining and documenting when applications are submitted for substantial improvement and repair of substantial compliance.

Since these violations occurred, CDD staff have become very aware of the importance of floodplain development regulations and are very cautious when issuing a building permit in a floodplain. The new CDD management team is supporting process changes and is committed to ongoing floodplain development training for staff. CDD staff is encouraged to ask questions of floodplain management staff.

Finally, monthly reports will be implemented by the County to “double check” on a more frequent basis that building permits were not mistakenly issued for new construction or substantial improvement/damage projects in a Special Flood Hazard Area (SFHA). If mistakes are made, these new procedures will allow the County to stop an unauthorized project before any substantial amount of construction has been completed. This commitment by the County to enhance the oversight of the process will facilitate continual improvement to assure full compliance with NFIP and local regulations.

Lake County Management Floodplain Ordinance

The County will update the Floodplain Management Ordinance to include the following NFIP requirements:

- Code of Federal regulations (CFR) Section 65.3 requirement to notify FEMA within 6 months of availability of technical or scientific data for changes in base flood elevation.
- CFR Section 60.3(b)(3) requirement to provide the base flood elevation for

development of subdivision greater than 50 lots or 5 acres within an approximate Zone A.

- CFR Section 60.3(d)(3) requirement for hydrological and hydraulic analysis for development within a regulatory floodway.

The modified ordinance is scheduled for the first reading by the Board of Supervisors on December 10, 2019, with the second reading expected the following week. The ordinance will take effect thirty (30) days from the second reading, so the revisions will be in place by the end of January, 2020. A copy of the draft ordinance revisions is included in Exhibit 3.

Evaluation of 53 Elevation Certificates for NFIP Compliance

Community Action #3 of the DWR letter required the evaluation of fifty-three (53) Elevation Certificates (EC's) for compliance with the NFIP, and to summarize a list of structures that did not meet NFIP standards. That analysis has been performed and the list is attached as Exhibit 4. To summarize, of the 53 EC's reviewed, we identified 25 properties that had NFIP compliance issues. Many of these properties had combinations of violations, however, predominate issue is mechanical equipment below the Base Flood Elevation (BFE). A summary of these properties is as follows:

<i>Service Equipment Violations – Machinery Below BFE</i>	23
<i>Structure Elevation Violations resulting from inadequate venting</i>	8
<i>Flood Vent Violations</i>	1

Corrective Action Plan Components

The Mitigation plan for 13 structure violations in the CAV Report and those properties identified in the County's review of the 53 Elevation Certificates includes analyzing potential funding opportunities to determine if violations can be remedied with grant funding and by developing a program to implement structure compliance. Once the program is developed, staff will attempt to secure finding through Hazard Mitigation

Grant opportunities and other sources.

Implementation Schedule

MITIGATION	DATE
Mandated Training for County Staff	Biannual
Monthly reports	March 2020
Substantial Improvement Procedure	March 2020
Floodplain Checklist	March 2020
Analyze potential funding opportunities	Annual – by December 31, 2020
Develop a mitigation program for compliance	December 31, 2020

The County has demonstrated willingness to take positive action to correct past program deficiencies. There is no history of prior program violations identified by FEMA or the State. Recently hired staff including, a new Chief Building Official, Plans Examiner, Building Inspectors and new Technicians have demonstrated a willingness to fulfill the community's responsibilities under NFIP.