



**PLANNING COMMISSION
STAFF REPORT- ORDINANCE AMENDMENT**

**OA_2018-0002
MARCH 15, 2018**

SUMMARY

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES
860 N. BUSH ST.
UKIAH, CA 95482

REQUEST: Amend the Local Coastal Program by amending and adding Mendocino County Code Chapter 22.17 Floodplain Ordinance and amending Division II of Title 20 of the Mendocino County Code Chapters 20.420 (Floodplain Combining District), 20.500 (Hazard Areas) and 20.308 (Definitions).

LOCATION: Within the unincorporated area of Mendocino County. The ordinance will be adopted for those areas within the designated Coastal Zone.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

STAFF PLANNER: Bill Kinser

BACKGROUND

In April of 2017, the Board of Supervisors amended and repealed the Flood Plain Combining District Ordinance within Chapter 20.120 (Inland) of Division 1 of Title 20 and Chapter 20.420 (Coastal) of Division II of the Mendocino County Code and moved and replaced both with Chapter 22.17, combining both coastal and inland ordinances into one ordinance. The Floodplain Combining Districts provide County guidelines for development within Federal Emergency Management Agency (FEMA) designated flood plain and floodways. The amendments were made to comply with recent changes in federal and state regulations primarily dealing with the establishment of lowest floor, defining alternative methodologies for determining base flood elevation in areas not specifically studied, development criteria for areas designated "coastal high hazard areas", accessory structures and clarifying and adding definitions within the ordinance.

While Chapter 20.420 (Coastal) of Division II of the Mendocino County Code (MCCZC) was repealed and Chapter 22.17 adopted by the Board of Supervisors, the necessary changes to the MCCZC were not approved by the Planning Commission and Board of Supervisors and were not certified by the California Coastal Commission.

PROJECT DESCRIPTION: Staff is submitting a proposed amendment (OA_2018-0002) to the Local Coastal Program (LCP) consisting of: (1) the addition of Chapter 22.17 (Floodplain Ordinance) of the Mendocino County Code to the LCP and (2) changes to Division II of Title 20 of the Mendocino County Code (Coastal) resulting from adoption of the Floodplain Ordinance.

While Chapter 22.17 (Floodplain Ordinance) was reviewed by the Planning Commission and adopted by the Board of Supervisors in 2017, the resulting changes to the Local Coastal Program have not been certified by the California Coastal Commission. Similarly, the repeal of Chapter 20.420 and other amendments to Division II of Title 20 of the Mendocino County Code require California Coastal Commission certification. The following summarizes the changes that are recommended to Title 20 – Division II and to the Local Coastal Program:

- Title 20 -- Division II Chapter 20.308 contains a number of definitions of terms pertaining to floodplains. It is recommended that the definitions be deleted and replaced by a reference to the definitions section in Chapter 22.17.
- Title 20 – Division II Section 20.500.030 addresses flood hazard development standards and refers to Chapter 20.420. The reference is amended to refer to Chapter 22.17.
- Title 20 – Division II Chapter 20.420 contains the previous regulations for floodplain combining districts replaced by Chapter 22.17. It is recommended that this Chapter be renamed Floodplain Requirements and a reference inserted to refer to Chapter 22.17. The remainder of Chapter 20.420 is deleted.
- Chapter 22.17 Floodplain Ordinance of the Mendocino County Code is added to the Local Coastal Program. It is recommended that one section of the Floodplain Ordinance (Section 22.17.215) be amended to reference sections of the 2016 California Residential Code and Building Code.

GENERAL PLAN CONSISTENCY ANALYSIS: The staff report prepared for the repeal and amendment of the Flood Plain Combining District Ordinance determined that the changes would be consistent with the applicable goals and policies of the General Plan, including the Coastal Element of the General Plan. The report noted that the Coastal Element of the General Plan contains limited reference to flood plains and the existing language will not require amendment.

PROJECT RECOMMENDATIONS: As noted in the Staff Report for OA 2017-0002 (Floodplain Ordinance), PBS staff worked with FEMA and California Department of Water Resources (DWR) in preparing Chapter 22.17. The update to the floodplain regulations makes the County's provisions for flood protection and management consistent with all current FEMA requirements and in conjunction with the adoption of updated FIRM maps allow County land owners to continue to participate in the Federal Flood Insurance Program.

Staff recommends modifications to Title 20 – Division II addressing Definitions (20.308), Flood Hazard Development Standards (20.500.030) and Floodplain Combining Districts (20.420) and incorporation of Chapter 22.17 (Floodplain Ordinance) into the Local Coastal Program.

ENVIRONMENTAL REVIEW: The project is Categorically Exempt from CEQA, per Section 15308, which exempts action of regulatory agencies for the protection of the environment. As such, no further environmental consideration is necessary and further, the Fish and Game Code provisions regarding a wildlife impact fee are not applicable.

RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors approve Ordinance Amendment OA_2018-0002 which modifies Title 20 – Division II (Mendocino County Coastal Zoning Code) and incorporates Chapter 22.17 Floodplain Ordinance into the Local Coastal Program.

DATE

BILL M. KINSER
SENIOR PLANNER

ATTACHMENTS:

- A.** Floodplain Ordinance Revisions to Division III

ORDINANCE NO. _____

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 20, DIVISION II OF THE MENDOCINO COUNTY CODE RELATING TO FLOODPLAIN COMBINING DISTRICTS, HAZARDS, AND DEFINITIONS, AND AMENDING AND ADDING CHAPTER 22.17 FLOODPLAIN ORDINANCE TO THE MENDOCINO COUNTY LOCAL COASTAL PROGRAM

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.308, Chapter 20.420, and Chapter 20.500, the following amendments, deletions, and additions to the Mendocino County Code are hereby adopted:

Section 1. The following definitions in Section 20.308 are deleted and a reference to Section 22.17.100 (Definitions) of the Floodplain Ordinance is provided.

"Area of Special Flood Hazard" ~~(see "Special flood hazard area" Chapter 22.17.100) means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AFL AI-30, VO, and VI-30 on the Flood Insurance Rate Map (FMM).~~

"Base flood" ~~(see Chapter 22.17.100) means the flood having a one (1) percent chance of being equalled or exceeded in any given year.~~

"Breakaway Wall" ~~(see Chapter 22.17.100) means any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is so designed as to break away, under wind and water loads, without damage to the structural integrity of the building or supporting foundation on which it is used or any buildings to which it may be carried by floodwaters. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~

~~(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and~~

~~(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).~~

"Coastal High Hazard Area" (see Chapter 22.17.100) ~~means the area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a Federal Insurance Rate Map (FIRM) as Zones V and V1-30.~~

"Flood" or "Flooding" (see Chapter 22.17.100) ~~means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(1) The overflow of inland or tidal waters; and/or~~

~~(2) The unusual and rapid accumulation of runoff of surface waters from any source.~~

"Flood Boundary Floodway Map)" (see Chapter 22.17.100) ~~means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.~~

"Flood Insurance Rate Map (FIRM)" (see Chapter 22.17.100) ~~means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

"Flood Insurance Study" (see Chapter 22.17.100) ~~means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.~~

"Floodplain" (see Chapter 22.17.100) ~~means an area subject to temporary inundation of normally dry land lying outside the stream channel as a result of one (1) or more of the following occurrences or conditions: the normal overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.~~

"Floodway" (see Chapter 22.17.100) ~~means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.~~

"Lowest Floor" (see Chapter 22.17.100) ~~means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Division.~~

Section 2. Section 20.500.030(B)(1) (Flood Hazard Development Standards) is modified as follows.

Sec. 20.500.030 - Flood Hazard—Development Standards.

(B) Land Use Restrictions.

(1) No new development, except flood control projects to protect existing structures, non-structural agricultural uses and seasonal uses shall be permitted in the one hundred (100) year floodway unless mitigation measures in accordance with FEMA regulations and Chapter ~~20.420~~ 22.17 of the Mendocino County Code ~~this Division~~ are provided.

Section 3. Chapter 20.420 is renamed FLOODPLAIN REQUIREMENTS, a reference to Chapter 22.17 is provided and the remainder of Chapter 20.420 is deleted and replaced by Chapter 22.17 Floodplain Ordinance.

CHAPTER 20.420 – FLOODPLAIN REQUIREMENTS (See Chapter 22.17 Floodplain Ordinance) ~~FP – FLOODPLAIN COMBINING DISTRICTS~~

~~Sec. 20.420.005 – Intent.~~

~~The Floodplain Combining District (FP) is intended to establish special requirements and regulations to be applied to those coastal areas of the County subject to inundation in order to prevent loss of life and property damage.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.010 – General Provisions and Regulations for FP Combining Districts.~~

~~(A) Applicability. This Chapter shall apply to all areas of special flood hazard identified by the Federal Insurance Administration in a Scientific and Engineering Report entitled "The Flood Insurance Study for Mendocino County," dated June 16, 1992, with the accompanying Flood Insurance Rate Map (FIRM) and all subsequent amendments and/or revisions.~~

~~These maps are hereby adopted and incorporated by reference. The official maps shall be maintained by the Department of Planning and Building Services. Copies of said maps shall be maintained by the Clerk of the Board.~~

~~(B) Compliance. No structure or land shall hereafter be constructed, located, "extended, converted, or altered without full compliance with the terms of this Chapter.~~

~~(C) Interpretation. In the interpretation and application of this Chapter, all provisions shall be:~~

~~(1) Considered as minimum requirements;~~

~~(2) Liberally construed in favor of the governing body; and~~

~~(3) Deemed neither to limit nor repeal any other powers granted under state statutes.~~

~~(D) Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Mendocino County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.~~

~~(Ord. No. 3785 (part), adopted 1991; Ord. No. 3825 § 1 (part), adopted 1992; Ord. No. 3865, adopted 1993)~~

~~Sec. 20.420.015 – Coastal Development Permit for FP Combining Districts.~~

~~(A) Administration. Coastal Development Permit shall be obtained pursuant to Chapter 20.532 before construction or development begins within any area of special flood hazard established in Section 20.420.010(A). Application for a Coastal Development Permit shall be made on forms furnished by the Department of Planning and Building Services. The applicant shall include the following information with the application:~~

~~(1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zones A, A1-30, and V, elevation of existing grade and proposed elevation of lowest floor of all structures. Elevation of the lowest floor shall be measured at the bottom of the lowest structural member of the lowest floor.~~

~~(2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;~~

~~(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 20.420.030(C)(2); and,~~

~~(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development,~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.020 – Designation of the Coastal Permit Administrator.~~

~~The Coastal Permit Administrator is hereby appointed to administer and implement this Chapter.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.025 – Duties and Responsibilities of the Coastal Permit Administrator.~~

~~Duties of the Coastal Permit Administrator shall include, but not be limited to:~~

~~(A) Permit Review.~~

~~(1) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.~~

~~(2) Review all permits to determine that the site is reasonably safe from flooding.~~

~~(3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point.~~

~~(4) Review all development permits to determine that all other required State and Federal permits have been obtained and the request is consistent with all other requirements of this Division.~~

~~(B) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 20.420.010(A), the Coastal Permit Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 20.420.030.~~

~~(C) Information to be Obtained and Maintained. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:~~

- ~~(1) The certified elevation required in Section 20.420.030(C)(1);~~
- ~~(2) The certification required in Section 20.420.030(C)(2);~~
- ~~(3) The certification required in Section 20.420.030(C)(3);~~
- ~~(4) The certification required in Section 20.420.045(A); and~~
- ~~(5) The certification required in Section 20.420.060(B)(3).~~

~~(D) Alteration of Watercourses.~~

~~(1) Alteration of a watercourse may be allowed only where the project would be consistent with all other regulations of this Division. Such alteration projects will be limited to necessary water supply projects, flood control projects, fish and wildlife habitat improvement, boating facilities or sand and gravel extraction. Where alteration is allowed or proposed, adjacent communities, the Department of Water Resources and any other responsible agency shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.~~

~~(2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.~~

~~(E) Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 20.420.065.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.030 – Standards of Construction.~~

~~In all areas of special flood hazards the following standards are required:~~

~~(A) Anchoring.~~

~~(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~

~~(2) All mobile homes shall meet the anchoring standards of Section 20.420.050.~~

~~(B) Construction Materials and Methods.~~

~~(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~

~~(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~

~~(C) Elevation and Floodproofing.~~

~~(1) New construction and substantial improvements of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 20.420.030(C)(2). Upon completion of the structure, the elevation of the lowest habitable floor including basement shall be certified by a registered professional engineer or surveyor and provided to the official set forth in Section 20.420.025.~~

~~(2) Nonresidential construction shall either be elevated in conformance with Section 20.420.030 (C)(1) or Section 20.420.030(C)(5) or together with attendant utility and sanitary facilities:~~

~~(a) Be floodproofed so that below the base flood level (as determined by a professional engineer or architect) the structure is watertight with walls substantially impermeable to the passage of water or meeting the requirements of Section 20.420.030(C)(5);~~

~~(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 20.420.025.~~

~~(3) Manufactured homes shall meet the above standards and also the standards in Section 20.420.050.~~

~~(4) Structures in Coastal High Hazard Areas shall meet the requirements of Section 20.420.060.~~

~~(5) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.035 – Standards for Storage of Materials and Equipment.~~

~~(A) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.~~

~~(B) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.040 – Standards for Utilities.~~

~~(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters;~~

~~(B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with requirements of the North Coast Regional Water Quality Control Board's Basin Plan.~~

~~(C) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.045 – Standards for Subdivisions.~~

~~(A) Areas subject to flooding pursuant to this Chapter for which a subdivision is processed shall be so designated on the final map, parcel map, or other document recorded in lieu of survey. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 20.420.025.~~

~~(B) All subdivision proposals shall be consistent with the need to minimize flood damage.~~

~~(C) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, water, and air conditioning systems located and constructed to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~(D) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~

~~(E) Require that all new subdivision proposals and other proposed development include within such proposals base flood elevation data.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.050 – Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions.~~

~~(A) Anchoring. All manufactured homes to be placed or substantially improved within Zones A and AI-30 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to resist flotation, collapse, or lateral movement by one (1) of the following methods:~~

~~(1) By providing an anchoring system designed to withstand horizontal forces of twenty five (25) pounds per square foot and up lift forces of fifteen (15) pounds per square foot;~~

~~(2) By providing over the top and frame ties to ground anchors. Specifically:~~

~~(a) Over the top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring only one (1) additional tie per side; and~~

(b) Frame ties be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring only four (4) additional ties per side; and

(c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(B) Manufactured Home Parks and Manufactured Home Subdivisions. The following standards are required for (a) manufactured homes not placed in manufactured home parks or subdivisions, (b) manufactured home parks or subdivisions, (c) expansions to existing manufactured home parks or subdivisions and, (d) repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced:

(1) Adequate surface drainage and access for a hauler shall be provided.

(2) All manufactured homes to be placed or substantially improved within Zones A and AI-30 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subparagraph (1) of this subsection.

(C) No manufactured home shall be placed in a floodway, except in an existing manufactured home park or existing manufactured home subdivision.

(D) No manufactured home shall be placed in a coastal high hazard area, except in an existing manufactured home park or an existing manufactured home subdivision.

(Ord. No. 3785 (part), adopted 1991)

Sec. 20.420.055—Floodways.

Located within areas of special flood hazard established in Section 20.420.010(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) Prohibit the placement of any manufactured homes except in an existing manufactured home park or subdivision.

(C) If Section 20.420.055(A) and Section 20.420.055(B) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 20.420.030 through Section 20.420.060.

(D) If no floodway is identified, then a setback of twenty (20) feet from the bank(s) of the watercourse will be established, where encroachment will be prohibited. Where the adjacent lands are established as

environmentally sensitive habitat areas, additional setback consistent with the requirements of Section 20.496.020 will be required.

(Ord. No. 3785 (part), adopted 1991)

~~Sec. 20.420.060 – Coastal High Hazard Area.~~

~~Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 20.420.010(A). These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation or tsunamis; therefore, the following provisions shall apply:~~

~~(A) Location of Structures.~~

~~(1) All buildings or structures shall be located landward of the reach of the mean high tide.~~

~~(2) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.~~

~~(B) Construction Methods.~~

~~(1) Elevation. All buildings or structures and substantial improvements shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or column) is elevated to or above the base flood level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 20.420.060(B)(4).~~

~~(2) Structural Support.~~

~~(a) All buildings or structures shall be securely anchored on pilings or columns.~~

~~(b) Pilings or columns used as structural support shall be designed and anchored so as to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).~~

~~(c) There shall be no fill used for structural support.~~

~~(3) Certification. Compliance with the provisions of Section 20.420.060(A), Section 20.420.060 (B)(1) and Section 20.420.060(B)(2) shall be certified to by a registered professional engineer or architect and provided to the official as set forth in Section 20.420.025.~~

~~(4) Space Below the Lowest Floor.~~

~~(a) Any new construction, alteration, repair, reconstruction or improvement to a structure started after the enactment of this Chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this Chapter.~~

~~(b) Nonsupporting breakaway walls, open wood lattice work, or insect screening may be allowed which are intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system (See definition of breakaway walls).~~

~~(c) If breakaway walls, open wood lattice work, or insect screening are used, such enclosed space shall be usable solely for parking of vehicles, building access, or storage, and shall not be used for human habitation.~~

~~(d) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Coastal Permit Administrator for approval.~~

~~(C) Sand Dunes. There shall be no alteration of sand dunes which would increase potential flood damage.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.065 – Appeal and Variance Procedures.~~

~~(A) The Board of Supervisors shall hear and decide appeals and requests for variances from the requirements of this Chapter.~~

~~(B) The Board of Supervisors shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Coastal Permit Administrator in the enforcement or administration of this Chapter.~~

~~(C) In passing upon such applications, the Board of Supervisors shall consider all technical evaluations, all relevant factors, standards specified in other Chapters of this Division, and:~~

~~(1) The danger that materials may be swept onto other lands to the injury of others;~~

~~(2) The danger to life and property due to flooding or erosion damage;~~

~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~(4) The importance of the services provided by the proposed facility to the community;~~

~~(5) The necessity to the facility of a waterfront location, where applicable;~~

~~(6) The availability of alternative locations, for the proposed uses which are not subject to flooding or erosion damage;~~

~~(7) The compatibility of the proposed use with existing and anticipated development;~~

~~(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;~~

~~(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges; and~~

~~(12) The conformity of the proposed use with all other regulations of this Division.~~

~~(D) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Sections 20.420.065(C)(1) through 20.420.065(C)(12) have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.~~

~~(E) Upon consideration of the factors of Sections 20.420.065(C)(1) through 20.420.065(C)(12) and the purposes of this Chapter, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Division.~~

~~(F) The Coastal Permit Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.~~

~~(Ord. No. 3785 (part), adopted 1991)~~

~~Sec. 20.420.070 – Conditions for Variances.~~

~~(A) Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or any structure over one hundred (100) years old, without regard to the procedures set forth in the remainder of this Chapter.~~

~~(B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~(D) Variances shall only be issued upon:~~

~~(1) A showing of good and sufficient cause;~~

~~(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~

~~(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and~~

~~(4) A determination that the granting of the variance is consistent with all other requirements of this Division.~~

~~(E) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~(F) Variances shall be accompanied by written findings supporting the granting of the variance.~~

Section 4. Chapter 22.17 Floodplain Ordinance is added to the Local Coastal Program replacing Title 20 – Division II, Chapter 20.420 Floodplain Combining District.

CHAPTER 22.17 - FLOODPLAIN ORDINANCE

Sec. 22.17.000 - Statutory Authorization, Findings of Fact, Purpose and Methods.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.005 - Statutory Authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Mendocino County does hereby adopt the following floodplain management regulations.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.010 - Findings of Fact.

- (A) The flood hazard areas of Mendocino County are subject to periodic inundation which results in loss of life and property; health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.015 - Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (F) Helps maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (G) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.020 - Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions to:

- (A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (D) Control filling, grading, dredging, and other development which may increase flood damage; and
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.100 - Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions provided herein are specific to the administration and interpretation of this Chapter, and are not meant to conflict with other definitions found in the County Code.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.105 - Definitions (A).

- (A) "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- (B) "Accessory structure" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164, Accessory Use Regulations (Division I, Mendocino County Zoning Code) Section 20.308.020(F) Accessory Buildings, Chapter 20.308, (Division II, Mendocino County Zoning Code).
- (C) "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- (D) "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
- (E) "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
- (F) "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does

not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (G) "Area of special flood hazard" — See "Special flood hazard area."
- (H) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).
- (I) "Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.110 - Definitions (B).

- (A) "Base flood" means a flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.
- (B) "Basement" means any area of the building having its floor subgrade — i.e., below ground level — on all sides.
- (C) "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
 - (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
 - (2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- (D) "Building" — see "Structure."

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.115 - Definitions (C).

- (A) "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate map (FIRM) as Zone V1-V30, VE, or V.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.120 - Definitions (D).

- (A) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.125 - Definitions (E).

- (A) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (B) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (C) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.130 - Definitions (F).

- (A) "Flood, flooding, or flood water" means:
 - (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
 - (2) The condition resulting from flood-related erosion.
- (B) "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
- (C) "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
- (D) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (E) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (F) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.
- (G) "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (H) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

- (I) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source — see "Flooding".
- (J) "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations. The Building Official, as defined in Chapter 18.04, shall be the Floodplain Administrator.
- (K) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (L) "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- (M) "Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood-proofing.)
- (N) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as, "Regulatory Floodway".
- (O) "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
- (P) "Fraud and victimization" as related to Section 22.17.500 Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one-hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- (Q) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.135 - Definitions (G).

- (A) "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.140 - Definitions (H).

- (A) "Hardship" as related to Section 22.17.500, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The County of Mendocino requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (B) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (C) "Historic structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.145 - Definitions (L).

- (A) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (B) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (C) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
 - (1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - (a) The wet flood-proofing standard in section 22.17.405(A)(3);
 - (b) The anchoring standards in section 22.17.405(A)(1);
 - (c) The construction materials and methods standards in section 22.17.405(A)(2); and
 - (d) The standards for utilities in section 22.17.410.
 - (2) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.150 - Definitions (M).

- (A) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (B) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- (C) "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
- (D) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (E) "Mudslide" describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.
- (F) "Mudslide (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.155 - Definitions (N).

- (A) "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
- (B) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.160 - Definitions (O).

- (A) "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow

of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

- (B) "One-hundred-year flood" or "100-year flood" — see "Base flood."

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.165 - Definitions (P).

- (A) "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.
- (B) "Public safety and nuisance" as related to Section 22.17.500, Variances, of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.170 - Definitions (R).

- (A) "Recreational vehicle" means a vehicle which is:
- (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled, truck-mounted or permanently towable on the highways without a permit; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (B) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (C) "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- (D) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.175 - Definitions (S).

- (A) "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (B) "Sheet flow area" — see "Area of shallow flooding".
- (C) "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.
- (D) "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (E) "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
- (F) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (G) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Cumulative value of incremental improvements shall be considered over the previous five-year period in determining the total value of improvements proposed.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.180 - Definitions (V).

- (A) "V zone" — see "Coastal high hazard area."
- (B) "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

- (C) "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.185 - Definitions (W).

- (A) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (B) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.200 - General provisions.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.205 - Lands to Which this Ordinance Applies.

This ordinance shall apply to all areas of special flood hazards within the unincorporated lands of Mendocino County.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.210 - Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Mendocino County, California, Unincorporated Areas, dated June 12, 1992 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated June 1, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Department of Planning and Building Services at 860 N. Bush Street, Ukiah, California.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.215 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations including the 2016 California Residential Code Section R322 and the 2016 California Building Code Section 110.3.3. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the County of Mendocino — Department of Planning and Building Services from taking such lawful action as is necessary to prevent or remedy any violation.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.220 - Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.225 - Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.230 - Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County of Mendocino, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.235 - Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.300 - Administration.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.305 - Establishment of Development Permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 22.17.210. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- (A) Site plan, including but not limited to:
 - (1) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and
 - (2) Proposed locations of water supply, sanitary sewer, and utilities; and
 - (3) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
 - (4) If applicable, the location of the regulatory floodway.
- (B) Foundation design detail, including but not limited to:
 - (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - (2) For a crawl-space foundation, location and total net area of foundation openings as required in Section 22.17.405(A)(3) of this ordinance and FEMA Technical Bulletins 1-93 and 7-93; and
 - (3) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent (95%) using the Standard Proctor Test method).
- (C) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 22.17.405(B) of this ordinance and FEMA Technical Bulletin TB 3-93; and
- (D) All appropriate certifications listed in Section 22.17.315(D) of this ordinance; and
- (E) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.310 - Designation of the Floodplain Administrator.

The Building Official is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.315 - Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

- (A) Permit Review. Review all development permits to determine that:
 - (1) Permit requirements of this ordinance have been satisfied,
 - (2) All other required state and federal permits have been obtained,
 - (3) The site is reasonably safe from flooding, and
 - (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one (1) foot at any point.
- (B) Review, Use and Development of Other Base Flood Data.

- (1) When base flood elevation data has not been provided in accordance with Section 22.17.210, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 22.17.400. Any such information shall be submitted to the County for adoption; or
- (2) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one (1) of two (2) methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas — A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Section 22.17.400:
 - (a) Simplified method:
 - (i) 100-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - (ii) Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA.
 - (b) Detailed method. The 100-year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, published in July 1995 and titled: "Managing Floodplain Development in Approximate Zone A Areas-A Guide for Obtaining and Developing Base (100-year) Flood Elevations".
- (C) Notification of Other Agencies: In alteration or relocation of a watercourse:
 - (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (D) Documentation of Floodplain Development: Obtain and maintain for public inspection and make available as needed the following:
 - (1) Certification required by Section 22.17.405(A)(3) and 22.17.420 (lowest floor elevations).
 - (2) Certification required by 22.17.405(B) (elevation or flood-proofing of nonresidential structures).
 - (3) Certification required by 22.17.405(C) (wet flood-proofing standard).
 - (4) Certification of elevation required by Section 22.17.420 (subdivision standards).
 - (5) Certification required by Section 22.17.435(A) (floodway encroachments).
- (E) Map Determinations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 22.17.500.
- (F) Remedial Action: Take action to remedy violations of this ordinance as specified in Section 22.17.215.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.320 - Appeals.

The Board of Supervisors of Mendocino County shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.400 - Provisions for Flood Hazard Reduction.

(Ord. No. 4385, § 1, 6-6-2017)

Sec. 22.17.405 - Standards of Construction.

(A) In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of Section 22.17.420.

(2) Construction materials and methods. All new construction and substantial improvement shall be constructed:

(a) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;

(b) Using methods and practices that minimize flood damage;

(c) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(d) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and flood-proofing. (See Section 22.17.100 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)

(a) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

(i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified. In the AO zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two (2) feet, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.

(ii) In an A zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one (1) of the methods in Section 20.17.315(D) of this ordinance. The lowest floor be elevated at least two (2) feet above the base flood elevation, as determined by the community.

(iii) In all other Zones, elevated to or above the base flood elevation. The lowest floor be elevated at least two (2) feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community

building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- (B) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 22.17.405(A)(3) or together with attendant utility and sanitary facilities:
 - (1) Be floodproofed below the elevation recommended under Section 22.17.405(A)(3) so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.
- (C) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:
 - (1) Have a minimum of two (2) openings having a total net area of not less than one-square-inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
 - (2) Be certified by a registered professional engineer or architect.
- (D) Manufactured homes shall also meet the standards in Section 22.17.420.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.410 - Standards for Utilities.

- (A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - (1) Infiltration of flood waters into the systems, and
 - (2) Discharge from the systems into flood waters.
- (B) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.415 - Standards for Garages and Accessory Buildings.

- (A) Attached garages:
 - (1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for automatic entry of flood waters (See Section 22.17.405(C)). Areas of the garage below the BFE must be constructed with flood resistant materials (See Section 22.17.405(A)(2)).
 - (2) A garage attached to a non-residential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- (B) Detached garages and accessory structures:

- (1) "Accessory building" (structure) used solely as a private garage, storage shed, farm out buildings, etc., as defined in Section 22.17.105, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - (a) Use of the accessory structure must be limited to parking or limited storage;
 - (b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - (c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - (e) The accessory structure must comply with floodplain encroachment provisions in Section 22.17.435; and
 - (f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 22.17.405.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.420 - Standards for Subdivisions.

- (A) All new subdivision proposals (Minor and Major Subdivisions) as defined in Title 17, Chapter 17, Article II of the Mendocino County Code (Division of Land Regulations), including proposals for manufactured home parks as defined in Title 20, Division I, Chapter 20.172 of the Mendocino County Zoning Ordinance shall adhere to the following:
 - (1) All preliminary subdivision proposals shall identify the Special Flood Hazard Area (SFHA) and the elevation of the base flood. For subdivisions consisting of five (5) or more lots as defined in Section 17-18 of the Division of Land Regulations, the elevations of the lowest floors of all proposed structures and pads on the final plans shall be identified.
 - (2) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
 - (3) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (4) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (5) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.425 - Standards for Manufactured Homes.

- (A) All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map, on sites located:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (B) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 22.17.420(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - (1) Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation), or
 - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.430 - Standards for Recreational Vehicles.

- (A) All recreational vehicles placed on sites within Zones A1-30, AH, AE, V1-V30, VE and V on the community's Flood Insurance Rate Map will either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use — a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - (2) Meet the permit requirements of Section 22.17.300 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 22.17.420(A).

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.435 - Floodways.

Located within areas of special flood hazard established in Section 22.17.210 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

- (A) Prohibit 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 [the base] flood elevation during the occurrence of the base flood discharge.
- (B) If Section 22.17.430(A) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 22.17.400.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.440 - Coastal High Hazard Areas.

Within coastal areas as established under Section 22.17.115, the following standards shall apply.

- (A) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those required by applicable state or local building standards.
- (B) All new construction and other development shall be located on the landward side of the reach of mean high tide.
- (C) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 22.17.110 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- (D) Fill shall not be used for structural support of buildings.
- (E) Man-made alterations of sand dunes which would increase potential flood damage is prohibited.
- (F) The Floodplain Administrator shall obtain and maintain the following records:
 - (1) certification by a registered engineer or architect that a proposed structure complies with Section 22.17.435(A), and
 - (2) the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.500 - Variance Procedure.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.505 - Nature of Variances.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Upon application to the County, a variance may be granted by the Floodplain Administrator for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Board of Supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.510 - Consideration of Variances.

- (A) In passing upon requests for variances, the Floodplain Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the
- (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger of life and property due to flooding or erosion damage;
 - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - (4) Importance of the services provided by the proposed facility to the community;
 - (5) Necessity to the facility of a waterfront location, where applicable;
 - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) Compatibility of the proposed use with existing and anticipated development;
 - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- (B) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - (2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (C) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.
- (D) The Board of Supervisors shall hear and decide appeals regarding decisions of the Floodplain Administrator related to variances from the requirements of this Chapter. The Board of Supervisors shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this Chapter.

([Ord. No. 4385, § 1, 6-6-2017](#))

Sec. 22.17.515 - Conditions for Variances.

- (A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 22.17.300 and 22.17.400 of this ordinance have been fully considered. As

the lot size increases beyond one-half-acre, the technical justification required for issuing the variance increases.

- (B) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 22.17.100 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (D) Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Board of Supervisors need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Board of Supervisors believes will both provide relief and preserve the integrity of the local ordinance.
- (E) Variances shall only be issued upon a:
 - (1) Showing of good and sufficient cause;
 - (2) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 22.17.100 of this ordinance) to the applicant; and
 - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 22.17.100 — see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 22.17.100) of the public, or conflict with existing local laws or ordinances.
- (F) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of sections 22.17.515(A) through 22.17.515(E) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (G) Upon consideration of the factors of Section 22.17.510(A) and the purposes of this ordinance, the Floodplain Administrator or the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

([Ord. No. 4385, § 1, 6-6-2017](#))

Section 5. Findings. The Board of Supervisors finds:

1. That the project is Categorically Exempt from CEQA per Section 15308, which exempts action of regulatory agencies for the protection of the environment. As such, no further environmental consideration is necessary and further, the Fish and Game Code provisions regarding a wildlife impact fee are not applicable.
2. That the proposed amendment is consistent with the applicable goals and policies of the Local Coastal Plan.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
County Counsel

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy