

ORDINANCE NO. 4547

ORDINANCE AMENDING CHAPTER 22.17 – FLOODPLAIN ORDINANCE

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

Section 1. Section 22.17.105 of the Mendocino County Code is hereby amended to read as follows:

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) "Agricultural Structure" means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.
- (D) "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.
- (E) "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.
- (F) "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
- (G) "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.
- (H) "Area of special flood hazard" — See "Special flood hazard area."

- (I) "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).
- (J) "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).
- (K) "ASCE 24" means the standard Flood Resistant Design and Construction, referenced by the building code, developed and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standards that is incorporated as Appendix G within the Building Code.

Section 2. Section 22.17.110 of the Mendocino County Code is hereby amended to read as follows:

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."
- (E) "Building Code" means California Code of Regulations Title 24, the California Building Standards Code, the family of building codes specifically adopted by the State of California and adopted by reference by the County of Mendocino by Chapter 18.04 of this Code, and composed of:

- (1) Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
- (2) Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
- (3) Part 10, applicable to existing buildings (as defined in that code).
- (4) Other codes specified in Chapter 18.04.

Section 3. Section 22.17.120 of the Mendocino County Code is hereby amended to read as follows:

Sec. 22.17.120 Definitions (D).

- (A) "Design Flood" means the flood associated with the greater of the following two areas:
 - (1) Area with a flood plain subject to one-percent or greater chance of flooding in any year.
 - (2) Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.
- (B) "Design Flood Elevation" means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where depth number is not specified on the map, the depth shall be taken as being equal to two feet (610 mm).
- (C) "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.

Section 4. Section 22.17.130 of the Mendocino County Code is hereby amended to read as follows:

Sec. 22.17.130 Definitions (F).

- (A) "FEMA" means the Federal Emergency Management Agency.
- (B) "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.

- (C) "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.
- (D) "Flood control project" means a dam or barrier designed and constructed to keep water away from or out of a specific area, including, but not limited to, levees, floodwalls, and channelization.
- (E) "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.
- (F) "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.
- (G) "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.
- (H) "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.
- (I) "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.
- (J) "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.
- (K) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source — see "Flooding".
- (L) "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.
- (M) "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.

- (N) "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.
- (O) "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.)
- (P) "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".
- (Q) "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
- (R) "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.
- (S) "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.

Section 5. Section 22.17.145 of the Mendocino County Code is hereby amended to read as follows:

Sec. 22.17.145 Definitions (L).

- (A) "Letter of Map Change" or LOMC means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
 - (1) A Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood

hazard area. A LOMA amends the current effective Flood Insurance Rate Map and established that a specific property, portion of property, or structure is not located in a special flood hazard area.

- (2) Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
 - (3) Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
 - (4) Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.
- (B) "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.
- (C) "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.
- (D) "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.

Section 6. Section 22.17.210 of the Mendocino County Code is hereby amended to read as follows:

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 16, 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.

Section 7. Section 22.17.235 of the Mendocino County Code is hereby renumbered to be Section 22.17.245.

Section 8. Section 22.17.230 of the Mendocino County Code is hereby renumbered to be Section 22.17.240 and amended to read as follows:

Sec. 22.17.240 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. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the County of Mendocino to revise these regulations to remain eligible for participation in the National Flood Insurance Program.

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.

Section 9. Section 22.17.225 of the Mendocino County Code is hereby renumbered to be Section 22.17.235.

Section 10. Section 22.17.220 of the Mendocino County Code is hereby renumbered to be Section 22.17.230.

Section 11. Section 22.17.220 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.220 Coordination with California Building Standards Code.

Pursuant to the requirements established in State statute that the County of Mendocino administer and enforce the California Building Standards Code, the Board of Supervisors of Mendocino County hereby acknowledges that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Building Code as adopted by Chapter 18.04 of this Code.

Section 12. Section 22.17.225 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.225 Adoption of CCR Title 24 Part 2 Appendix G.

CCR Title 24 Part 2 Appendix G Flood-Resistant Construction has been adopted by the County by Chapter 18.04 and shall apply in flood hazard areas.

Section 13. Section 22.17.305 of the Mendocino County Code is hereby amended to read as follows:

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.
- (F) Additional Analyses and Certification. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of these regulations, the applicant shall have the following analyses signed and sealed by a qualified professional engineer for submission with the site plan and construction documents. Said documentation shall include, but not limited to hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRM when the analyses propose changes to the Base Flood Elevation, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of data becoming available.
 - (1) For development activities proposed to be located within the floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (G) below. The applicant shall submit the Conditional Letter of Map Revision, when issued by FEMA, with the site plan and construction documents.
 - (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the Flood Insurance Study or on the FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices that demonstrates the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood carrying capacity. The applicant shall submit an analysis to FEMA as specified in subsection (G) below. The applicant shall notify the chief executive officer of adjacent communities and the California Department

of Water Resources. The Floodplain Administrator shall maintain a copy of the notification in the permit records and shall submit a copy to FEMA.

- (4) Relative to the submission for new technical data, within six (6) months, the County shall notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance and floodplain management can be based on current data.
- (G) Submission of Additional Data.
- (1) When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the flood elevations, change floodway boundaries, or change boundaries of flood hazard areas as shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a qualified registered professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Provided FEMA issues a Conditional Letter of Map Revision, construction of proposed flood control projects and land preparation for development are permitted, including clearing, excavation, grading, and filling. Permits for construction of buildings shall not be issued until the applicant satisfies the FEMA requirements for issuance of a Letter of Map Revision.
 - (2) Unless otherwise demonstrated through the submission of additional engineering data as noted in subsection (G)(1) above, no encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that proposed encroachment would not result in any increase in flood levels within the community during occurrence of the base flood discharge.

Section 14. Section 22.17.315 of the Mendocino County Code is hereby amended to read as follows:

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 all of the following:
- (1) Permit requirements of this ordinance have been satisfied.
 - (2) All other required state and federal permits have been obtained. The applicant shall obtain all other required state and federal permits prior initiating work authorized by these regulations and shall provide documentation of such permits to the Floodplain Administrator. Such permits include but are not limited to:
 - (a) California Coastal Commission or certified Local Coastal Program, if applicable, for activities subject to the Coastal Development Permit

requirements and policies of the California Coastal Act (Public Resources Code, Division 20).

- (b) California State Water Resources Control Board for activities that affect wetlands and alter source flows, in conjunction with U. S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (3) Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (a) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 - (b) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
 - (d) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. See Sections 22.17.175(F) and 22.17.175(G) of this Ordinance for definitions of substantial damage and substantial improvements.
 - (4) The site is reasonably safe from flooding.
 - (5) 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 22.17.415 (subdivision standards).
 - (5) Certification required by Section 22.17.430(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 22.17.330.
- (F) Remedial Action: Take action to remedy violations of this ordinance as specified in Section 22.17.215.

Section 15. Section 22.17.320 of the Mendocino County Code is hereby renumbered to be Section 22.17.330.

Section 16. Section 22.17.320 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.320 Flood Control Projects - General. In addition to applicable Federal, State and other local permits, a permit for floodplain development is required for construction of flood control projects. The purpose for the permit is to examine the impact on flood hazards areas, floodways, and base flood elevations shown on the FIRM. Unless otherwise authorized by separate regulations, issuance of this permit does not address the sufficiency of the structural elements of the proposed flood control project. Permits for floodplain development and building permits in areas affected by proposed flood control projects shall not be issued based on Conditional Letters of Map Revision issued by FEMA.

Section 17. Section 22.17.325 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.325 Flood Control Projects - Applications. Applications for permits for flood control projects shall include documentation, including, but not limited to:

- (A) Site plan or document showing the existing topography and the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations shown on the FIRM.
- (B) Site plan or document showing the proposed topography and the proposed changes to the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations.
- (C) The documentation submitted to FEMA for a Conditional Letter of Map Revision (CLOMR) and, if issued, the Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. A CLOMR is required when a proposed flood control project alters a floodway and increases base flood elevations more than greater than 0.00 feet, or alters a watercourse a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated and increases base elevations more than 1.0 foot.

Section 18. Section 22.17.405 of the Mendocino County Code is hereby amended to read as follows:

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 to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus one (1) foot (305mm), or not less than three (3) feet (915 mm) if a depth number is not specified.
 - (ii) In all other Zones, elevated at least one (1) foot above the base flood elevation, as determined by the County.

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) All new construction and substantial improvements of non-residential structures within Zones A1-30, AE, and AH zones on the community FIRM, shall (i) have the lowest floor (including basement) elevated to or above the base flood level in accordance with ASCE 24 and as defined in Section 1603.17 Flood Design Data contained in the International Building Code or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. This shall include, detached garages, utility structures, and agricultural structures, and shall conform to the following:

- (1) Attached Garages:
 - (a) A garage attached to a residential structure constructed with the garage floor slab below the base flood elevation, must be designed to allow for automatic entry of flood water (See Section 22.17.405(C)). Areas of the garage below the base flood elevation must be constructed with flood resistant materials (See Section 22.17.405(A)(2)).
 - (b) A garage attached to non-residential structure must meet the above requirements or be dry floodproofed.
- (2) Detached Garages and Accessory Structures. Detached garages and accessory structures used only for parking or storage are permitted below the base flood elevation provided the garage and accessory structures:
 - (a) Are one (1) story and not larger than six hundred (600) square feet in area when located in special flood hazard areas.
 - (b) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (c) Have flood openings in accordance with the building code.
 - (d) Have flood damage-resistant materials used below the base flood elevation.
 - (e) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.
- (3) Utility and Miscellaneous Group U. Utility and Miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including but not limited to, agricultural buildings, aircraft hangers (accessory to a one- or two-family residence), barns, carports, fences more than six (6) feet (1,829 mm) high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers. In addition to the

building code requirements for fire and life safety, the following shall apply to Utility and Miscellaneous Group U buildings and structures in flood hazard areas:

- (a) New construction and substantial improvement of such buildings and structures shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions of the design flood.
 - (b) New construction and substantial improvement of such buildings and structures, when fully enclosed by walls, shall be elevated such that the lowest floor, including basement, is elevated to or above the design flood elevation in accordance with ASCE 24 or shall be dry floodproofed in accordance with ASCE 24.
 - (c) Unless dry floodproofed, fully enclosed areas below the design flood elevation shall be constructed in accordance with ASCE 24 and limited parking, storage, and building access.
 - (d) When fully enclosed by walls, flood openings shall be installed in accordance with ASCE 24.
 - (e) Flood damage-resistant materials shall be used below the design flood elevation.
 - (f) Mechanical, plumbing and electrical systems, including plumbing fixtures, shall be located or installed in accordance with ASCE 24.
- (4) Agricultural Structures. Construction or substantial improvement of agricultural structures, as defined in Section 22.17.105 of the Mendocino County Code, that are not elevated or dry floodproofed may be permitted in flood hazard areas, provided the requirements of this section are satisfied:
- (a) A determination has been made that the proposed agricultural structure:
 - (i) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - (ii) Has low damage potential.
 - (iii) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including, but not limited to, the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water reactive materials.
 - (iv) Is not located in a coastal high hazard area (Zone V/VE), except for aquaculture structures dependent on close proximity to water.

- (v) Complies with the wet floodproofing construction requirements of subsection (b), below.
- (b) Wet Floodproofing Construction Requirements.
 - (i) Anchored to resist flotation, collapse, and lateral movement.
 - (ii) When enclosed by walls, walls shall have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
 - (iii) Flood damage-resistant materials are used below the base flood elevation.
 - (iv) Mechanical, electrical, and utility equipment are elevated above the base flood elevation.
- (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.

Section 19. Section 22.17.415 of the Mendocino County Code is hereby deleted.

Section 20. Section 22.17.420 of the Mendocino County Code is hereby renumbered to be Section 22.17.415.

Section 21. Section 22.17.425 of the Mendocino County Code is hereby renumbered to be Section 22.17.420 and amended to read as follows:

Sec. 22.17.420 Standards for Manufactured Homes.

- (A) Installation. In addition to the provisions for manufactured homes in Appendix G to the Building Code:

- (1) All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to the Business and Professions Code and shall comply with the requirements of the Department of Housing and Community Development (HCD) and the requirements of these regulations.
 - (2) In addition to permits pursuant to Appendix G, permits from the HCD are required where the HCD is the enforcement agency for installation of manufactured homes.
 - (3) Upon completion of installation and prior to the final inspection by the Floodplain Administrator, the installer shall submit certification of the elevation of the manufactured home, prepared by a licensed land surveyor or registered civil engineer, to the Floodplain Administrator.
- (B) 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.
- (C) 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 22.17.415(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.

Section 22. Section 22.17.430 of the Mendocino County Code is hereby renumbered to be Section 22.17.425 and amended to read as follows:

Sec. 22.17.425 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.

Section 23. Section 22.17.435 of the Mendocino County Code is hereby renumbered to be Section 22.17.430 and amended to read as follows:

Sec. 22.17.430 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 the floodway encroachment analysis required in Section 22.17.305(F) of these regulations demonstrates the proposed work will not result in any increase in the base flood levels during occurrence of the base flood discharge.
- (B) If Section 22.17.425(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.
- (C) Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures, fill shall comply with the requirements of the Building Code. The placement of fill intended to change base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on the FIRMs shall be subject to the requirements of Section 22.17.305(G) of these regulations.

Section 24. Section 22.17.440 of the Mendocino County Code is hereby renumbered to be Section 22.17.435 and amended to read as follows:

Sec. 22.17.435 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 elevation, plus one (1) foot. 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.

Section 25. Section 22.17.440 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.440 Non-Structural Fill or Alteration of Sand Dunes in Coastal High-Hazard Areas (Zone V/VE) and Coastal A Zones. Non-structural fill or alteration of sand dunes in coastal high hazard areas (Zone V/VE) and Coastal Zones shall be permitted only when authorized by appropriate federal, state or local authorities. Where permitted, such fill or alterations shall comply with the following, as applicable:

- (A) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping for drainage purposes under and around buildings, and for support of concrete slabs used for parking, floors of enclosures, landings, decks, walkways and similar uses.

- (B) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when analyses prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (C) Alteration of sand dunes shall be permitted only when an engineering analysis demonstrates that the proposed alteration will not increase the potential for flood damage.
- (D) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection when the scale and location of the dune work is consistent with local beach dune morphology, and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Section 26. Section 22.17.445 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.445 Other Site Improvements in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones. Development and site improvement activities other than buildings and structures, where located in coastal high hazard areas (Zone V/VE) and Coastal A Zones, shall be permitted only when authorized by appropriate federal, state, or local authorities. In addition, development and site improvement activities shall be permitted when located outside of the footprint of, and not structurally attached to, buildings and structures and when analyses prepared by a qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such development and site improvement activities include but are not limited to:

- (A) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures.
- (B) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwaters.
- (C) On-site sewage treatment and disposal systems, including mound systems,

Section 27. Section 22.17.450 of the Mendocino County Code is hereby added to read as follows:

Sec. 22.17.450 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as a result of floodings has occurred, shall be elevated such that either the:

- (A) Lowest floor, or bottom of the lowest horizontal structural member, as applicable to the flood hazard area, is at or above the base flood elevation plus one (1) foot (freeboard).

- (B) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 28. Section 22.17.510 of the Mendocino County Code is hereby amended to read as follows:

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 based on premium rates determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance, 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.

Section 29. The Board of Supervisors hereby finds and determines that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15308 of the State CEQA Guidelines, as the adoption of this ordinance is taken to assure protection of the environment. This finding and determination is based on the evidence in the record for this ordinance, including the staff memorandum accompanying this ordinance. The Board of Supervisors hereby authorizes and directs the filing of a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section 30. If any provision, word, phrase, section or subsection of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision, word, phrase, section or subsection to other persons or circumstances shall not be affected thereby. To this end, provisions of this ordinance are severable.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, this 9th day of September, 2025, by the following roll call vote:

AYES: Supervisors Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: Supervisor Cline

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

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy