



## COUNTY OF MENDOCINO

### DEPARTMENT OF PLANNING AND BUILDING SERVICES

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## MEMORANDUM

**DATE:** JULY 29, 2025

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** JULIA KROG, DIRECTOR

**SUBJECT:** OA\_2025-0001 - AMENDING CHAPTER 22.17 FLOODPLAIN ORDINANCE

**BACKGROUND:** On June 6, 2017, the Board of Supervisors adopted Ordinance Number 4385, adopting Chapter 22.17 – Floodplain Ordinance repealing Chapter 20.120 (Floodplain Combining District), removing the floodplain regulations from the Zoning Code and placing it as a stand-alone chapter in the Land Use Section of County Code. In doing so, Chapter 22.17 would be applicable in both the inland and coastal areas of the County, without having two separate ordinances. Since 2017, the Federal Emergency Management Agency (FEMA) has updated its model ordinance in response to updated standards and mitigations for development in areas of known flood hazards.

On March 19, 2025, FEMA notified Mendocino County of final flood hazard determinations for Mendocino County, noting that the updated Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM) would become effective on September 19, 2025. With the completion of the FIS report for Mendocino County, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968 prior to the effective date of the FIS and FIRM. All standards specified in 44 CFR Part 60.3(d) and (3) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. The California Department of Water Resources (DWR) contacted Planning and Building Services to conduct a review of the County's Floodplain Ordinance (FPO) to determine compliance with NFIP standards. Several deficiencies were identified that require the update to the County's FPO prior to September 19, 2025. The identified deficiencies include:

- Definitions of Building Code, Design flood & DFE, Flood Control Project, Floodway, and Letter of Map Change.
- 44 CFR Section 65.3: Requirement to submit new technical data: within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data.
- 44 CFR Section 60.3(c)(4): Requirement that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level 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 effects of buoyancy;
- 44 CFR Section 60.3(d)(3): Requirement to prohibit 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 the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Staff has worked closely with DWR staff over the past several months to ensure that the proposed ordinance amendments for consideration of the Board is compliant with the above standards. DWR has also coordinated on behalf of the County with FEMA to ensure that FEMA approves of the proposed ordinance amendments.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended, and 44 CFR Part 59.24.

**PROPOSED AMENDMENTS:** The proposed ordinance amendment under OA\_2025-0001 amends Chapter 22.17 – Floodplain Ordinance to include the new requirements prescribed by FEMA in order to achieve full compliance with the requirements of the NFIP and ensure that the residents of the unincorporated areas of Mendocino County can continue to secure flood insurance for their properties affected by flood hazard zones.

The proposed ordinance includes amendments to Mendocino County Code (MCC) sections 22.17.105, 22.17.110, 22.17.120, 22.17.130, and 22.17.145 to include the following definitions:

- Agricultural Structure
- ASCE 24
- Building Code
- Design Flood
- Design Flood Elevation
- FEMA
- Flood Control Project
- Letter of Map Change

The proposed ordinance includes a date correction in MCC section 22.17.210 as it relates to the date of the FIS for unincorporated Mendocino County as well as paragraph and spacing changes to MCC section 22.17.240.

The existing language in MCC sections 22.17.220 and 22.17.225 were renumbered to MCC sections 22.17.230 and 22.17.235 and new language is proposed to be added in their place relating to coordination of MCC Chapter 22.17 with the requirements of the California Building Standards Code and California Code of Regulations Title 14 Part 2 Appendix G regarding Flood-Resistant Construction. Appendix G was previously adopted by the County as part of MCC Chapter 18.04.

MCC section 22.17.305 is proposed to be amended to add subsections (F) and (G) which contain requirements regarding additional analyses and certification as well as submission of additional data to comply with 44 CFR Section 65.3 and 44 CFR Section 60.3(d)(3).

MCC section 22.17.315 is proposed to be amended to clarify the duties and responsibilities of the Floodplain Administrator including permit review criteria. These amendments address other required state and federal permit requirements and procedures for substantial improvement and substantial damage determinations.

The existing language in MCC section 22.17.320 is proposed to be renumbered to MCC section 22.17.330 and new language is proposed to be added in its place regarding Flood Control Projects and the general purpose for requirement of a permit. MCC section 22.17.325 is also proposed to be added to address application requirements for said Flood Control Projects.

MCC section 22.17.405(A)(3)(a) is proposed to be amended to modify the requirement for residential construction and new or substantial improvements to reduce the required lowest floor height (including basement) to one (1) foot above either the base flood elevation or, in an AO zone, above the highest adjacent grade if no depth number is specified. The reduction in the height above base flood elevation will align the County's ordinance with FEMA and California Building Code standards. Adequate protection is still provided by the reduction in the standard and individuals are not precluded from exceeding the minimum standard. MCC section 22.17.405(B) is proposed to be amended to address all new construction and substantial improvements of non-residential structures within Zones A1-30, AE, and AH in conformance with 44 CFR Section 60.3(c)(4). This includes specific standards for attached garages, detached garages and accessory structures, utility and miscellaneous group U structures and agricultural structures.

The existing language in MCC section 22.17.420 is proposed to be renumbered to MCC section 22.17.415, which is proposed for deletion, and new language is proposed to be added in its place addressing standards for manufactured homes that are in addition to the provisions for manufactured homes contained in Appendix G of the Building Code.

MCC section 22.17.430 is proposed to be amended to address the prohibition on encroachments including fill, new construction, substantial improvement and other new development unless proper floodway encroachment analysis has been completed and to include additional requirements regarding the placement of fill in the floodway. These requirements are added in conformance with 44 CFR Section 60.3(d)(3).

MCC section 22.17.440 is proposed to be added for standards for non-structural fill or alteration of sand dunes in coastal high-hazard areas (Zone V/VE) and Coastal A Zones. This section addresses non-structural fill or alteration of sand dunes and permitting requirements including requirements to have such activities authorized by the appropriate federal, state and local authorities. Similarly, MCC section 22.17.445 is proposed to be added to address other site improvements that may be proposed within coastal high-hazard areas (Zone V/VE) and Coastal A Zones, including but not limited to bulkheads, seawalls, retaining walls, revetments, and similar erosion control devices, solid fences and privacy walls, and onsite sewage treatment and disposal systems.

MCC section 22.17.450 is proposed to be added addressing elevation requirements for certain manufactured home parks and subdivisions.

MCC section 22.17.510 regarding consideration of variances is proposed to be amended to align referenced flood insurance premium rates to align with the rates determined by the National Flood Insurance Program according to actuarial risk.

Other amendments made throughout the Chapter include renumbering of sections and corrected and updated section references to ensure consistency with proposed amendments.

In summary, the majority of the proposed additions and modifications to the Floodplain Ordinance are codifying requirements of the NFIP as well as processes and procedures that the Department was already implementing to improve transparency and streamline the availability of information for floodplain compliance. In addition, references are made in regards to the requirements of Appendix G (Flood Resistant Construction) contained in the California Building Standards Code to establish that any development subject to the Floodplain Ordinance is required to comply with both.

**GENERAL PLAN CONSISTENCY:** The Development Element of the General Plan contains the following policies related to floodplain protection.

*Policy DE-202: Development in the designated 100-year flood plain areas shall be consistent with all applicable federal regulations regarding flooding.*

The proposed ordinance amendments ensure that any development within designated flood plain areas are consistent with federal regulations and actually address current deficiencies in the County's ordinance.

*Policy DE-204: Continue participation in the Federal Emergency Management Agency's National Flood Insurance Program.*

The proposed ordinance amendments will allow the County to remain in the NFIP as without adopting the amendments, the County would jeopardize our continued participation due to having a non-compliant ordinance.

*Policy DE-205: Collaborate with the Federal Emergency Management Agency and other relevant agencies to update the National Flood Insurance Program Hazard Maps.*

The County collaborated with FEMA, the California Department of Water Resources and other relevant agencies during the preparation of the updated FIS and FIRM for the community, including submitting an appeal to the original maps that were prepared. As noted in the March 19, 2025 letter to the County from FEMA, FEMA determined that changes were warranted based upon the submitted technical data with the appeals filed by both the County and the City of Ukiah. As a result, the updated FIS and FIRM reflect these changes.

The proposed ordinance amendments align with the County's General Plan based upon the above policies and analysis and, if adopted, will support the County's continued participation in NFIP.

**ENVIRONMENTAL REVIEW:** The project is Categorically Exempt from CEQA per CEQA Guidelines Section 15308, which exempts actions of regulatory agencies for the protection of the environment. Adoption of the ordinance will serve to maintain, enhance, and protect the environment of the County's unincorporated areas of Mendocino County by addressing the cumulative effects of obstructions in areas of special flood hazards, which increase flood heights and velocities that also contribute to flood loss.

**RECOMMENDED ACTION:** Introduce and Waive First Reading of an Ordinance Amending Mendocino County Code Chapter 22.17 (Floodplain Ordinance) to comply with Federal and State regulations, including conformance with the newly adopted Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Mendocino County.

**ATTACHMENTS:**

- A. March 19, 2025, Notification to BOS, FEMA Final Flood Hazards Determination
- B. DWR FPO-Review
- C. Draft Ordinance (Redline)
- D. Draft Ordinance (Clean)
- E. Ordinance Summary