

ORDINANCE NO.4418

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

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

Section 1. Paragraph (W) of Section 20.308.020 of the Mendocino County Code is hereby amended to read as follows:

- (W) "Area of Special Flood Hazard" (See "Special flood hazard area" Chapter 22.17.100).

Section 2. Paragraphs (C) and (G) of Section 20.308.025 of the Mendocino County Code is hereby amended to read as follows:

- (C) "Base flood" (see Chapter 22.17.100).
- (G) "Breakaway Wall" (see Chapter 22.17.100).

Section 3. Paragraph (H) of Section 20.308.030 of the Mendocino County Code is hereby amended to read as follows:

- (H) "Coastal High Hazard Area" (see Chapter 22.17.100).

Section 4. Paragraphs (J), (K), (L), (M), (N), and (O) of Section 20.308.045 of the Mendocino County Code is hereby amended to read as follows:

- (J) "Flood" or "Flooding" (see Chapter 22.17.100).
- (K) "Flood Boundary Floodway Map" (see Chapter 22.17.100).
- (L) "Flood Insurance Rate Map (FIRM)" (see Chapter 22.17.100).
- (M) "Flood Insurance Study" (see Chapter 22.17.100).
- (N) "Floodplain" (see Chapter 22.17.100).
- (O) "Floodway" (see Chapter 22.17.100).

Section 5. Paragraph (27) of Section 20.308.075 of the Mendocino County Code is hereby amended to read as follows:

- (27) "Lowest Floor" (see Chapter 22.17.100).

Section 6. Paragraph (B)(1) of Section 20.500.030 of the Mendocino County Code is hereby amended to read as follows

(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 22.17 of the Mendocino County Code.

Section 7. Chapter 20.420 is hereby repealed and replaced as follows:

Chapter 20.420 – FLOODPLAIN REQUIREMENTS

Sec. 20.420.005 – Floodplain Ordinance. The requirements of Chapter 22.17 – Floodplain Ordinance, shall apply to all unincorporated areas of the County located within the Coastal Zone.

Section 8. CEQA. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal plans is shifted from the County to the California Coastal Commission. Further, the adoption of the Floodplain Ordinance (OA 2017-0002) was determined to be Categorically Exempt from CEQA, per Section 15308, which exempts actions of regulatory agencies for the protection of the environment.

Section 9. Local Coastal Program Goals and Policies. The Board of Supervisors hereby finds, based on the evidence in the record, that the amendments proposed by this ordinance are consistent with the applicable goals and policies of the Local Coastal Program of Mendocino County. This finding is based on and supported by the evidence in the record, including the staff memorandum accompanying this ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 6TH day of November, 2018, by the following roll call vote:

AYES: Supervisor Brown, McCowen, Croskey
NOES: Supervisor Gjerde
ABSENT: Supervisor Hamburg

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

GEORGEANNE CROSKEY, 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:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy