

CHAPTER 20.420 - 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.