



# Mendocino County

## Legislation Text

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File #: 17-0438, Version: 1

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**To: Board of Supervisors**

**From: Planning and Building Services**

**Meeting Date:** June 6, 2017

**Department Contact:** Nash Gonzalez

**Phone:** 234-6650

**Department Contact:** Mary Lynn Hunt

**Phone:** 234-6650

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Adoption of Ordinance Adopting Chapter 22.17 - Floodplain Ordinance and Deleting Chapter 20.120 - Floodplain Combining District

**Recommended Action/Motion:**

Adopt Ordinance adopting Chapter 22.17 - Floodplain Ordinance and deleting Chapter 20.120 - Floodplain Combining District, and provide direction to staff to initiate a Local Coastal Program Amendment which addresses the repeal of Chapter 20.420 (Coastal Floodplain Combining District Ordinance); and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On October 28, 2008, the Board of Supervisors adopted Ordinance No. 4209 amending Chapter 20.120 "FP" Floodplain Combining of Division I of Title 20 of the Mendocino County Code; and the Board also tentatively adopted Ordinance No. 4210 amending Chapter 20.420 "FP" Floodplain Combining of Division II of Title 20 of the Mendocino County Code; and directed Planning and Building Services to submit the amendment to Chapter 20.420 to the California Coastal Commission. Subsequent to the October 28, 2008 direction by the Board, the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR) have reviewed the County's ordinances and made recommendations that both the Inland and Coastal Floodplain Ordinances be combined covering the entire County for consistency. On May 16, 2017 the Board of Supervisors introduced and waived reading of the Ordinance.

**Summary of Request:**

Planning and Building Services requests the Board consider amending and repealing the Flood Plain Combining District Ordinance within Chapter 20.120 (Inland) of Division I of Title 20 of the Mendocino County Code and move and replace with Chapter 22.17, with the intent of combining both coastal and inland ordinances into one ordinance. Currently, separate chapters in the Inland and Coastal zoning codes contain the County's guidelines for development within FEMA designated flood plains and floodways. Chapter 22.17 was drafted using the County's existing Inland Floodplain Combining District Ordinance as a base document, to which changes were made to comply with recent changes in federal and state regulations, clarify provisions related to accessory structures and subdivisions, and add and clarify definitions within the ordinance. In this light, Chapter 22.17 is amending the County's existing floodplain ordinances, repealing and replacing them with a new code chapter outside of the County's Zoning Code.

The amendments being proposed are to comply with recent changes in federal and state regulations primarily dealing with the establishment of lowest floor, defining alternative methodologies for determining base flood elevation in areas not specifically studied, development criteria for areas designated “coastal high hazard areas,” accessory structures and clarifying and adding definitions within the ordinance. Additionally, staff has been working with DWR, FEMA’s California State contractor for both mapping and ordinance reviews. DWR has advised Mendocino County regarding its local ordinance and the need to update to meet the current FEMA guidelines. Staff has worked with both FEMA and DWR staff in preparing the updated ordinance proposed for consideration. The changes also include provisions for accessory structures for construction within areas of coastal high hazard areas, additions of several definitions to assist in the administration, and removing the Zoning Administrator as the Flood Plain Administrator and replacing with the Building Official, as it is more appropriate for the Building Division to administer pre and post construction certification of structures.

As noted above, it is intended that Chapter 22.17 serve as the single floodplain ordinance for the entire County. The proposed ordinance would repeal Chapter 20.120 of the Inland Zoning Code. However, repeal of the Coastal Zoning Code’s Floodplain Combining District ordinance (Chapter 20.420), and amending section references in the Coastal Zoning Code, will require an amendment to the County’s Local Coastal Program (LCP). Coastal Commission staff has advised County staff that this project will likely not be considered a “major” amendment to the County’s LCP, as the changes proposed do not impact density or intensity of land use. Planning and Building Services proposes to bring, at the earliest opportunity, a LCP amendment to the Board for consideration addressing the repeal of Chapter 20.420 and new references to Chapter 22.17.

A new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for Mendocino County and will become effective on July 18, 2017. As a result of this, FEMA has notified staff that the County’s updated Flood Plain Ordinance will need to be adopted by the Board of Supervisors before July 18, 2017. Staff believes this update will make the County’s provisions for flood protection and management consistent with all FEMA requirements in conjunction with the adoption of the updated FIRM maps and would allow county landowners to continue to participate in the Federal National Flood Insurance Program (NFIP).

The Planning Commission at their April 20, 2017 meeting provided direction to County staff regarding certain grammatical changes, as well as direction to review the definition of “recreational vehicle” in Section 22.17.170, but otherwise recommended that the Board of Supervisors adopt Ordinance Amendment #OA 2017-0002 on a 7-0 vote.

Attached as part of this packet is a redline of the proposed ordinance, showing certain changes made since the Planning Commission’s review. It shows in redline the revisions made to the definition of “recreational vehicle” pursuant to the direction of the Planning Commission. These revisions make the definition consistent with a state law definition of the term in the Health and Safety Code. The redline also shows certain organizational changes. In reviewing the ordinance and formatting the document for first reading, staff also found that paragraphs in Section 22.17.405 needed reorganizing, which also required revising section references throughout the Chapter. Minor changes were also made to certain sections regarding variances, clarifying that variances may be granted by the Floodplain Administrator and then appealed to the Board of Supervisors.

**Alternative Action/Motion:**

Identify revisions to the Ordinance and direct staff to bring proposed revisions back to the Board of Supervisors for adoption by the Board.

**Supplemental Information Available Online at:** [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)  
<<http://www.co.mendocino.ca.us/planning>>

**Fiscal Impact:**

**Source of Funding:** N/A

**Current F/Y Cost:** N/A

**Budgeted in Current F/Y:** No

**Annual Recurring Cost:** N/A

**Supervisory District:** All

**Vote Requirement:** Majority

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Kenneth Spain, Administrative Analyst

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**CEO Review:** Yes

**Comments:**