

ORDINANCE NO. \_\_\_\_\_

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) ~~means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AFL AI-30, VO, and VI-30 on the Flood Insurance Rate Map (FMM).~~

**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) ~~means the flood having a one (1) percent chance of being equalled or exceeded in any given year.~~
- (G) "Breakaway Wall" (see Chapter 22.17.100) ~~means any type of wall, 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 so designed as to break away, under wind and water loads, without damage to the structural integrity of the building or supporting foundation on which it is used or any buildings to which it may be carried by floodwaters. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed 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 and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be~~

~~used in this determination shall each have a one (1) percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).~~

**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) means the area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a Federal Insurance Rate Map (FIRM) as Zones V and V1-30.~~

**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) means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(1) The overflow of inland or tidal waters; and/or~~

~~(2) The unusual and rapid accumulation of runoff of surface waters from any source.~~

- (K) ~~"Flood Boundary Floodway Map" (see Chapter 22.17.100) means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.~~

- (L) ~~"Flood Insurance Rate Map (FIRM)" (see Chapter 22.17.100) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

- (M) ~~"Flood Insurance Study" (see Chapter 22.17.100) means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.~~

- (N) ~~"Floodplain" (see Chapter 22.17.100) means an area subject to temporary inundation of normally dry land lying outside the stream channel as a result of one (1) or more of the following occurrences or conditions: the normal overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.~~

- (O) ~~"Floodway" (see Chapter 22.17.100) 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. The floodway is delineated on the Flood Boundary Floodway Map.~~

**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) means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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 that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Division.~~

**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 ~~20.420-22.17 of the Mendocino County Code~~ ~~this Division are of provided.~~

**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 Categorical 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

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

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT, County Counsel

\_\_\_\_\_  
DAN HAMBURG, Chair  
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy