

APPLICANT: COUNTY OF MENDOCINO

AGENT: PLANNING AND BUILDING SERVICES,
ROGER MOBLEY, CHIEF PLANNER

REQUEST: Amend the Flood Plain Combining District ordinances within Chapter 20.120 (Inland) of Division I of Title 20 and Chapter 20.420 (Coastal) of Division II of Title 20 of the Mendocino County Code. The Flood Plain Combining Districts provide County guidelines for development within Federal Emergency Management Agency designated flood plain and floodways. The amendments are proposed 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," and clarifying and adding definitions within the ordinance.

LOCATION: All unincorporated areas within Mendocino County. Separate ordinances will be adopted for those areas within the designated Coastal Zone and the inland area of the County.

PROJECT DESCRIPTION: The County of Mendocino is proposing to update its regulations dealing with administration of Flood Plain Development Permits as mandated by the Federal Emergency Management Agency (FEMA). Periodically, FEMA revises its "model ordinance" in order to update standards, and mitigation from development in areas of known flood hazard is considered. The last time the County's Flood Plain Ordinance was updated was 1992. This ordinance update is also being completed in conjunction with the adoption of updated Flood Insurance Rate Maps (FIRM) which show areas of special flood hazards and the risk premium zones applicable in the county. By addressing potential flooding impacts at the development stage, it is hoped that future disasters caused by large storm events are minimized thus ultimately reducing costly rescue and rehabilitation efforts.

New development or "substantial improvements" to existing structures (defined as any improvement that is 50% or greater value of the improvement as it exists) are mandated to comply with development standards in the Flood Plain Ordinance such as structure elevation or "flood proofing" construction techniques. Development that lies within an area of known flood hazard is required to carry insurance to assist in offsetting potential costs caused by such disasters.

Failure to comply with FEMA standards would result in the loss of federal emergency relief monies that may be needed and/or more expensive flood insurance. It should be noted that FEMA does provide incentives for compliance with required regulation and for local agencies to make proactive efforts to provide a flood safe environment. A point system has been established which rates local jurisdictions for compliance with flood safe regulation and awards credit if a local jurisdiction goes beyond minimum standards for flood safe construction. For example, the minimum standard required for new construction is to be at the "base flood elevation" (BFE), which is the predicted high water elevation of a 100-year storm event. If a local jurisdiction establishes a greater standard, such as one or two feet above the BFE, points would be awarded that community resulting in significant savings in annual flood insurance premiums for homeowners.¹

The State Department of Water Resources (DWR) periodically audits local jurisdictions to insure that the agency charged with flood plain development compliance is properly administering established standards.

DWR advised that Mendocino County's local ordinance needed to be updated to meet the current FEMA guidelines.

Ordinance revisions reflected in the draft ordinance updates include the following modifications and/or additions:

- the definition of the "lowest floor" of a structure,
- the requirement for compaction testing of fill within a flood plain,
- standards for developing information regarding the base flood elevation (BFE) in non-specific study areas,
- clarification of language regarding construction standards within areas of flood hazard,
- provision of language regarding standards for recreational vehicles,
- requirements for floodway impact assessment in areas where no floodway is established,
- clarify language regarding standards for construction within areas of "coastal high hazard".
- requirement for the finished floor of all structures in special flood hazard areas to be at least one (1) foot above the BFE.
- removal of coastal flood requirements from the Inland ordinance,
- addition of statements of "statutory authorization" and "findings of fact",
- expansion of submittal requirements for Floodplain Development Permit application, and
- addition of several definitions to assist in administration.

Additionally, in response to DWR's audit, staff is recommending that the County add language regarding "substantial improvements" that may occur over time. Currently, improvements must be cumulatively assessed when determining what constitutes a "substantial improvement." That is, under the current regulation, an owner may construct an addition in one year, a re-roof the next, and a remodel the following year, which may cumulatively increase the value over 50% over that time. This places a greater burden on staff to determine compliance, and confuses the property owner, as they may believe this is a way to circumvent the bureaucracy. Staff proposes that only improvements that occur within any 5-year period be accredited to the determination of what constitutes a "substantial improvement."

ENVIRONMENTAL REVIEW: This project is Categorically Exempt from CEQA, per Section 15308, which exempts action of regulatory agencies for the protection of the environment. As such, no further environmental consideration is necessary and, further, the Fish and Game Code provisions regarding a wildlife impact fee are not applicable.

OTHER CONSIDERATIONS: This project will result in a greater standard of protection of the environment, as well as a clearer, more efficient process for both the administration by staff and implementation by the individual property owner. No significant environmental impacts are anticipated. The project will require adoption of revisions to both the inland and coastal ordinances. Within the Coastal amendment process, the Coastal Commission staff advises that this project will likely not be considered a "major" amendment (one of the limited numbers of amendments permitted to a Coastal Element within a one-year period), as the changes proposed do not impact density or intensity of land use.

GENERAL PLAN CONSISTENCY ANALYSIS: The Development Element of the General Plan contains the following policies related to flood plain protection:

- Policy DE-195: Development in the designated 100-year floodplain areas shall be consistent with all applicable federal regulations with regard to flooding.
- Policy DE-197: Collaborate with FEMA and other relevant agencies to update National Flood Insurance program Hazard Maps.
- Promote compatible uses of areas designated as flood plains (i.e., agricultural, conservation, open space or recreation).

The Coastal Element of the General Plan states:

Heavy winter rains cause flooding nearly every year in the larger coastal watersheds; more serious flooding could be expected from the 100-year event. Flooding is of greatest concern in developed areas, such as those near the Noyo and Albion Rivers. The flood hazard areas designated on the Land Use Maps fall within the 100-year flood zone boundaries as mapped by the Federal Emergency Management Administration (FEMA). Property owners who believe they are adversely affected by inaccuracies in flood hazard mapping may file a written appeal.

The Plan goes on to provide policies regarding means to protect the environment and development from hazardous conditions. Staff, therefore believes that the proposed project is consistent with applicable goals and policies of the General Plan.

PROJECT RECOMMENDATIONS: Staff has worked with FEMA staff in preparing the updated ordinances under consideration. Staff believes this update will make the County’s provisions for flood protection and management consistent with all current FEMA requirements and in conjunction with the adoption of updated FIRM maps allow county land owners to continue to participate in the Federal Flood Insurance Program. As such staff recommends approval of Ordinance Amendment #OA 1-2011

RECOMMENDED MOTION FOR THE PLANNING COMMISSION: The Planning Commission recommends that the Board of Supervisors find that the project is categorically exempt from CEQA and approve Ordinance Amendment #OA 1-2011 which will modify both the inland and coastal zoning ordinances (Division I and Division II of Chapter 20 of the Mendocino County Code respectively) making the following findings:

Environmental Findings: No significant adverse environmental impacts will result from the proposed amendment. Further the Board of Supervisors finds that the project is Categorical Exempt from CEQA (Class 8).

General Plan Consistency Finding: The proposed amendment is consistent with the applicable goals and policies of the General Plan and Coastal Element.

DATE

ROGER MOBLEY
CHIEF PLANNER

RM/at
May 6, 2011

DIVISION I OF TITLE 20 OF THE MENDOCINO COUNTY CODE

CHAPTER 20.120 "FP" FLOOD PLAIN COMBINING DISTRICT

Sec. 20.120.005 Statutory Authorization

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Mendocino County does hereby adopt the following floodplain management regulations.

Sec. 20.120.010 Findings of Fact

- (A) The flood hazard areas of Mendocino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

Sec. 20.120.015 Intent.

This Floodplain Combining District (FP) is intended to establish special requirements and regulations to be applied to all areas of special flood hazards within Mendocino County outside the California Coastal Commission Zone (CCCZ). Special flood hazard requirements and regulations within the CCCZ are contained in Division II of the Mendocino County Code, Chapter 20.420.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) protect human life and health;
- (B) minimize expenditure of public money for costly flood control projects;
- (C) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) minimize prolonged business interruptions;
- (E) minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (F) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (G) ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (H) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 20.120.020 General Provisions.

- (A) Applicability. This Chapter shall apply to all unincorporated areas of the County located outside the California Coastal Zone designated Special Flood Hazard as identified by the Federal Insurance Administration in a Scientific and Engineering Report entitled "The Flood Insurance Study for Mendocino County", dated June 16, 1992, along with the accompanying Flood Insurance Rate Maps (FIRM), dated June 16, 1992, 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.

- (B) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the County of Mendocino from taking such lawful action as is necessary to prevent or remedy any violation.
- (C) Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (D) 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.
 - (4) Additional information regarding specific types of construction and interpretation of the regulations is provided by the Technical Bulletins published by FEMA.
- (E) 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 there under. (*Ord. No. 3639 (part); adopted 1987; Ord. No. 3682 (part), adopted 1988; Ord. No. 3851 (part), adopted 1993*)
- (F) Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Sec. 20.120.025 Administration.

- (A) Development Permit: A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 20.120.020(A). Application for a Development Permit shall be made on forms furnished by the Department of Planning and Building Services. The submitted plans shall be drawn to scale showing the nature, location, dimensions, and elevation of the area to be developed; as well as the location of existing and proposed structures, fill, areas of stored materials, and drainage facilities. Furthermore, the applicant shall include the following information with the application:

- (1) The site plan shall include:
 - (a) For all proposed structures, elevations sufficient to determine project relationship and impact to floodplain elevations and
 - (b) Proposed locations of water supply, sanitary sewer, and utilities; and
 - (c) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map
 - (d) If available, the location of the regulatory floodway in relation to the project site; and
 - (2) Foundation design detail, including but not limited to:
 - (a) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. and
 - (b) For a crawl-space foundation, location and total net area of foundation openings as required in Section 20.120.030(A)(3)(d) of this chapter (see FEMA Technical Bulletins 1-93 and 7-93); and
 - (c) For foundations placed on fill, the location and height of fill and compaction requirements (compacted to 95 percent using the Standard Proctor Test method).
 - (3) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed as required in Section 20.120.030(A)(3) or FEMA Technical Bulletin TB 3-93;
 - (4) All appropriate certifications required by Section 20.120.025(C)(4)
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (6) A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Zoning Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.
 - (7) The Zoning Administrator is authorized to suspend or revoke a permit issued under this Chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of the County.
- (B) Designation of the Floodplain Administrator. The Zoning Administrator is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.
- (C) Duties and Responsibilities of the Zoning Administrator. Duties of the Zoning Administrator shall include, but not limited to:
- (1) Permit Review.
 - (a) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - (b) Review all permits to determine that the site is reasonably safe from flooding;

- (c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. This also includes situations where base flood elevations have been determined but a floodway has not been designated. 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 increase the water surface elevation of the base flood more than one (1) foot at any point within Mendocino County;
 - (d) Review all development permits to determine that all other required State and Federal permits have been obtained.
 - (e) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the County.
- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 20.120.020(A), "General Provisions", the Zoning 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 20.120.030. Any such information shall be submitted to the County of Mendocino for adoption; or
- (3) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained by using methodologies approved by FEMA such as one of two methods from the FEMA Publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated November 2007 in order to administer Section 20.120.030:
- (a) Simplified method
 - (i) 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - (ii) base flood elevation shall be obtained using the Quick-2 computer program dated December 2010 developed by FEMA; or
 - (b) Detailed method. The 100 year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, dated November 2007 and titled: "Managing Floodplain Development in Approximate Zone A Areas-A Guide for Obtaining and Developing Base (100 Year) Flood Elevations".
- (4) Information to be Obtained and Maintained. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:
- (a) The certified elevation required in Section 20.120.030(A)(3)(a);
 - (b) The certification required in Section 20.120.030(A)(3)(b);
 - (c) The floodproofing certification required in Section 20.120.030(A)(3)(c);
 - (d) The certified elevation required in Section 20.120.030(D)(1); and
 - (e) The certification required for floodway encroachments in Section 20.120.030(H)

(5) Alteration of Watercourses.

(a) Alteration of a watercourse may be allowed only where the project would be consistent with all other regulations of this Chapter. 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.

(b) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(6) Notification of other Agencies

Where alteration of a watercourse 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 and the Federal Emergency Management Agency.

(7) 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, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 20.120.035. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)

(8) Base Flood Elevation changes due to physical alterations:

(a) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

(b) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(D) Appeals. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Chapter.

(1) A request for an administrative appeal hearing before the Planning Commission may be made by the property owner or any interested person from any decision, determination or requirement of the Zoning Administrator by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.

(2) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission shall be final.

(3) Notification is not necessary for an administrative appeal.

Sec. 20.120.030 Standards of Construction

- (A) In all areas of special flood hazards the following standards are required:
- (1) Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy
 - (b) All mobile homes shall meet the anchoring standards of Section 20.120.030(E).
 - (2) Construction Materials and Methods.
 - (a) All new construction and substantial improvements shall be constructed:
 - (i) with flood resistant materials as acceptable to FEMA such as those specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage.
 - (ii) using methods and practices that minimize flood damage.
 - (iii) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (3) Types of Construction
 - (a) Residential Standard: Elevation and Floodproofing.

New construction and substantial improvements of any structure shall have the lowest floor, including basement, elevated as follows: In an A zone, elevated to one (1) foot above the base flood elevation, said base flood elevation shall be determined by one of the methods in Section 20.120.025 (C) (3); and in all other Zones, elevated to one (1) foot above the base flood elevation. Manufactured homes shall meet the standards in Section 20.120.030(A)(1) and 20.120.030(A)(3)(a), as well as those in Subsection (E) of this section. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
 - (b) Nonresidential Standard: Elevation and Floodproofing

New construction and substantial improvements of any non-residential structure shall either be elevated in conformance with Subparagraph (a) of this Subdivision or together with attendant utility and sanitary facilities:

 - (i) Be floodproofed so that below the base flood level (as determined by a registered professional engineer or architect) the structure is watertight with walls substantially impermeable to the passage of water or meet the requirements of Subsection (A)(3)(d) of this Section;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (iii) 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 20.120.025(C)(4).
 - (c) Manufactured homes shall meet the standards in Section 20.120.030(A)(1) and 20.120.030(A)(3)(a), as well as those in Subsection (E) of this section.
 - (d) For all new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which 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 shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria: be certified by a registered professional engineer or architect; and/or have 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. 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.
- (B) Standards for Storage of Materials and Equipment in areas of known flood hazard:
 - (1) 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.
 - (2) Storage of other material 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.
- (C) Standards for Utilities.
 - (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters;
 - (2) 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.
 - (3) 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.
- (D) Standards for Subdivisions.
 - (1) 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 20.120.025 (C) (8).
 - (2) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (3) 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.

- (4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (5) All new subdivision proposals located in a flood plain shall include base flood elevation data.
- (E) Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions.
- The following standards are required for (a) manufactured homes outside of a manufactured home park or subdivisions, (b) new 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 (that would be considered a substantial improvement):
- (1) All manufactured homes to be placed or substantially improved within Zones A and A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at one (1) foot above the base flood elevation and be securely anchored to resist flotation, collapse, or lateral movement.
 - (2). All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the Flood Insurance Rate Maps that are not subject to the provisions of subsection (1) above shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - (a) lowest floor of the manufactured home is at one (1) foot above the base flood elevation, or
 - (b) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
 - (3) Upon the completion of the structure, the elevation of the lowest floor including, basement shall be certified by it registered professional engineer or surveyor. Such certification shall be provided to the Zoning Administrator.
- (F) Standards For Recreational Vehicles.
- (1) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:
 - (a) be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - (b) meet the permit requirements of Section 20.120.030(A)(1) of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 20.120.030(A)(3)(a).
- (G) Standards for Fill: All fill within areas of special flood hazard shall be subject to the following:
- (1) The location and height of fill shall be defined with relationship to natural drainage.
 - (2) Fill shall be compacted to 95 percent using the Standard Proctor Test method.
 - (3) Drainage shall be directed to a satisfactory point of disposal. This may require an engineered assessment of downstream drainage structures.
 - (4) Cumulative assessment of impact to drainage facilities within the project area may be required, including an assessment of potential impact to the area of special flood hazards.

- (H) Floodways. Located within areas of special flood hazard established in Section 20.120.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- (1) 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.
 - (2) Prohibit the placement of any manufactured homes except in an existing manufactured home park or subdivision.
 - (3) If Subdivisions (1) and (2) of this Subsection are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section, "Provisions for Flood Hazard Reduction".
 - (4) If no floodway is identified within a project area within the floodplain an analysis of the cumulative impacts of all development in the floodplain must be preformed to insure that the development does not result in an increase in the water surface elevation of more than one foot.
- (I) For all manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, the following standards shall apply:
- (1) All new residential and non-residential construction, including substantial improvement due to flood damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one (1) foot above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
 - (2) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
 - (3) Fill shall not be used for structural support of buildings.
 - (4) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
 - (5) The Floodplain Administrator shall obtain and maintain the following records:
 - (a) Certification by a registered engineer or architect that a proposed structure complies with subsection (1) above; and
 - (b) The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

Sec. 20.120.035 Variance Procedure.

- (A) Appeal Board.
- (1) The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter, following the provisions of Section 20.120.025 (D).
 - (2) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Chapter.
 - (3) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) 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.
 - (4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Subdivision (3)(a) through (3)(k) of this Subsection have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
 - (5) Upon consideration of the factors of Subdivision (3)(a) through (3)(k) of this Subsection 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 Chapter.

- (6) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (B) Conditions for Variances.
- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
- (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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.
- (5) 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. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)

Sec. 20.120.040 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter it's most reasonable application.

- (1) "Appeal" means a request for a review of the Zoning Administrator's interpretation of any provision of this Chapter.
- (2) "Area of shallow flooding" means a designated A0 or V0 Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) unpredictable and indeterminate; and, velocity flow may be evident.
- (3) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area is designated as Zone A, A0, AH, AE, A1-30, V, VE and V1-30 on the FIRM.
- (4) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood").
- (5) "Base Flood Elevation" (BFE) is the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations are shown on the Flood Insurance Rate Maps (FIRMs). The BFE is the regulatory requirement for the elevation or floodproofing of structures.
- (6) "Basement" means any area of the building having its floor sub-grade,- i.e.; below ground level on all sides.

- (7) "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under wind and water loads, without damage to the structural integrity of the building or supporting foundation on which they are used or any buildings to which they might be carried by flood waters. 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:
- (a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - (b) 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 non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (one hundred (100) year mean recurrence interval).
- (8) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- (9) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (10) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 1, 1983.
- (11) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) completed before June 1, 1983.
- (12) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source
 - (c) The condition resulting from flood-related erosion.
- (13) "Flood Insurance Rate Map (FIRM)" 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.
- (14) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

- (15) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.
- (16) "Flood-related erosion area, or "Flood-related erosion prone area"" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (17) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 793 for Guidelines on dry and wet floodproofing.)
- (18) "Floodway" 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 Insurance Rate Map.
- (19) "Historical Structures" means any structure that is:
- (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- (20) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (21) "Lowest floor" 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 it conforms to applicable non-elevation design requirements of this Ordinance, including but not limited to:
- (a) the wet floodproofing standard in Section 20.120.030(A)(3);
 - (b) the anchoring standards in Section 20.120.030(A)(1)
 - (c) the construction materials and methods standards in Section 20.120.030(A)(3); and
 - (d) the standards for utilities in section 20.120.030 (C)

For residential structures, all sub-grade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below grade garages and storage areas.

- (22) "Manufactured home" means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreation vehicles, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
- (23) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale on or after June 1, 1983.
- (24) "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Zoning Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. Cumulative value of incremental improvements shall be considered over the previous five year period.
- (25) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (26) "New construction" means structures for which the "start of construction" commenced on or after June 1, 1983 and includes any subsequent improvements to such structures
- (27) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 1, 1983.
- (28) "Non-residential": Includes , but is not limited to small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 30 days duration.
- (29) "Recreational vehicle" means a vehicle which is
- (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light-duty truck; and
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (30) "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance' Ways that impacts may be reduced include protecting the structure -or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- (31) "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

- (32) "Special flood hazard area" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on FIRM maps as Zone A, AO, A1-A30, AE, A99, AH, V1-30, VE or V.
- (33) "Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, rehabilitation, addition, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (34) "Structure" means a walled and roofed building that is principally above ground; and includes a gas or liquid storage tank or a manufactured home.
- (35) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal -or exceed 50 percent of the market value of the structure before the damage occurred.
- (36) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either
- (a). any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (b). any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- Cumulative value of incremental improvements shall be considered over the previous five year period in determining the total value of improvements proposed. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (37) "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)
- (38) "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

- (39) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (40) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

DIVISION II OF TITLE 20 OF THE MENDOCINO COUNTY CODE

CHAPTER 20.420 "FP" FLOOD PLAIN COMBINING DISTRICT

Sec. 20.420.005 Statutory Authorization

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government unit's authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Mendocino County does hereby adopt the following floodplain management regulations.

Sec. 20.420.010 Findings of Fact

- (A) The flood hazard areas of Mendocino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

Sec. 20.420.015 Intent.

This Floodplain Combining District (FP) is intended to establish special requirements and regulations to be applied to those coastal areas of the County within the California Coastal Commission Zone (CCCZ) subject to inundation in order to prevent loss of life and property damage. Special flood hazard requirements and regulations for areas outside the CCCZ are contained in Division I of the Mendocino County Code, Chapter 20.120.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) protect human life and health;
- (B) minimize expenditure of public money for costly flood control projects;
- (C) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) minimize prolonged business interruptions;
- (E) minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (F) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (G) ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (H) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 20.420.020 General Provisions.

- (A) Applicability. This Chapter shall apply to all unincorporated areas of the County located within the California Coastal Commission Zone designated Special Flood Hazard as identified by the Federal Insurance Administration in a Scientific and Engineering Report entitled "The Flood Insurance Study for Mendocino County", dated June 16, 1992, along with the accompanying Flood Insurance Rate Maps (FIRM), dated June 16, 1992, 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.

- (B) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the County of Mendocino from taking such lawful action as is necessary to prevent or remedy any violation.
- (C) Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (D) 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.
 - (4) Additional information regarding specific types of construction and interpretation of the regulations is provided by the Technical Bulletins published by FEMA.
- (E) 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 there under. (*Ord. No. 3639 (part); adopted 1987; Ord. No. 3682 (part), adopted 1988; Ord. No. 3851 (part), adopted 1993*)
- (F) Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Sec. 20.420.025 Administration.

- (A) Development Permit: A Coastal Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 20.420.020(A). Application for a Coastal Development Permit shall be made on forms furnished by the Department of Planning and Building Services. The submitted plans shall be drawn to scale showing the nature, location, dimensions, and elevation of the area to be developed; as well as

the location of existing and proposed structures, fill, areas of stored materials, and drainage facilities. Furthermore, the applicant shall include the following information with the application:

- (1) The site plan shall include:
 - (a) For all proposed structures, elevations sufficient to determine project relationship and impact to floodplain elevations and
 - (b) Proposed locations of water supply, sanitary sewer, and utilities; and
 - (c) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map
 - (d) If available, the location of the regulatory floodway in relation to the project site; and
 - (2) Foundation design detail, including but not limited to:
 - (a) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. and
 - (b) For a crawl-space foundation, location and total net area of foundation openings as required in Section 20.120.030(A)(3)(e) of this chapter (see FEMA Technical Bulletins 1-93 and 7-93); and
 - (c) For foundations placed on fill, the location and height of fill and compaction requirements (compacted to 95 percent using the Standard Proctor Test method).
 - (3) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed as required in Section 20.420.030(A)(3) or FEMA Technical Bulletin TB 3-93;
 - (4) All appropriate certifications required by Section 20.420.025(C)(4)
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (6) A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Coastal Permit Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.
 - (7) The Coastal Permit Administrator is authorized to suspend or revoke a permit issued under this Chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of the County.
- (B) Designation of the Floodplain Administrator. The Coastal Permit Administrator is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.
- (C) Duties and Responsibilities of the Coastal Permit Administrator. Duties of the Coastal Permit Administrator shall include, but not limited to:
- (1) Permit Review.

- (a) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - (b) Review all permits to determine that the site is reasonably safe from flooding;
 - (c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. This also includes situations where base flood elevations have been determined but a floodway has not been designated. 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 increase the water surface elevation of the base flood more than one (1) foot at any point within Mendocino County;
 - (d) Review all development permits to determine that all other required State and Federal permits have been obtained.
 - (e) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the County.
- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 20.420.020(A), "General Provisions", 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. Any such information shall be submitted to the County of Mendocino for adoption; or
- (3) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained by using methodologies approved by FEMA such as one of two methods from the FEMA Publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated November 2007 in order to administer Section 20.420.030:
- (a) Simplified method
 - (i) 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - (ii) base flood elevation shall be obtained using the Quick-2 computer program dated December 2010 developed by FEMA; or
 - (b) Detailed method. The 100 year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, dated November 2007 and titled: "Managing Floodplain Development in Approximate Zone A Areas-A Guide for Obtaining and Developing Base (100 Year) Flood Elevations".
- (4) Information to be Obtained and Maintained. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:
- (a) The certified elevation required in Section 20.420.030(A)(3)(a);
 - (b) The certification required in Section 20.420.030(A)(3)(b);

- (c) The floodproofing certification required in Section 20.420.030(A)(3)(c);
 - (d) The certified elevation required in Section 20.420.030(D)(1);
 - (e) The Coastal High Hazard certification required in Section 20.420.030 (I); and
 - (f) The certification required for floodway encroachments in Section 20.420.030(H)
- (5) Alteration of Watercourses.
- (a) Alteration of a watercourse may be allowed only where the project would be consistent with all other regulations of this Chapter. 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.
 - (b) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- (6) Notification of other Agencies
- Where alteration of a watercourse 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 and the Federal Emergency Management Agency.
- (7) 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, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 20.120.035. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)
- (8) Base Flood Elevation changes due to physical alterations:
- (a) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - (b) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
- (D) Appeals. The Planning Commission 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.
- (1) A request for an administrative appeal hearing before the Planning Commission may be made by the property owner or any interested person from any decision, determination or requirement of the Coastal Permit Administrator by filing a notice thereof in writing with

the Planning and Building Services Department within ten (10) days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.

- (2) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission shall be final.
- (3) Notification is not necessary for an administrative appeal.

Sec. 20.120.030 Standards of Construction

(A) In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy

(b) All mobile homes shall meet the anchoring standards of Section 20.420.030(E).

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed:

(i) with flood resistant materials as acceptable to FEMA such as those specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage.

(ii) using methods and practices that minimize flood damage.

(iii) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Types of Construction

(a) Residential Standard: Elevation and Floodproofing.

New construction and substantial improvements of any structure shall have the lowest floor, including basement, elevated as follows: In an A zone, elevated to one (1) foot above the base flood elevation, said base flood elevation shall be determined by one of the methods in Section 20.420.025 (C) (3); and in all other Zones, elevated to one (1) foot above the base flood elevation. Manufactured homes shall meet the standards in Section 20.420.030(A)(1) and 20.420.030(A)(3)(a), as well as those in Subsection (E) of this section. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(b) Nonresidential Standard: Elevation and Floodproofing

New construction and substantial improvements of any non-residential structure shall either be elevated in conformance with Subparagraph (a) of this Subdivision or together with attendant utility and sanitary facilities:

- (i) Be floodproofed so that below the base flood level (as determined by a registered professional engineer or architect) the structure is watertight with walls substantially impermeable to the passage of water or meet the requirements of Subsection (A)(3)(e) of this Section;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) 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(C)(4).
 - (c) Manufactured homes shall meet the standards in Section 20.420.030(A)(1) and 20.420.030(A)(3)(a), as well as those in Subsection (E) of this section.
 - (d) Structures in Coastal High Hazard Areas shall meet the requirements of Subsection (I) of this section. The Coastal High Hazard Areas are identified as Zone V, V1-30 and VE.
 - (e) For all new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which 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 shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria: be certified by a registered professional engineer or architect; and/or have 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. 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.
- (B) Standards for Storage of Materials and Equipment in areas of known flood hazard:
- (1) 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.
 - (2) Storage of other material 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.
- (C) Standards for Utilities.
- (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters;
 - (2) 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.
 - (3) 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.
- (D) Standards for Subdivisions.

- (1) 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 (C) (8).
 - (2) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (3) 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.
 - (4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (5) All new subdivision proposals located in a flood plain shall include base flood elevation data.
- (E) Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions.
- The following standards are required for (a) manufactured homes outside of a manufactured home park or subdivisions, (b) new 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 (that would be considered a substantial improvement):
- (1) All manufactured homes to be placed or substantially improved within Zones A and A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at one (1) foot above the base flood elevation and be securely anchored to resist flotation, collapse, or lateral movement.
 - (2) All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V and VE on the Flood Insurance rate Maps will meet the requirements of Subsection (E) (1) above and Subsection (I) below.
 - (3). All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI -30, AH, and AE on the Flood Insurance Rate Maps that are not subject to the provisions of subsection (1) above shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - (a) lowest floor of the manufactured home is at one (1) foot above the base flood elevation, or
 - (b) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
 - (4) Upon the completion of the structure, the elevation of the lowest floor including, basement shall be certified by it registered professional engineer or surveyor. Such certification shall be provided to the Coastal Permit Administrator.
- (F) Standards For Recreational Vehicles.
- (1) All recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's Flood Insurance Rate Map will either:
 - (a) be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on

its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

- (b) meet the permit requirements of Section 20.420.030(A)(1) of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 20.420.030(A)(3)(a).
- (2) Recreational vehicles placed on sites within Zones V1-30, V and VE on the community's Flood Insurance Rate Maps will meet the requirements of Section 20.420.020 (F)(1)(a) and 20.420.020 (I).
- (G) Standards for Fill: All fill within areas of special flood hazard shall be subject to the following:
 - (1) The location and height of fill shall be defined with relationship to natural drainage.
 - (2) Fill shall be compacted to 95 percent using the Standard Proctor Test method.
 - (3) Drainage shall be directed to a satisfactory point of disposal. This may require an engineered assessment of downstream drainage structures.
 - (4) Cumulative assessment of impact to drainage facilities within the project area may be required, including an assessment of potential impact to the area of special flood hazards.
- (H) Floodways. Located within areas of special flood hazard established in Section 20.420.020 (A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (1) 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.
 - (2) Prohibit the placement of any manufactured homes except in an existing manufactured home park or subdivision.
 - (3) If Subdivisions (1) and (2) of this Subsection are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
 - (4) If no floodway is identified within a project area within the floodplain an analysis of the cumulative impacts of all development in the floodplain must be preformed to insure that the development does not result in an increase in the water surface elevation of more than one foot.
- (I) Coastal High Hazard Areas. Coastal High Hazard Areas (V Zones) are located within areas of special flood hazard established in Section 20.420.020 (A). These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation or tsunamis; therefore, the following standards shall apply:
 - (1) All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base

flood. Wind loading values used shall be those required by applicable state or local building standards.

- (2) All new construction and other development shall be located on the landward side of the reach of mean high tide.
- (3) All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 20.420.040 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- (4) Fill shall not be used for structural support of buildings.
- (5) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (6) The Coastal Permit Administrator shall obtain and maintain the following records:
 - (a) certification by a registered engineer or architect that a proposed structure complies with Section 20.420.030 (I)(1); and
 - (b) the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

Sec. 20.120.035 Variance Procedure.

- (A) Appeal Board.
 - (1) The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter, following the provisions of Section 20.120.025 (D).
 - (2) The Planning Commission 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.
 - (3) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;

- (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) 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.
- (4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Subdivision (3)(a) through (3)(k) of this Subsection have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- (5) Upon consideration of the factors of Subdivision (3)(a) through (3)(k) of this Subsection 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 Chapter.
- (6) The Coastal Permit Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (B) Conditions for Variances.
- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances shall only be issued upon:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) 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.
 - (5) 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. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)

Sec. 20.120.040 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- (1) "Appeal" means a request for a review of the Coastal Permit Administrator's interpretation of any provision of this Chapter.
- (2) "Area of shallow flooding" means a designated A0 or V0 Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) unpredictable and indeterminate; and, velocity flow may be evident.
- (3) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area is designated as Zone A, A0, AH, AE, A1-30, V, VE and V1-30 on the FIRM.
- (4) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood").
- (5) "Base Flood Elevation" (BFE) is the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations are shown on the Flood Insurance Rate Maps (FIRMs). The BFE is the regulatory requirement for the elevation or floodproofing of structures.
- (6) "Basement" means any area of the building having its floor sub-grade, - i.e.; below ground level on all sides.
- (7) "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under wind and water loads, without damage to the structural integrity of the building or supporting foundation on which they are used or any buildings to which they might be carried by flood waters. 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:
 - (a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - (b) 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 non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent (1%) chance of being equaled or exceeded in any given year (one hundred (100) year mean recurrence interval).
- (8) "Coastal High Hazard Area" 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 FIRM as Zone V, VE and V1-30.
- (9) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- (10) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

- (11) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 1, 1983.
- (12) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) completed before June 1, 1983.
- (13) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source
 - (c) The condition resulting from flood-related erosion.
- (14) "Flood Insurance Rate Map (FIRM)" 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.
- (15) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.
- (16) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.
- (17) "Flood-related erosion area, or Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (18) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 793 for Guidelines on dry and wet floodproofing.)
- (19) "Floodway" 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 Insurance Rate Map.
- (20) "Historical Structures" means any structure that is:
 - (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- (21) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (22) "Lowest floor" 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 it conforms to applicable non-elevation design requirements of this Ordinance, including but not limited to:
- (a) the wet floodproofing standard in Section 20.420.030(A)(3);
 - (b) the anchoring standards in Section 20.420.030(A)(1)
 - (c) the construction materials and methods standards in Section 20.120.030(A)(2); and
 - (d) the standards for utilities in section 20.420.030 (C)

For residential structures, all sub-grade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below grade garages and storage areas.

- (23) "Manufactured home" means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreation vehicles, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
- (24) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale on or after June 1, 1983.
- (25) "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Zoning Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. Cumulative value of incremental improvements shall be considered over the previous five year period.
- (26) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (27) "New construction" means structures for which the "start of construction" commenced on or after June 1, 1983 and includes any subsequent improvements to such structures
- (28) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are

- to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 1, 1983.
- (29) "Non-residential": Includes , but is not limited to small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 30 days duration.
- (30) "Recreational vehicle" means a vehicle which is
- (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light-duty truck; and
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (31) "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance' Ways that impacts may be reduced include protecting the structure -or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- (32) "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (33) "Special flood hazard area" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on FIRM maps as Zone A, AO, A1-A30, AE, A99, AH, V1-30, VE or V.
- (34) "Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, rehabilitation, addition, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (35) "Structure" means a walled and roofed building that is principally above ground; and includes a gas or liquid storage tank or a manufactured home.
- (36) "Substantial damage" means damage of any origin sustained by a- structure whereby the cost of restoring the structure to it's before damaged condition would equal -or exceed 50 percent of the market value of the structure before the damage occurred.
- (37) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes

structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

- (a). any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b). any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Cumulative value of incremental improvements shall be considered over the previous five year period in determining the total value of improvements proposed. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (38) "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter. (*Ord. No. 3639 (part), adopted 1987; Ord. No. 3682 (part), adopted 1988*)
- (39) "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- (40) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (41) "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.