

ORDINANCE NO. SCC 2022-02

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AMENDING CHAPTERS 17.02, 17.22, 17.70, AND 17.94 OF TITLE 17
OF THE SHASTA COUNTY CODE
CONCERNING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
FLOODPLAIN MANAGEMENT RELATED REGULATIONS**

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

SECTION 1. TITLE.

This ordinance shall be known as An Urgency Ordinance of the Board of Supervisors of the County of Shasta Amending Chapters 17.02, 17.22, 17.70 and 17.94 of Title 17 of the Shasta County Code Concerning Federal Emergency Management Agency (FEMA) Floodplain Management Related Regulations.

SECTION 2. PURPOSE AND AUTHORITY.

The purpose of this urgency ordinance is to adopt floodplain management measures that codify existing practices and amend applicable provisions of the Shasta County Code to satisfy FEMA requirements, including 44 Code of Regulations (CFR) Section 60.3 of the National Flood Insurance Program (NFIP) regulations. This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, *et seq.*, particularly section 65858, California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors.

SECTION 3. FINDINGS.

The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. The Federal Emergency Management Agency (FEMA) requires that the County adopt and obtain FEMA's approval of floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP). For this purpose, this urgency ordinance codifies existing practices and amends applicable provisions of the Shasta County Code, including in particular Chapters 17.02, 17.22, and 17.70 of Title 17.
2. Pending the adoption of floodplain management measures and FEMA's approval thereof, FEMA has imposed a suspension of the County from the NFIP as of December 16, 2021. The suspension by FEMA means the Shasta County community is temporarily ineligible for flood insurance through the NFIP, insurance policies cannot be sold, and existing policies cannot be renewed.
3. The timing of adoption of a floodplain management ordinance that meets or exceeds the minimum NFIP requirements and is approved by FEMA has been impacted by a number of factors, including but not limited to impacts on County resources due to the COVID-19 pandemic as well as inadequate time for the County to make the necessary changes to Title 17 of the County Code.

4. This suspension negatively affects County citizens whose property may be subject to flooding. The suspension precludes Shasta County residents from purchasing flood insurance through the NFIP, necessitating the purchase of more expensive private insurance, or having to forego coverage altogether.
5. FEMA has provided data to the County which reflects that 369 properties in the County are potentially affected by this suspension. The County is informed by its authorized FEMA representative that during the suspension, a \$25 fee is applied to all flood insurance policies in the county. In addition, existing policies will not be renewed, and new policies will not be available during the suspension.
6. The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Shasta County and such areas may be subject to periodic inundation which may result 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, and
7. Shasta County is a participant of the National Flood Insurance Program and the Shasta County Board of Supervisors desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation and there is an urgent need for the suspension from participation in the NFIP to be revoked or lifted as expeditiously as possible; and
8. The Shasta County Board of Supervisors has determined that it is in the public interest to adopt the proposed floodplain management provisions, which are coordinated with the California Building Code and comply with FEMA requirements.
9. The Shasta County Board of Supervisors determines that, without this urgency ordinance, there is a current and immediate threat to the public health, safety and welfare, and the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance that does not contain the urgency ordinance provisions would result in that threat to public health, safety, or welfare.
10. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and businesses within the County.

SECTION 4. DECLARATION OF URGENCY.

Based on the findings set forth in Section 3, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

SECTION 5. AMENDMENTS TO CERTAIN CHAPTERS OF TITLE 17 OF THE SHASTA COUNTY CODE.

Chapter 17.02, Chapter 17.22, Chapter 17.70, and Chapter 17.94 of Title 17 of the Shasta County Code, entitled “Zoning,” is each hereby amended as set forth in Exhibit A to this ordinance, which is attached hereto and made a part of this ordinance by reference. In all other respects, Title 17 of the Shasta County Code, as amended, remains in full force and effect.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3) since the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility that the activity may have a significant effect on the environment. Each exemption stands as a separate and independent basis for determining that the adoption of this ordinance is not subject to CEQA.

SECTION 7. WRITTEN REPORT

Ten days prior to the expiration of this ordinance or any extension thereof, the Board of Supervisors shall issue a written report describing the measures taken to alleviate the threat to public health, safety and welfare that led to the enactment of the ordinance.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION 9. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section 10 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION 10. EFFECTIVE DATE AND TERM.

This ordinance is declared an urgency measure for the immediate protection and preservation of the public peace, health, safety and welfare for the reasons stated in Section 3, and it shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the Board of Supervisors pursuant to Government Code section 65858 and Government Code section 25123(d).

This ordinance shall continue in effect for forty-five (45) days from the date of its adoption and shall thereafter be of no further force and effect unless, after notice pursuant to Government Code Section 65090 and a public hearing, the Board of Supervisors extends this ordinance for an additional period of time pursuant to Government Code Section 65858. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 8th day of February, 2022, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Jones, Baugh, Chimenti, and Rickert
NOES: None
ABSENT: Supervisor Moty
ABSTAIN: None
RECUSE: None

for Mary Rickert

LEONARD MOTY, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MATTHEW P. PONTES
Clerk of the Board of Supervisors

By *[Signature]*

Deputy

EXHIBIT A

CHAPTERS 17.02, 17.22, 17.70, and 17.94 OF TITLE 17 2022 SHASTA COUNTY FLOODPLAIN MANAGEMENT ORDINANCE

SECTION 1.

Section 17.02.015, "Applicability," of Article I of Chapter 17.02 is amended in its entirety as follows:

- A. The provisions of this title apply throughout the unincorporated portions of the county and apply to lands owned, leased, or otherwise controlled by the state or a local government, or any unit or agency of either of them, to the extent permitted by law, or by the consent of or agreement with the state or local government or unit or agency thereof, that is affected by this title. The provisions of this title apply to public lands as defined in the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) to the extent permitted by that act or other federal law, or regulations adopted pursuant thereto or agreements made with the county. The provisions of this title do not apply to federal reservations or to land owned, leased or otherwise controlled by the county. As used in this subsection, "local government" includes, but is not limited to, cities, school districts and special districts.
- B. For floodplain management purposes, the provisions of this title, in conjunction with the building codes, provide minimum requirements for development located in areas of special flood hazard, established by applicable law and the provisions of this chapter. The provisions of this title pertaining to floodplain management also apply to county owned lands.

SECTION 2.

Section 17.02.030, "Zone maps," of Article I of Chapter 17.02 is amended in its entirety as follows:

- A. A series of maps, known as "zone maps," shall be utilized to show the designations and boundaries of each zone district in the unincorporated portion of the county, and shall show base data as the director of resource management deems useful or the board of supervisors directs. The maps shall be maintained by the planning department.
- B. A series of maps, known as "special zone maps," may be utilized to show certain districts or areas in more detail or in a different arrangement than shown on the zone maps. The maps shall be maintained by the planning department.
- C. The director of resource management shall revise any of the previously referenced maps to show amendments to the zoning plan, including changes in designations, rezonings of property and clarification of district boundaries made pursuant to Section 17.94.020.
- D. Establishment of areas of special flood hazard. The areas of special flood hazard within Shasta County identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated December 16, 2021 are incorporated by reference and declared to be a part of the Shasta

County code. In addition, the accompanying Flood Insurance Rate Maps (FIRMs) with a Map Index dated September 30, 1992, and Flood Boundary and Floodway Maps (FBFMs) with Map Index dated September 5, 1990, and all subsequent FEMA amendments and/or revisions, as adopted, are herein incorporated by reference and declared to be a part of the Shasta County code. This FIS, any revisions thereto, and attendant mapping is the minimum area of applicability of Chapters 17.22 and 17.70 of the Shasta County code and may be supplemented by studies for other areas which allow implementation of these chapters and which are recommended by the floodplain administrator and approved by the board of supervisors. The study, FIRMs and FBFMs shall be on file at the Shasta County department of public works and Shasta County department of resource management planning division, 1855 Placer Street, Redding, California.

SECTION 3.

Section 17.02.066, "Approving authority," of Article II of Chapter 17.02 is renumbered to Section 17.02.067.

SECTION 4.

Section 17.02.066, "Approving authority," of Article II of Chapter 17.02 is renamed to "Alteration of a watercourse" and is amended in its entirety as follows:

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

SECTION 5.

Section 17.02.067, "Area of shallow flooding," of Article II of Chapter 17.02 is renumbered to Section 17.02.068 and is amended in its entirety as follows:

"Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (Also refer to Restrictive flood zone).

SECTION 6.

Section 17.02.081, "Base Flood Elevation (BFE)," of Article II of Chapter 17.02 is added as follows:

"Base Flood Elevation (BFE)" means the elevation of the Base Flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum, (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

SECTION 7.

Section 17.02.084, "Basement," of Article II of Chapter 17.02 is added as follows:

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

SECTION 8.

Section 17.02.101, "Building official," of Article II of Chapter 17.02 is added as follows:

"Building official" has the same meaning and effect as Section 16.04.030.

SECTION 9.

Section 17.02.222, "Fence," of Article II of Chapter 17.02 is renumbered to 17.02.220.

SECTION 10.

Section 17.02.222, "Fence," of Article II of Chapter 17.02 is renamed to "Flood or Flooding" and is amended in its entirety as follows:

"Flood or Flooding" means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

SECTION 11.

Section 17.02.224, "Floodplain administrator," of Article II of Chapter 17.02 is amended in its entirety as follows:

"Floodplain administrator" means the chief engineer of the county water agency, or their designee.

SECTION 12.

Section 17.02.225, "Floodproof," of Article II of Chapter 17.02 is renumbered to 17.02.226.

SECTION 13.

Section 17.02.225, Floodproof," of Article II of Chapter 17.02 is renamed to "Floodplain management" and is amended in its entirety as follows:

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

SECTION 14.

Section 17.02.226, "Floodway," of Article II of Chapter 17.02 is renumbered to 17.02.227.

SECTION 15.

Section 17.02.227, "Floodway fringe," of Article II of Chapter 17.02 is renumbered to 17.02.228.

SECTION 16.

Section 17.02.228, "Flood Insurance Rate Map (FIRM)," of Article II of Chapter 17.02 is renumbered to Section 17.02.229 and is amended in its entirety as follows:

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

SECTION 17.

Section 17.02.230, "Forest management," of Article II of Chapter 17.02 is renumbered to Section 17.02.231.

SECTION 18.

17.02.229, "Flood insurance study," of Article II of Chapter 17.02 is renumbered to Section 17.02.230 and is amended in its entirety as follows:

"Flood Insurance Study (FIS)" means the official report provided by the Federal Emergency Management Agency (FEMA) containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data.

SECTION 19.

Section 17.02.356, "Market value," of Article II of Chapter 17.02 is added as follows:

"Market value" means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in the provisions of this title, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by one of the following methods: Actual Cash Value (replacement cost depreciated for age and quality of construction); or Tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser; or a qualified independent appraiser.

SECTION 20.

Section 17.02.387, "New construction," of Article II of Chapter 17.02 is amended in its entirety as follows:

"New construction," for the purposes of determining insurance rates, means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by the county and includes any subsequent improvements to such buildings.

SECTION 21.

Section 17.02.485, "Restrictive flood district (also, special flood hazard area)," of Article II of Chapter 17.02 is amended in its entirety as follows:

"Restrictive flood district," also "special flood hazard area," means the land in the floodplain subject to a one percent chance of flooding in any given year. The area may be designated as Zone A on the FHBM or FIRM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into special flood hazard area Zones that include but are not limited to: A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area (SFHA)" or "flood hazard areas" is synonymous in meaning with the phrase "area of special flood hazard".

SECTION 22.

Section 17.02.589, "Substantial damage," of Article II of Chapter 17.02 is amended in its entirety as follows:

"Substantial damage," for floodplain management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed fifty (50) percent of the market value of the structure, as determined by the county, before the damage occurred.

SECTION 23.

Section 17.22.020, "Permitted use," of Chapter 17.22 is amended in its entirety as follows:

The following uses are permitted outright in the F-1 district, unless a use permit is required by Section 17.22.030 (E):

- A. Flood control channels or works, if undertaken or constructed by a federal or state agency, the county or the county water agency, provided there is no rise in the base flood elevation during the occurrence of the base flood discharge and a Letter of Map Change, as defined in Section 17.70.015 (L), is issued by the Federal Emergency Management Agency (FEMA);
- B. Crop farming, truck gardening, orchards, viticulture, livestock grazing and other similar agricultural uses conducted in a manner which will not increase flood levels within the community during the occurrence of a base flood discharge;
- C. Public roads, bridges and diversion drains, and public utility transmission towers, poles, lines and underground pipelines, when constructed and installed so that the flood levels will not increase within the community during the occurrence of the base flood discharge;
- D. Low-intensity recreational uses not involving landfill or excavation of natural materials, when conducted in a manner which will not increase flood levels within the community during the occurrence of a base flood discharge;
- E. Private erosion control projects, including prevention or reduction of erosion or flooding by a landowner on his property within the district, provided an agreement with the Department of Fish and Game is first obtained pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and there is no rise in the base flood elevation during the occurrence of the base flood discharge;
- F. Fish and wildlife protection or enhancement projects conducted or approved by a federal or state agency, the county or the county water agency, provided that there is no rise in the base flood elevation during the occurrence of the base flood discharge.

SECTION 24.

Section 17.22.030, "Uses requiring a use permit," of Chapter 17.22 is amended in its entirety as follows:

The following uses are permitted in the F-1 district if a use permit is issued pursuant to Section 17.22.040 subject to the certification required by Section 17.22.030 (E):

- A. Private flood control projects including construction of levees, dikes or similar structures;

- B. Excavation of natural materials and landfill projects, except on any designated stream subject to subsection D of this section;
- C. Public utility uses other than those permitted under Section 17.22.020, except offices and service yards;
- D. When this district is applied to a designated stream or portion thereof, removal of dredger tailings for reclamation purposes only, provided that lawful gravel removal operations in existence on October 16, 1977 in any of these designated streams may be continued if a use permit is first issued and for so long as the use permit or a reissuance thereof remains in effect. For purposes of this subsection, "designated stream" includes the following:
 - 1. Sacramento River — Keswick Dam to Shasta-Tehama county line,
 - 2. Battle Creek — mouth to the mouth of South Fork Battle Creek,
 - 3. Cow Creek — mouth to:
 - a. Powerhouse on South Cow Creek
 - b. The mouth of Coal Gulch on Old Cow Creek
 - c. The mouth of Dry Clover Creek on Clover Creek
 - d. The mouth of Tracy Creek on Oak Run Creek
 - e. The mouth of Salt Creek on Little Cow Creek;
 - 4. Cottonwood Creek — mouth to west line of Sec. 6, T29N, R5W, MDB&M,
 - 5. Bear Creek — mouth to the Highway 44 bridge, and
 - 6. Clear Creek — mouth to McCormick-Saeltzer Dam,
 - 7. Churn Creek — mouth to Redding city limits,
 - 8. Stillwater Creek — mouth to the Highway 299E bridge,
 - 9. Olney Creek — mouth to mouth of Tadpole Creek, and
 - 10. Anderson Creek — mouth to Interstate 5;
- E. Encroachments, including fill, new construction, substantial improvements and other development, provided that certification by a registered professional engineer or architect through hydrologic and hydraulic analyses performed in accordance with standard engineering practice is obtained demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 25.

Section 17.70.015, "Definitions," of Chapter 17.70 is added as follows:

For the purposes of this chapter, the following words and terms are defined as follows:

- A. "Accessory Structure" for floodplain management purposes means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. The term includes only accessory structures used for parking and storage.
- B. "Adversely affect" means any significant detrimental effect on a cumulative basis which would result in increasing the water surface elevation of the base flood more than one foot at any point.
- C. "Agricultural Structure" means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.
- D. "ASCE 24" means the standard Flood Resistant Design and Construction, referenced by the building code, developed, and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.
- E. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- F. "Building code" means California Code of Regulations Title 24, the California Building Standards Code, the family of building codes specifically adopted by the State of California and composed of:
 - 1. Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
 - 2. Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
 - 3. Part 10, applicable to existing buildings (as defined in that code).
 - 4. Other specified codes.
- G. "Design flood" means the flood associated with the greater of the following two areas:
 - 1. Area with a floodplain subject to a one percent or greater chance of flooding in any year.

2. Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.
- H. "Design flood elevation" means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to two feet (610 mm).
- I. "Elevation Certificate" means the FEMA form and document for the NFIP that certifies a structure's elevation relevant to the corresponding base flood elevation and is completed by a California registered professional civil engineer or land surveyor.
- J. "Flood damage-resistant materials" means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.
- K. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.
- L. "Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study. Letters of Map Change include:
1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
 2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
 3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. To qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
 4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. CLOMR does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

- M. "Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum, (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's FIRM are referenced.
- N. "Nuisance" for floodplain management purposes means that which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- O. "Permit for floodplain development" means an official document or certificate issued by Shasta County including but not limited to permits issued under Title 12, 15, 16, and 17 of this code, or other evidence of approval or concurrence, which authorizes performance of specified development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.
- P. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- Q. "Structure" for floodplain management purposes means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:
1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or
 2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation).
- R. "Utility and Miscellaneous Group U" means buildings and structures of an accessory character and miscellaneous structure not classified in any special occupancy, as described in the building code.
- S. "Variance" means a grant of relief from the provisions of this title which permits construction in a manner otherwise prohibited and where specific enforcement would result in exceptional hardship.
- T. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other required evidence of compliance.

SECTION 26.

Section 17.70.020, "Permitted uses," of Chapter 17.70 is amended in its entirety as follows:

Uses permitted in the F-2 district are all uses permitted in the principal district with which the F-2 district is combined, provided the zoning permit, administrative permit and use permit requirements of the principal district shall apply. Proposed development shall not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, all approvals or permits subject to this chapter and Chapter 17.22 shall be considered a permit for flood development.

SECTION 27.

Section 17.70.030, "Land divisions," of Chapter 17.70 is amended in its entirety as follows:

- A. Minimum requirements. Land division proposals in flood hazard areas, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - 1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.
 - 2. All public utilities and facilities, such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage.
 - 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.

- B. Land Division requirements. In addition to the requirements of Section 17.70.30 (A) of these regulations, where any portion of proposed subdivisions, including proposals for manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - 1. The flood hazard area, including floodways, as appropriate, shall be delineated on preliminary land division map and shown on the recorded map.
 - 2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations shall be determined in accordance with Section 17.94.080 (D) (1).
 - 3. When, as part of a proposed subdivision, fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

SECTION 28.

Section 17.70.040, “Building permit site plans – Findings,” of Chapter 17.70 is amended in its entirety as follows:

- A. Every building permit application shall include plans and specifications for all proposed construction; elevations in relation to mean sea level of the lowest floor of residential structures, including basements or, for nonresidential structures, elevations to which it has been floodproofed; and such other information as the planning director or floodplain administrator may require.
- B. No building permit shall be granted unless the building official makes the following findings; if a use permit is required, the findings shall be made before the use permit is approved.
 - 1. The design and construction of all proposed improvements, including any man-made change to improved or unimproved real property, are consistent with the need to minimize flood damage; and
 - 2. Drainage is designed to reduce exposure to flood hazards.
- C. Base flood elevation data provided by an applicant shall be reviewed for approval by the floodplain administrator. Where base flood elevation data has not been provided by the Federal Emergency Management Agency, the floodplain administrator will advise an applicant how to obtain such data and will review and reasonably utilize the best existing base flood data available from any source, including high-water marks, floods of record and private engineering reports.
- D. The building official shall obtain and maintain elevation certifications, and all related documents associated with the building permit necessary to confirm that the elevation requirements of Section 17.70.050 have been satisfied.

SECTION 29.

Section 17.70.060, “Exemptions,” of Chapter 17.70 is amended in its entirety as follows:

Exemptions to the provisions of this chapter may be made if a variance is obtained, as provided in Section 17.92.010, based on special or unique circumstances associated with the property. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners and must be based on compelling need. However, given health and safety concerns and the cost of insuring a building built below flood level, variances from the flood elevation or from other requirements in the flood ordinance are rare.

- A. Exemptions shall consider the following variance criteria:
 - 1. All technical evaluations;
 - 2. All relevant factors;

3. Standards specified in other sections of this title;
 4. Danger that materials may be swept onto other lands to the injury of others;
 5. Danger of life and property due to flooding or erosion damage;
 6. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 7. Importance of the services provided by the proposed facility to the community, where applicable;
 8. Necessity to the facility of a waterfront location, where applicable;
 9. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 10. Compatibility of the proposed use with existing and anticipated development;
 11. Relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
 12. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 13. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 14. 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.
- B. Any applicant to whom a variance is granted shall be given written notice over the signature of floodplain administrator that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the Shasta County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report

submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

- D. Any variance granted pursuant to this section shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the 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 floodplain administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each unless FEMA has issued notification of revision to the Flood Insurance Rate Study and Flood Insurance Rate Maps that alter the flood hazard area or floodway boundaries, flood zones, or base flood elevations, in which case the permit is invalid.

SECTION 30.

Section 17.70.070, "Substantial improvement and substantial damage determinations," of Chapter 17.70 is added as follows:

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- D. Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

SECTION 31.

Section 17.70.080, "Record keeping," of Chapter 17.70 is added as follows:

In addition to the requirements of the building code and the provisions of this title , and regardless of any limitation on the period required for retention of public records, the floodplain administrator and building official shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps (FIRMs); documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

SECTION 32.

Section 17.94.080, "Floodplain administration," of Chapter 17.94 is added as follows:

- A. **General authority.** The floodplain administrator is authorized and directed to administer and enforce the provisions of this title. The floodplain administrator shall have the authority to render interpretations of these regulations, to establish policies and procedures, and to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 17.92.010. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a qualified professional engineer or licensed land surveyor when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.
- B. **Coordination.** The floodplain administrator shall coordinate with and provide comments to the building official to administer and enforce the flood provisions of the building code and to ensure compliance with the applicable provisions of this title. The floodplain administrator and the building official have the authority to establish written procedures for reviewing applications and conducting inspections for buildings and for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 17.70.070.
- C. **Duties.** The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review all permit applications and plans to determine whether proposed development is located in flood hazard areas.
2. Review all applications and plans for development in flood hazard areas for compliance with these regulations.
3. Review, in coordination with the building official, required design certifications and documentation of elevations specified by the building code to determine that such certifications and documentations are complete.
4. Review applications and plans for modification of any existing development in flood hazard areas for compliance with these regulations.
5. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
6. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
7. Determine whether additional flood hazard data shall be obtained from other sources or developed by the applicant.
8. Complete the appropriate section of the Department of Housing and Community Development Floodplain Ordinance Compliance Certification for Manufactured Home/Mobile home Installations when submitted by applicants.
9. Review requests submitted to the building official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Section 17.92.010.
10. Coordinate with the building official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
11. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
12. Require applicants who propose alteration of a watercourse to notify adjacent communities and the NFIP State Coordinating Agency, and to submit copies of such notifications to FEMA.

13. Inspect development and inspect flood hazard areas to determine when development is undertaken without issuance of permits.
 14. Prepare comments and recommendations for consideration when applicants seek variances for development other than buildings in accordance with Section 17.92.010.
 15. Cite violations in accordance with Section 17.94 of this title.
 16. Notify FEMA when the corporate boundaries of Shasta County have been modified and provide a map and legal description of the changes in the corporate boundaries.
- D. Information in flood hazard areas without base flood elevations (approximate zone where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator is authorized to require one of the following:
1. Require the applicant to include base flood elevation data prepared by a qualified professional engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified professional engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the floodplain administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.
 2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data in accordance with Section 17.94.080 (D); or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 4. Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified professional engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- E. Record Keeping. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the

floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps (FIRMs); documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.