

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 18 (ZONING), CHAPTER 18.51 (FLOODPLAIN OVERLAY DISTRICT), BY AMENDING SECTIONS 18.51.020 (BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD), 18.51.030 (GENERAL PROVISIONS), 18.51.080 (CONSTRUCTION STANDARDS), 18.51.150 (NON-CONFORMING USES IN THE FLOODWAY OR FLOODPLAIN), AND 18.51.190 (VARIANCES)

WHEREAS, the Planning Commission held a duly noticed public hearing pertaining to the attached amendments to Redding Municipal Code Title 18, Zoning, on February 27, 2024, and recommended that the City Council adopt said amendments; and

WHEREAS, the City Council held a duly noticed public hearing on April 2, 2024, prior to the first reading of this Ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF REDDING DOES ORDAIN AS FOLLOWS:

Section 1. Title 18 (Zoning), Chapter 18.51 (Floodplain Overlay District), Sections 18.51.020 (Basis for Establishing Areas of Special Flood Hazard), 18.51.030 (General Provisions), 18.51.080 (Construction Standards), 18.51.150 (Nonconforming Uses in the Floodway or Floodplain), and 18.51.190 (Variances) is hereby amended to read as follows:

18.51.020 Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Shasta County, California and Incorporated Areas dated December 16, 2021, and accompanying Flood Insurance Rate Maps (FIRMS) and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and attendant mapping are the minimum area of applicability of this ordinance and are supplemented by the Citywide Storm Drain Master Plan by Montgomery-Watson Engineers dated October 1993. These studies may be further supplemented by the Floodplain Administrator based upon the best available information, which may include any base flood elevation and floodway data available from a federal or state agency, other flooding studies, measured high-water elevations from historic flooding events, local topography, or other available information accepted by the City Engineer. The FIS, FIRMS, Montgomery-Watson drainage study and any other special studies are on file at the Development Services Department, 777 Cypress Avenue, Redding, California 96049-6071.

18.51.030 General Provisions

A. Applicability

The regulations of this chapter provide seven levels of protection within and along waterways of the "FP" Floodplain Overlay District by (1) generally prohibiting development within the floodway, (2) allowing only limited use and development in the flood fringe, (3) regulating uses and development on properties contiguous to the flood fringe and outside of the floodplain, which

do not meet the minimum protection standards, (4) reviewing proposed development located in designated scenic corridors, (5) reviewing all development permits to determine that the permit requirements of this chapter have been satisfied, (6) reviewing all permits to determine that the site is reasonably safe from flooding, and (7) reviewing all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard.

Accordingly, the regulatory scope of this chapter is as follows:

1. These regulations and standards shall be applied uniformly to all lots which, after considering evidence from flood experience and engineering studies, are deemed subject to inundation by a 100-year flood or are within the "FP" District of the City limits. These regulations and standards are recommended for all lots meeting the same criteria within the City's sphere of influence.
2. These regulations and standards shall apply to land outside the FEMA floodplain but within the "FP" District if the Planning Commission determines that the proposed development or use of the property bears relationship to the floodplain, has an unprotected lowest floor level of less than two (2) feet above the 100-year flood elevation, may adversely affect a designated scenic corridor, or is in an area where a potential of bank undermining exists.
3. Property that is determined to be contiguous to, within, or partially within the floodplain subsequent to the adoption of this chapter is automatically subject to the regulations of the "FP" District without further consideration by the Planning Commission and City Council and shall be considered as if already zoned "FP" District.
4. Ensure that floodplain development does not unnecessarily adversely affect a scenic corridor or riparian habitat.

B. Interpretation

1. Except as provided for in this chapter, all development and uses in the base floodplain, including grading and fill, are prohibited without approval as specified herein.
2. Any development within the floodplain, as determined by FEMA or higher floodplain elevation adopted by the Citywide Storm Drain Master Plan, shall comply with the standards of Section 60.3(a, b, c, and d) and Section 60.6(a) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59), incorporated herein by reference; the development standards of this chapter; and any conditions of approval applied to the development.
3. Where there appears to be a conflict between a mapped boundary and actual field conditions and the conflict cannot be attributed to fill material being deposited to alter the elevations, the Floodplain Administrator and City Engineer may make interpretations, where needed, as to the exact location of the boundary of the floodway and 100-year floodplain consistent with the purpose of this chapter. Any person contesting the location of the boundary shall be given a reasonable

opportunity to appeal the interpretation to the Planning Commission. Such appeals shall be reviewed consistent with the variance and exception procedures of Title 44, Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc.). All costs for information necessary to make an interpretation shall be borne by the property owner and shall follow the procedures listed in Section 18.51.100.

4. Backwater areas along streams, which rise or fall with the level of water in the adjacent stream, are considered to be within the base floodplain of the adjacent creek or stream unless proven by a registered hydrologist/ engineer that these water levels are not the same level as the base flood of the adjacent stream and may have a base floodplain of their own.
5. When base flood elevation data has not been provided by federal, state, or local agencies, the owner shall be responsible for obtaining the information in accordance with Section 18.51.100.
6. The Transportation and Engineering Department and Development Services Department will review proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972 and CDFG's 1601 or 1603 Agreements.

C. Department Records

1. 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.

18.51.080 Construction Standards

Any structures or construction activities within the flood fringe or floodway shall be subject to the following:

A. Construction, General

1. No construction or grading is to limit the capacity of the floodway or increase the base flood elevation unless the following requirements are met:
 - a. Revision to the Flood Insurance Rate Map is prepared by the applicant's engineer and is adopted by FEMA in accordance with 44 CFR 65 to incorporate the increase in the base flood elevation.
 - b. Appropriate legal documents are prepared in which all property owners affected by the increased base flood elevations consent to the impacts on their property.

B. Anchoring

1. All new construction and substantial improvements subject to a 100-year flood shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

C. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and flood-resistant materials, as specified in FEMA Technical Bulletin 2-93 entitled, *Flood-Resistant Materials Requirement*, when subject to a 100-year flood.
2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.
3. All nonstructural elements that function as a part of the structure, such as furnace, hot-water heater, air conditioner, electrical equipment, plumbing fixtures, and other service facilities shall be elevated to one foot above the base flood elevation or to the depth number specified on the Flood Insurance Rate Map (FIRM) or the Citywide Storm Drain Master Plan (whichever is more restrictive), plus one foot.

D. Elevation and Flood-Proofing

1. Residential construction, and accessory structures thereto, including new or substantial improvement in flood zones A, AE, AO, or A1-30, shall have the lowest floor, including basement and machinery and equipment servicing the building, elevated a minimum of one foot above the base flood elevation, as determined by the FIRM maps, by the method in Section 18.51.100, or by the Citywide Master Storm Drain Study by Montgomery-Watson Engineers, whichever is more restrictive. The elevation of the lowest floor, including the basement, shall be certified by a registered professional engineer or licensed land surveyor per Section 18.51.080(D)(4) and (5). Said certification shall be submitted to the development services department for approval and to verify that certification requirements have been met.
2. Nonresidential construction, including new or substantial improvement, shall either be elevated consistent with subsection (D)(1) of this section or together with attendant utility and sanitary facilities shall be required to do the following:
 - a. Be floodproofed below the elevation required under Section 18.51.080(D)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer, licensed land surveyor, or architect that the standards of this subsection and the standards required in FEMA Technical Bulletin 3-93, entitled *Nonresidential Flood Proofing Requirements and Certification* are satisfied. Such certifications shall be

provided to the City's Development Services Department.

3. All new construction and substantial improvement 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 must meet the specifications in the FEMA Technical Bulletins 1-93 and 7-93, entitled *Openings in Foundation Walls* and *Wet Flood proofing Requirements*, respectively, and/or **exceed** the following minimum criteria:
 - a. Be certified by a registered professional engineer or architect.
 - b. Have a minimum of two openings on different sides of the structure, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters
4. An Elevation Certificate for residential construction (FEMA Form FF-206-FY-22-152) of the lowest adjacent grade and lowest floor, based on construction drawings, shall be required prior to issuance of a building permit. Prior to pouring a foundation, the engineer shall provide written verification that the foundation form elevations are consistent with elevations shown on approved construction drawings. A second certification of the elevation of the lowest floor and utilities is required at the time of finished construction prior to final building permit approval (prior to occupancy). The Elevation Certificates must be prepared by a licensed land surveyor, registered professional engineer, or architect who is authorized by state or local law to certify elevation and shall be approved by the Development Services Department. Failure to submit elevation certification shall be cause to issue a stop- -work order for a project.
5. An Elevation Certificate (FEMA Form FF-206-FY-22-152) or a nonresidential Flood Proofing Certificate (FEMA FF-206-FY-22) for nonresidential construction is required prior to issuance of a building permit. Prior to pouring a foundation, the engineer shall provide written verification that the foundation form elevations are consistent with elevations shown on approved construction drawings. A second Elevation Certificate is required at the time of finished construction, prior to the final building permit.

E. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, 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:

1. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value 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.
2. 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, where applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
4. 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.

F. Standards for Utilities

1. All new and replacement water-supply and sanitary-sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
2. On-site, waste-disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

G. Standards for Levees

1. Design criteria for levees shall incorporate adequate design, operation, and maintenance systems to provide protection from the base flood. The following requirements must be met:
 - a. Freeboard. Riverine levees must provide a minimum freeboard of three (3) feet above the water-surface level of the base flood. An additional one foot above the minimum is required within one-hundred (100) feet of either side of structures (such as bridges) riverward of the levee or wherever the flow is constricted. An additional one-half ($\frac{1}{2}$) foot above the minimum at the upstream end of the levee, tapering to not less than the minimum at the downstream end of the levee, is also required.

H. Standards for Manufactured Homes

1. All manufactured homes that are placed or substantially improved within Zones A, AO, A1-30, AE, or AH on the Flood Insurance Rate Map or in the 100-year floodplain as identified on the Citywide Storm Drain Master Plan shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, including machinery or equipment servicing the building, is elevated at least one

foot above the base floodplain elevation and be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

18.51.150 Nonconforming Uses in the Floodway or Floodplain

A. Floodway

If any nonconforming use or structure within the floodway is destroyed by any means, including floods to an extent of fifty percent (50%) or more of its market value as defined in Section 18.51.020, it shall not be reconstructed.

B. Flood Fringe

Within the flood fringe, a structure may be reconstructed pursuant to the Nonconforming Uses, Structures Section of the City's Zoning Code, provided that upon reconstruction, the structure is adequately and safely flood proofed, elevated, or otherwise protected in conformity with the requirements of this ordinance.

18.51.190 Variances

- A. The Planning Commission shall hear requests for variances from the requirements of this chapter.
- B. Those aggrieved by the decision of the Planning Commission may appeal such decision to the City Council.
- C. In considering a variance application, the Planning Commission shall consider all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The necessity to the facility of a waterfront location, where applicable.
 - 6. The availability of alternative locations for the proposed uses that are not subject to flooding or erosion damage.
 - 7. The compatibility of the proposed use with existing and anticipated development.
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain-management program for that area.
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.
- D. Upon consideration of the factors of Section 18.51.190(C) and the purpose of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- E. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration of the Federal Emergency Management Agency in the biennial report.
- F. Conditions for Variances:
1. Variances may be issued for the repair, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, provided that the proposed repair, rehabilitation, or restoration will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 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, such as renovation, rehabilitation, or reconstruction. Variances issued for economic considerations, aesthetics, or because variances have been used in the past, are **not** good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization to 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. It is recommended

that a copy of the notice be recorded by the Floodplain Administrator in the Office of the Shasta County Recorder and be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Redding hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 3. The passage of this ordinance is not a “project” according to the definition in the California Environmental Quality Act, and therefore is not subject to the provisions requiring environmental review.

Section 4. This ordinance shall take effect thirty (30) days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause its publication according to law.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 2nd day of April, 2024, and was duly read and adopted at a regular meeting on the 16th day of April, 2024, by the following vote:

AYES:	COUNCIL MEMBERS: - Dacquisto, Mezzano, Munns, Winter, Audette
NOES:	COUNCIL MEMBERS: - None
ABSENT:	COUNCIL MEMBERS: - None
ABSTAIN:	COUNCIL MEMBERS: - None

/s/ Tenessa Audette
TENESSA AUDETTE, Mayor

ATTEST:

FORM APPROVED:

/s/ Sharlene Tipton
SHARLENE TIPTON, City Clerk

/s/ Christian M. Curtis
CHRISTIAN M. CURTIS, City Attorney

DATE ATTESTED: April 18, 2024