

***Chapter 17.53 NATURAL RESOURCES (NR) OVERLAY DISTRICT INCLUDING  
SUBDISTRICTS (-MR, -ER, -F)***

**17.53.010 Purpose.**

The Natural Resources (NR) overlay district, including the subdistricts (NR-F, NR—MR, and NR-ER) identified below, is combined with any base zoning district to identify and regulate the development of areas where environmentally sensitive or potentially hazardous conditions require special protection and properties where mineral resource extraction is desired. Application of the Natural Resources Overlay to properties within the city is subject to the requirements of the government code and the provisions of this title.

The specific purposes of the Natural Resources overlay include the following:

- A. To identify and protect natural resources and environmentally sensitive areas.
- B. To ensure that all development or uses of property within the overlay area remain consistent with the intent of the general plan as expressed in its goals and policies, state law, and federal requirements.
- C. To provide a regulatory link between the goals and policies of the general plan, and the specific regulations of this title.
- D. Those specific purposes of the overlay sub-districts as reflected in this title.

**17.53.020 Applicability and zoning map designation.**

The Natural Resources (NR-) overlay and its subdistricts may be combined with all zoning districts within the city, as well as to those areas subject to the specific limitations and natural resource values or limitations as reflected in this chapter and the general plan. The Natural Resources Overlay subdistricts include the Mineral Resources Subdistrict (NR-MR), the Environmental Resources Subdistrict (NR-ER), and the Floodplain Subdistrict (NR-F). The term “overlay,” as used in this chapter, may apply to one or more of the subdistricts described herein.

**17.53.030 Initiation, pre-submittal and preparation of Natural Resources overlays.**

Natural Resource overlays may be initiated in the following manner and shall meet the following requirements.

- A. City. By a resolution of intention adopted by the city council.
- B. Property Owner. An application filed by one or more of the owners of the property that is to be included in the Natural Resources overlay. The following process must occur prior to the director’s review of an application for rezoning:
  - 1. Pre-submittal application. A pre-submittal application and conference with the director are required before a formal request for application of the Overlay can be filed. The application shall specify the sub-district overlay designation desired by the applicant. The application shall also include the information the director needs to adequately establish the appropriateness of the proposed sub-district designation, or its amendment.

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### 17.53.040 Content of overlay plan application.

An application shall include text and one or more diagrams containing all the required elements outlined in state law and this code, in addition to all data and related exhibits determined by the director to be needed to review the specific request.

The application shall include a detailed description of the purposes for which the overlay plan is being prepared and an analysis demonstrating the proposed plan's consistency with applicable general plan goals and policies. The director may require additional information to evaluate the proposed overlay designations' consistency with applicable general plan goals and policies and state law requirements.

### 17.53.050 Adoption/amendment of plans.

Unless modified by the provisions of this chapter, an overlay designation plan shall be prepared, adopted and amended as set forth in Chapter 17.17 (Amendments to the Text or Map) of this title.

### 17.53.060 Required findings.

A Natural Resources overlay may be adopted if it is found to be consistent with the general plan, this title, and the applicable requirements of state and federal law.

### 17.53.070 Land use regulations/administration of an overlay or plan.

All uses and development within an area established pursuant to this chapter shall be consistent with the requirements of this code and the adopted overlay plan. Where a plan contains different allowable uses, standards, or regulations than those found in this code, those of the adopted overlay plan shall control. Where the plan is silent on a particular use, standard or regulation, the provisions of this code shall apply. All development within a Natural Resources overlay area must be consistent with the general plan, and applicable state or federal laws.

Except as otherwise provided for in this title, minor modifications in a plan's allowable uses or development standards are subject to the review and approval of the planning commission.

### 17.53.080 Adopted plans and relationship to zoning districts.

Table 17.53.080-A below identifies the Natural Resources overlays adopted by the city. Where the Natural Resources Overlay, including its sub-districts, is applied to a property or a project application, it creates a regulatory relationship between this chapter's provisions, those of the applicable subdistrict, and those of the property's underlying base zoning district. This relationship shall be used when the application of the Natural Resources Overlay subdistrict does not address all the necessary use or development standards, height and bulk regulations, intensity standards, or other requirements established by the base zoning district. It is intended that the base district regulations will supplement, but will not supplant, those of the Natural Resources district. In all cases the most restrictive standard shall apply, unless modified by the approving authority.

When a plan creates zoning districts, this chapter, a separate chapter, or the land use plan shall provide a correlation between the plan's zoning district(s) and those of this code. All such plans shall be identified on the city's zoning map. Affected properties less than 2 acres in size are not required to be identified on the zoning map, and adding adopted overlay plans to the following table shall not constitute an amendment of this code.

**Table 17.53.080-A: Adopted Natural Resources Overlays**

Adopted Natural Resources Overlay Areas	Applicable Chapter/Ordinance or Resolution #
• Chapter 15.04 - FLOODPLAIN MANAGEMENT	Ord. No. 97-87; Ord. No. 10-214, § II, 11-16-2010; (Ord. No. 18-267, 3-6-2018;
• (RESERVED pending completion of the CZO)	

***Section 17.53.090 NATURAL RESOURCES OVERLAY-  
MINERAL RESOURCES ZONE (NR-MR) SUBDISTRICT***

**17.53.090.01 Purpose.**

The purpose and intent of this ordinance are to ensure compliance with California's Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Section 2710 et seq.), "SMARA," and PRC Section 2207 and the State Mining and Geology Board's regulations. The purpose of the mineral resource (-MR) overlay subdistrict is to identify lands with substantial mineral resources that may be used for mineral extraction pursuant to the policies and requirements of the general plan and state law, and to establish the necessary processes to entitle such activity. This overlay subdistrict can be applied to areas of the city where commercially viable mineral resource deposits have been identified for mining via an application to the city. The specific purposes of the "-MR" mineral resources overlay subdistrict are to:

- A. Provide sites for mineral resource extraction activities within the designated overlay area.
- B. Ensure that only appropriate and compatible uses are allowed within the subdistrict.
- C. Ensure a reuse and reclamation plan is in place before issuing approvals and the commencement of any material extraction.
- D. To the degree practicable, prevent adjacent land uses from being negatively impacted by material extraction processes and activity.
- E. Ensure appropriate protection of other natural resources and community values as reflected in the general plan in the development and operation of mineral resources extraction activity.

**17.53.090.02 Applicability and basis for establishing mineral resources overlay.**

Except as provided in this subsection, no person shall conduct surface mining operations unless the city first approves a rezoning, use permit, reclamation plan, and financial assurances for reclamation.

The mineral resources subdistrict overlay zone may be applied to lands identified as (1) containing known mineral resources as defined in state law and/or (2) areas with active or permitted resource extraction operations. The boundaries and uses of the subdistrict shall be established simultaneously with the rezoning and use permit approvals necessary for the development of the mineral resources.

**17.53.090.03 Incorporation of SMARA and state regulations.**

The provisions of SMARA, PRC Section 2207, and associated State Regulations are made a part of this ordinance by reference with the same force and effect as if those provisions were specifically and fully set forth herein. To the extent the provisions within this ordinance are inconsistent with state law, the state provisions apply, except when this ordinance imposes requirements more stringent than state policy, then the requirements of this ordinance shall prevail.

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### **17.53.090.04 Land use and site development regulations.**

The following uses are allowable in the (NR-MR) overlay subdistrict, subject to the applicable permitting requirements of this section and title.

- A. The following uses are permitted in the overlay subdistrict, subject to the issuance of an administrative use permit when the use is determined to be exempt from the California Environmental Quality Act (CEQA):
  - 1. Exploration work for minerals.
  - 2. Natural resource management or rehabilitation activities, including fire prevention or forest management activities.
  - 3. Low-intensity recreational uses when the activity and any proposed improvements are determined to be exempt from CEQA.
  - 4. Living quarters for the use of the owner(s), security personnel, or laborers employed on site.
  
- B. The following uses are permitted in the overlay subdistrict, subject to the issuance of a use permit:
  - 1. Surface mining, including the extraction or processing of sand, gravel, rock, or other minerals, subject to compliance with the requirements of SMARA, including the preparation and approval of a Surface Mining Use Permit, a Reclamation Plan, and an environmental impact analysis pursuant to Chapter 17.22 of this title and CEQA.
  - 2. Mills and other accessory facilities, buildings or structures related to or used in connection with the storing, transportation, processing or refining of mined materials or products derived therefrom. Such activities shall only occur within areas where the base zoning permits heavy commercial or industrial activities.
  - 3. Other uses found to be similar in character and impact to those listed in section 17.53.090.04.A, when it is determined that the proposed use is not exempt from the provisions of CEQA.
  
- C. Site development standards. The following site development standards apply in the -MR subdistrict:
  - 1. Minimum Project Site. The minimum building site requirement is twenty (20) acres, or as specified by the rezoning and use permit.
  - 2. Yards. The following yard requirements apply, except where otherwise specified in the use permit:
    - Front - thirty (30) feet.
    - Side/Streetside - thirty (30) feet.
    - Rear - thirty (30) feet.

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3. Maximum Structural Height. Maximum permitted structural height is forty-five (45) feet, except as otherwise provided for in this title.

D. Parking. Parking requirements are as specified in Chapter 17.41 of this title.

### **17.53.090.05 Reclamation plan.**

All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (CCR Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 through 3713).

Prior to final approval of a reclamation plan and uses, financial assurances (as provided in this chapter), or any amendments to the reclamation plan or existing financial assurances, the planning commission shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review.

The planning commission may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a use permit is being processed concurrently with the reclamation plan, the planning commission may simultaneously conceptually approve the use permit. Pursuant to PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on financial assurance. The approving authority shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. The approving authority shall then take action to approve, conditionally approve, or deny the use permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d).

### **17.53.90.06 Rezoning required and zoning map designator.**

Prior to the commencement of surface mining activities on a property within the City of Shasta Lake, the property must be rezoned to the Mineral Resource subdistrict (NR-MR) in accordance with the requirements of this title. Each "-MR" overlay subdistrict shall be shown on the zoning map by an "-MR-#" designator applied to the base district designation, numbered and identified sequentially by order of enactment and referenced to the enacting ordinance.

- A. The following documents and application materials must accompany rezoning requests for surface mining.
  1. A completed rezoning and use permit application for a surface mining permit, which includes the materials and information required by the.
  2. A detailed Reclamation Plan prepared by a qualified professional in accordance with SMARA standards and the requirements of this code. The Reclamation Plan shall include a time frame and plan for returning the project site to its predevelopment condition, or it shall identify proposed post-mining land uses. Post-mining land uses

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must be consistent with the uses allowed by the base zoning district unless modified by the rezoning approval.

3. An environmental impact analysis, including but not limited to air quality, water resources, noise, traffic, and biological resources. The city may require detailed topographic, flooding, biological, viewshed, or similar studies to define areas appropriate to the district.
4. A written report establishing the property's mineral resource potential consistent with the California Geological Survey's guidelines for mineral resource zones.

#### **17.53.090.07 Performance requirements.**

Approved mining projects shall remain in compliance with the following performance standards at all times:

- A. Dust Control. Roads, driveways, and parking areas on the site shall be maintained so as to control dust.
- B. Screening. Extracting and processing operations shall be screened so that they are not readily visible from any public street. Screening shall be set back at least twenty feet from any intersection of driveways, streets, or sidewalks.
- C. Drainage and Erosion Control. Surface drainage shall be controlled to prevent the addition of silt or loose material greater than naturally occurring in any drainage course or encroaching upon and adjoining public or private property, including related improvements. All provisions to control water courses shall be designed to prevent overflow or diversion of water away from the natural point of discharge.
- D. Reclamation Schedule. Reclamation of the project site shall commence as soon as excavation or mining operations have been completed within an area and shall continue diligently prior to, or concurrently with, the extension of excavation operations to a new mining area or the closure of the mining operation.
- E. Removal of Buildings and Equipment. Buildings and equipment used in surface mining and quarrying operations shall be removed within six months of the termination of operations on the site.
- F. Setbacks from creeks and riparian areas. Minimum setbacks shall be as required by the general plan and Chapter 17.48 (Creek Corridor Development). Setback areas shall not be used for and shall be kept clear of all buildings, impervious surfaces, vehicle parking, storage of materials, and active mining, except as may otherwise be established by the rezoning approval. Passive use areas, bikeways, and trails may be located adjacent to riparian corridors, subject to required environmental review.

#### **17.53.090.08 Findings for approval.**

- A. Use Permit. In addition to any findings required by the zoning ordinance, use permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

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- B. Reclamation Plans. For reclamation plans, the following findings shall be required:
1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions.
  2. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 through 3505, and 3700 through 3713).
  3. That the reclamation plan has been reviewed pursuant to CEQA and the city's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
  4. That the land and/or resources, such as water bodies to be reclaimed, will be restored to a condition that is compatible with the surrounding natural environment.
  5. That the reclamation plan will restore the mined lands to a usable condition for land uses consistent with the general plan and the applicable resource plan.

**17.53.090.09 Agency notification requirements.**

Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, or within one mile, upstream or downstream, of any state highway bridge, the director shall also notify the State Department of Transportation, the County of Shasta, and the City of Redding, that the application has been received. No permit shall be issued or renewed until the Department of Transportation and any other affected agency has submitted its comments, or until 45 days from the date the application for the permit was submitted, whichever occurs first.

**17.53.090.10 Financial assurance.**

Except as provided in PRC Section 2714 and 14 CCR 3505(a), no person shall conduct surface mining operations unless financial assurances for reclamation have first been approved and accepted by the city. The provisions of this section apply to all lands within the city, both public and private. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures determined necessary by the approving authority.

The financial assurance amount shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by mining activities.

Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates prepared by a qualified professional acceptable to the city and shall include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency

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factor of 10% shall be added to the cost of financial assurances. In addition, financial assurances shall be structured to increase automatically on July 1 each year by an amount equal to the consumer price index, or as otherwise established in the project entitlements.

**17.53.090.11 Definitions.**

The definitions set forth in Division VI, section 17.61.020, and SMARA shall govern the interpretation of text in this chapter.

**17.53.090.12 Exempt activities.**

The following activities are exempt from the provisions of this ordinance.

- A. Minor excavations or grading not exceeding 50 cu. yds. of materials and not within a floodplain or creek corridor, when conducted for farming or natural resources management activities, when necessary to restore land to a safe condition following a flood or natural disaster.
- B. On-site excavation and on-site earthmoving activities are integral and necessary parts of an otherwise exempt activity or permitted construction project.
- C. Emergency excavations or grading conducted by the city, or a state or federal agency for the purposes of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- D. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose and do not exceed 50 cubic yards of material, and do not occur within a FEMA-designated floodplain or other environmentally sensitive area.

**17.53.090.13 Annual review.**

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the city on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation when the annual surface mining report is filed.

**17.53.090.14 Idling of surface mining operations.**

Within 90 days of a surface mining operation becoming idle, the operator shall submit a proposed interim management plan (IMP) to the city. The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, considering public health and safety.

The proposed IMP shall be submitted on forms provided by the city and processed as an amendment to the reclamation plan. IMPs shall not be considered projects for the purposes of environmental review. Financial assurances for idle operations shall be maintained as though the operation were active or as otherwise approved through the idle mine's IMP.

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**17.53.090.15 Amendments.**

Amendments to the approved overlay plan, reclamation plan, or other entitlements granted for a mineral resources project shall be processed in accordance with the provisions of Chapter 17.17 – Amendments to the Text or Map, of this title.

**17.53.090.16 Appeals.**

Appeals shall be processed as set forth in Section 17.11.090 of this title. Grounds for an appeal shall be limited to issues established in the public record that were brought to the attention of the approving body during its consideration or in written correspondence prior to the project's approval, denial, or amendment.

**17.53.090.17 Reapplication.**

If an application for a rezoning or other entitlement required by this chapter is disapproved, no new application for the same, or substantially the same, development plan or entitlement shall be filed within one year of the date of denial of the initial application unless the denial of the initial application is made without prejudice and is so stated in the record of the proceedings.

## ***Section 17.53.100 NATURAL RESOURCES OVERLAY- ENVIRONMENTAL RESOURCES (NR-ER) SUBDISTRICT***

### **17.53.100.01 Purpose.**

The purpose of the Environmental Resources (NR-ER) overlay subdistrict is to implement those policies of the general plan related to the protection of lands and other environmental resources having significant wildlife habitat values. Specific purposes of this subdistrict include:

- A. To protect and preserve environmentally sensitive areas from inappropriate and unnecessary development.
- B. To manage new development within the overlay subdistrict in a manner that minimizes negative impacts on areas of important scenic or natural resource values.
- C. To protect wetland and riparian communities from degradation due to development and implement the habitat protection and flood mitigation measures associated with the General Plan Land Use Element.
- D. Conserve scenic, recreational, and educational values of significant natural resources

### **17.53.100.02 Applicability.**

This overlay subdistrict may be applied to environmentally sensitive areas, including wetlands, floodplains, steep slopes, and wildlife habitats, in conjunction with base zoning districts designated for a property. The boundaries of the subdistrict overlay may or may not coincide with other zoning district boundaries. The subdistrict may be applied in areas of existing or planned development. This section shall not regulate property development within base zoning districts or FEMA-designated floodplains unless the overlay is applied to such an area by a city council rezoning action.

The subdistrict's mapped boundaries shall be based on the adopted documents, plans and maps of the associated rezoning action. Such boundary is subject to field verification by a qualified professional based on the criteria established in the approved rezoning documents, plans and maps.

Where the provisions of the NR-ER overlay are less restrictive or conflict with other provisions of the municipal code and state or federal law, the provisions that provide the greater protection of the environmental resource shall govern.

### **17.53.100.03 General provisions.**

The NR-ER boundary may be established to include a wetland or habitat identified during a development permit review by city council designation if it is within or partially within the city limits, and meets a local, state or federal definition of an environmentally sensitive resource that has been assigned for permanent protection by the city, state or a federal agency. In such cases, the mapped resource shall be regulated pursuant to the standards of this chapter and applicable state and federal regulations. The adopted subdistrict overlay boundary may be relied upon by the director for the purposes of subsequent development review.

### **17.53.100.04 Uses prohibited in the environmental resources overlay.**

The following activities are prohibited within a designated NR-ER overlay area. Development or uses within the overlay that existed prior to the time the overlay district was applied to a subject property are permissible but shall not be expanded or modified without approval of a use permit.

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- A. Any development, other than that allowed (exempted) by the subdistrict overlay or that is part of a regulated use that is approved under specified conditions requiring the preservation of the environmental resource.
  - B. New lots that would have buildable areas within the overlay are prohibited.
  - C. The dumping of materials of any kind is prohibited.
  - D. The placement or expansion of storage of materials or vehicles of any kind is prohibited.
  - E. Grading or the placement of fill, or any activity that results in the removal of existing native vegetation except where part of an otherwise approved development or resource management activity.

#### **17.53.100.05 Permitted uses.**

The following uses are allowed within the overlay subdistrict subject to the issuance of a site development permit:

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city and other agencies with jurisdiction.
- B. Utility service installations to serve an existing use.
- D. Boundary and topographic surveys.
- E. Soil tests, soil borings or test pits, small monitor well installations, and other minor excavations, not exceeding five (5) cu. yds. of material, when necessary for geotechnical, geological or environmental investigation of the property, provided that disturbed areas are restored to pre-existing conditions as approved by the director.
- F. Trail construction meeting the following conditions:
  - 1. Construction occurs between April 15 and October 15.
  - 2. Widths shall not exceed forty-eight inches, and trail grade shall not exceed twenty percent.
  - 3. All necessary permits from state and federal agencies for such work are obtained prior to the commencement of project construction.
  - 4. Soil disturbance is located no closer than twenty-five feet to a wetland or the top of banks of a mapped stream.
  - 5. No protected trees are removed.
  - 6. Disturbed areas are restored to pre-existing conditions as approved by the director

#### **17.53.100.06 Uses requiring a use permit.**

The following uses within the NR-ER overlay are subject to approval of a use permit:

- A. Alteration to existing structures or improvements when not otherwise exempted.
- B. A single-family detached residential unit or duplex on a lot of record with a minimum of two thousand square feet of buildable area outside the NR-ER designated portion of the property.
- C. A land division that would create a new lot for an existing residence that is within the boundary of the overlay.
- D. Land divisions when not exempted, and subject to the applicable standards of 17.53.100.07

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- E. Construction or modification of trails and related improvements when not otherwise exempt, subject to the following requirements:
    - 1. Construction occurs between April 15 and October 15.
    - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent.
    - 3. All necessary permits from state and federal agencies for such work is obtained prior to commencement of project construction.
    - 4. Soil disturbance is located no closer than fifty feet to a designated wetland or 25 feet to the top of banks of a mapped stream.
    - 5. No protected trees are removed.
    - 6. Disturbed areas are restored to pre-existing conditions as approved by the director
  - F. New or substantially modified roadways, bridges/creek crossings, utilities or alterations to such facilities.
  - H. New utility lines and related improvements.
  - I. Stormwater detention or pre-treatment facilities.

#### **17.53.100.07 Subdivisions.**

Land divisions provided they meet the following standards, and indicate the following on the final map:

- A. Lots shall have their building sites (or buildable areas) located at least 20 feet from the boundary shown on the adopted NR-ER overlay map. For the purpose of this subparagraph, "building site" means an area of at least 2,000 square feet, with minimum dimensions of at least 40 feet wide and 40 feet deep.
- B. All public and private utilities (including water lines, sewer lines or septic fields, and stormwater disposal facilities) are located outside the NR-ER.
- C. Streets, driveways and parking areas shall be located at least 20 feet from the district boundary; and
- D. The NR-ER portions of all lots are protected by:
  - 1. A conservation easement; or
  - 2. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

#### **17.53.100.08 Exempt activities and uses.**

The following activities are exempt within the overlay area:

- A. Hazardous Tree Removal. The director may permit the removal of any tree determined to be dead, hazardous, or diseased.
- B. Nuisance abatement. Measures approved by the city manager to remove or abate nuisances or hazardous conditions.
- C. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, and similar improvements, where the area of the structure or improvement is not increased or relocated.
- D. Planting of native vegetation and the removal of non-native, invasive vegetation as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry).
- E. Repair or installation of fences when necessary for the protection of environmental resources. Fences shall not be located within a designated floodplain.

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- F. Tree or vegetation removal which is in accordance with the provisions of the Public Resources Code and as determined necessary by the Shasta Lake Fire Protection District for fire prevention and safety purposes, and which does not destroy, remove or permanently affect sensitive species or sensitive habitats, or cultural/archaeological resources, or as allowed pursuant to agreements with the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

#### **17.53.100.09 Emergencies.**

The provisions of this chapter and section do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roads, driveways, accessory uses and exterior improvements that have been damaged in response to a declared emergency. After the emergency has passed, any disturbed native vegetation areas shall be documented and shall be repaired and replanted.

#### **17.53.70.10 Environmental review.**

Any application for encroachment into a designated NR-ER overlay area shall be subject to environmental review pursuant to state law and the requirements of Chapter 17.22. The environmental review shall evaluate the project proposed within the overlay area in relation to the purposes of this overlay, considering the cumulative and long-term impacts of the project, and the project's relationship to the purposes of this chapter and the policies of the general plan.

#### **17.53.100.11 Definitions.**

The definitions established in Division VI of this title shall govern the interpretation of terms in this chapter.

#### **17.53.100.12 Relationship to other regulations.**

- A. Where the provisions of the NR-ER are less restrictive or conflict with other provisions of the municipal code, regional, state or federal law, the provisions that provide the greater protection of the resource shall govern.
- B. Compliance with Federal and State requirements.
  - 1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall apply for such approval prior to or simultaneously with the submittal of its development application to the city. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until all other agency approvals have been obtained, or those agencies indicate that such approvals are not required.
  - 2. The requirements of this chapter apply only to areas within the overlay or that are added to the boundary during the course of development review. If, in the course of a development review, evidence suggests that a property outside the NR-ER overlay may contain a protected or sensitive resource and such area is not added to the overlay through the rezoning process, the provisions of this chapter shall not be applied to that project review. However, the omission shall not excuse the applicant from satisfying any other applicable local, state or federal requirements.

#### **17.53.100.13 General development standards.**

The following development standards apply to all uses allowed under prescribed conditions within the NR-ER overlay with the exception of developed rights-of-way, trails, utility lines, land divisions, and approved resource management and mitigation projects:

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- A. Native trees shall be preserved unless they are located within ten feet of any approved structures or driveways. A protective covenant shall be required as a condition of approval for any native trees that remain within a designated overlay project area.
  - B. The approving authority may allow the landscaping requirements of the base zone to be met by preserving, restoring or permanently protecting habitat on development sites in the natural resource overlay district.
  - C. All vegetation planted in the overlay area shall be native vegetation, or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry.
  - D. All grading is subject to the installation of appropriate erosion control measures.
  - E. The minimum front, street, or garage setbacks of the base zone may be reduced by the approving authority when necessary to minimize the disturbance area within the NR-ER portion of a project site.
  - F. The maximum required setback in the applicable base zone may be increased where necessary to minimize disturbance within the NR-ER portion of a project site.
  - G. Exterior lighting shall be placed or shielded so that they do not shine directly into designated NR-ER resource areas.
  - H. If the development occurs within the one-hundred-year floodplain, the standards of Section 17.53.110 shall govern.
  - I. Mitigation of impacts pursuant to environmental review as set forth in Chapter 17.22 is required.

#### **17.53.100.14 Compliance required.**

No building permit, license, certificate or other approval or entitlement shall be issued by the city or any department or employee thereof with respect to any improvement within the environmental resources' subdistrict until the design of the applicable improvement or activity has been approved. No certificate of use, occupancy, or similar approval shall be issued or given for any improvement subject to a use permit or other entitlement until a representative of the development services department has certified that the improvement has been completed in accordance with the approval granted pursuant to this chapter.

#### **17.53.100.15 Nuisance.**

Any improvement constructed, located, repaired, altered or maintained contrary to the provisions hereof, after the effective date of this chapter, shall be considered a public nuisance. If any permit is issued based on plans or other submittals by an applicant that are contrary to the requirements of this chapter or project approval, the applicant shall be responsible for correcting any such work to bring it into conformance with the approved entitlements.

**Section 17.53.110 NATURAL RESOURCES OVERLAY-  
FLOODPLAIN MANAGEMENT (NR-F) SUBDISTRICT**

**17.53.110.01 Purpose.**

The Federal Emergency Management Agency (FEMA) requires that flood-hazard regulations be adopted by all agencies and communities participating in the National Flood Insurance Program. To participate in the program, the city must adopt and enforce floodplain management measures to reduce the risk of flood losses. It is the purpose of the Natural Resources overlay "NR-F" subdistrict to implement this federal mandate, to carry out the city's general plan policies regarding development in floodplains and flood hazard areas, and to provide land-use regulations in areas with properties situated within the FEMA or city designated floodplains of creeks, streams and water courses. These regulations apply in all zoning districts affected by the location of this overlay subdistrict, provided that in case of conflict between the regulations of the principal or base district and this district, the more restrictive regulations shall control. The specific purposes of this overlay subdistrict include the following:

1. Protect human life and health, safety and welfare from the impacts of flooding.
2. Require that uses vulnerable to floods be protected against flood damage by incorporating floodproof construction standards in their design or be developed outside flood-prone areas at the time of their initial construction.
3. Reduce alterations to the natural floodplain and stream channels to protect riparian corridors and public or private property along waterways.
4. Prohibit filling, grading, dredging or development which may increase the potential for flood damage or danger to life or property.
5. Prevent stream erosion which may adversely affect streams or cause property loss.
6. Prevent the construction of flood barriers, which may redirect floodwaters or raise flood levels, thereby increasing flood hazards to other properties.
7. Discourage development within the one-hundred-year floodplain to minimize public and private losses due to floods or construction in flood hazard areas.
8. Reduce the need for new or expanded public works facilities to address increased flood hazards created by new development activity.
9. Protect wildlife and wildlife habitat along area creeks from erosion, vegetation loss, and water quality degradation.
10. Ensure that adequate capacity for existing urban runoff is preserved within floodplains.
11. Ensure that flood levels are not raised on other properties as a result of any encroachment into the floodplain.
12. Ensure that stream velocities are not significantly increased, which could cause erosion above, below or across from an area of encroachment or realignment.
13. Ensure that projects requiring city approval for encroachments into floodplains or floodways fully address the following issues when applicable:
  - a. Existing and future volumes of water.
  - b. Existing and future changes in the velocity of water.

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- c. Potential impacts on adjoining properties.
  - d. Potential for increased erosion upstream or downstream.
  - e. Scope and potential impacts on riparian habitat.
  - f. Potential impacts on fisheries and wildlife.
  - g. General plan consistency.
  - h. Liability, both public and private.
  - i. Depth of floodplain and fill needed.
  - j. Amount of existing usable area on the parcel and additional area to be created.
  - k. Maintenance responsibility and costs.
  - l. Short-term gains versus long-term costs.
  - m. Future increases in runoff.
  - n. Consistency with the requirements of FEMA.

#### **17.53.110.02 Applicability and 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 chapter.

The FIS and attendant mapping are the minimum areas of applicability of this chapter. The city may supplement these maps based on 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 acceptable to the Floodplain Administrator.

All terms, measurements, and definitions used in the application of this chapter shall be those as reflected in this title, and in applicable state and federal law.

#### **17.53.110.03 General provisions.**

- A. Applicability. The regulations of this title and chapter provide protection within and along waterways of the "NR-F" Floodplain Overlay Subdistrict by (1) generally prohibiting development within the floodway, (2) allowing only limited use and development in the flood fringe, (3) appropriately regulating uses and development on properties contiguous to the flood fringe and floodplain, which do not meet the minimum FEMA standards, (4) reviewing proposed development located in the floodplain, (5) reviewing development permits to determine that the permit requirements of this code have been satisfied, (6) reviewing all permits to determine that a development site is reasonably safe from flooding, and (7) reviewing specified development permits to determine if the proposed development adversely affects the flood-carrying capacity of an 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 "NR-F" Overlay District of the city.
  - 2. These regulations and standards shall apply to land outside the FEMA floodplain but within the "NR-F" District if the approving authority determines that a proposed development or use of

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property meets any of the following criteria: a) It bears a relationship to the floodplain; b) has an unprotected lowest floor level that is less than one foot above the 100-year flood elevation; or c) may adversely impact a city designated stream corridor or floodplain.

3. Property that is determined to be contiguous to, within, or partially within the regulatory floodplain subsequent to the adoption of this chapter is automatically subject to the regulations of this chapter without further consideration and shall be considered as if zoned "NR-F".
4. Ensure that floodplain development does not unnecessarily adversely affect a designated 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 city, 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 code; 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 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/or applicant.
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 it is proven by a hydrologist who is a registered professional engineer that the flood levels are not the same as the base flood of the adjacent stream.
5. When federal, state, or local agencies have not provided base flood elevation data, the owner is responsible for obtaining all necessary information for city review and acceptance prior to the city's decision on any related approval.
6. The Public Works and Development Services Departments 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 prior to approval for encroachment, alteration, or filling in the floodplain.

C. Records.

1. In addition to the requirements of the building code and these regulations, the floodplain administrator shall maintain and make available to the public all records necessary for administering these regulations.

### **17.53.110.04 Uses prohibited in the floodway and flood fringe area.**

Structures or other improvements not listed in Sections 17.53.110.05 and 17.53.110.06 of this chapter shall not be located within the floodway.

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The following uses in a floodway or flood-fringe area are prohibited unless the area is raised to a height of one foot above the floodplain elevation based upon an approved application for encroachment:

- A. The storage or processing of materials that, in time of flooding, are buoyant or explosive; that could be injurious to human, animal or plant life; or that may affect the capacity of the floodway or increase flood heights within the flood fringe.
- B. The storage or parking of recreational vehicles, as defined in Section 17.53.020 of this chapter, within the floodway is prohibited.
- C. Underground storage of toxic or flammable substances that could be injurious to human, animal or plant life within the floodway is prohibited.
- D. Fences or walls unless the fence or wall is along a public street or other location determined by the City Engineer as necessary for the protection of the public. Street walls or fences must provide proper openings to allow passage of floodwaters and debris.
- E. Placement of accessory structures is prohibited within the floodway.

#### **17.53.110.05 Permitted uses within the floodway and flood fringe.**

The following uses are allowed within the floodway and flood fringe, provided they are allowed in the district combined with the "NR-F" overlay, and the uses meet FEMA development standards and are approved by the city and all agencies with jurisdiction:

- A. Emergency actions approved by the city manager or city council taken to protect existing property or facilities, not including concrete or asphalt riprap or narrowing the existing channel.
- B. Removal of water-deposited debris by the city that could result in channel alteration, subject to obtaining any required permits from the State Department of Fish and Wildlife.
- C. Maintenance and repair to existing structures and yards pursuant to this code, and normal maintenance of existing channels, ditches or levees.
- D. Bridges with a designed capacity to pass a one-hundred-year flood without the impedance of base floodwaters (bridges without piers or abutments in the floodway), and which take into consideration planned urbanization of the tributary area.
- E. Installation of public infrastructure when determined necessary by the city council for the protection of public health, safety or general welfare, and subject to obtaining any required permits from state and federal agencies with jurisdiction.

#### **17.53.110.06 Uses requiring a use permit within the floodway and flood fringe.**

The following uses may be permitted by use permit in the "NR-F" overlay district, provided such uses meet the standards of this code and are approved by all agencies with jurisdiction:

- A. In the floodway and flood fringe.
  - 1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement.
  - 2. Levees and pumping stations.
  - 3. Actions approved by the State Department of Fish and Wildlife to enhance riparian or wildlife habitat.
  - 4. Streambank stabilization structures.

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5. Gravel- and sand-extraction operations along such waterways when approved by the planning commission and all permits necessary for a riparian and fishery reclamation plan have been obtained from the State Department of Fish and Wildlife and the Army Corps of Engineers, provided such operations will not broaden the floodplain nor direct flood flows out of the existing floodplain.
  6. Bridges with piers or abutments.
  7. Water-related recreational uses, excluding recreational uses that create permanent improvements or would result in the alteration of banks.
  8. Any public infrastructure improvement, when determined by the approving authority to be necessary for public health, safety, or general welfare, and the improvement cannot reasonably be placed outside the floodway or flood fringe.
- B. In the flood fringe only.
1. Public parks, picnic areas, playgrounds, boat launches, equestrian, pedestrian and bicycle trails, golf courses or other uses which involve only the open use of land without permanent structures, and which do not impede flood flows.
  2. Underground utilities including sewer, water, electricity, telephone and cable lines properly floodproofed.
  3. Overhead electric lines greater than twelve kilovolts.
  4. Agriculture and hobby farming, including field crops, orchards, vineyards and grazing.
  5. New or substantially modified residential structures, agricultural, commercial, and industrial structures permitted by the underlying district regulations provided floodproofing and/or flood-protective measures have been installed in a manner meeting with the approval of the floodplain administrator and the approving authority.
  6. Mobile homes or manufactured homes.
  7. The storage or parking of recreational vehicles and other vehicles.
  8. Unless otherwise noted, any use allowed by the district with which the "NR-F" overlay district is combined may be permitted subject to obtaining a use permit and meeting the standards of Sections 17.53.110.08 and 17.53.110.09, provided the following are in evidence:
    - a. The use meets the provisions of this chapter.
    - b. The use is consistent with the general plan.
    - c. The use is consistent with the base zoning of the parcel.
    - d. Adequate floodproofing and/or flood-protection measures have been installed meeting with the approval of the floodplain administrator, city engineer, building official, fire marshal, and planning commission.

**17.53.110.07 Permitted uses within the city's "NR-F" overlay district but outside the floodway and the flood fringe.**

The following uses are permitted without a use permit in the "NR-F" subdistrict for the area outside the flood fringe:

- A. Any permitted use in the district combined with the "NR-F" overlay district. The minimum setback from the base floodplain line shall be ten feet. The lowest floor elevation of any habitable structure shall be

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one foot above the base floodplain elevation, as identified by FEMA FIRM maps or other city-approved study, whichever is highest. The use must have year-round access not subject to inundation by a base flood of a depth of more than one foot.

### **17.53.110.08 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. The applicant's engineer prepares a revision to the flood insurance rate map, which FEMA adopts 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 using 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 a furnace, hot water heater, air conditioner, electrical equipment, plumbing fixtures, and other service facilities shall be elevated a minimum of one foot above the base floodplain elevation, as determined by FEMA FIRM maps or other City-approved study, whichever is highest.
- D. Elevation and flood-proofing.
  - 1. Residential construction, and accessory structures thereto, including new or substantial improvements including utility improvements and accessory structures or equipment located 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 FEMA FIRM maps or other City-approved study, whichever is highest. The elevation of the lowest floor, including the basement, shall be certified by a registered professional engineer, registered land surveyor, or licensed architect per the requirements of this code and FEMA. The certification shall be submitted to the city for approval to verify that all certification requirements have been met.
  - 2. Nonresidential construction, including new or substantial improvement, shall either be elevated consistent with this code and FEMA standards, or together with attendant utility and sanitary facilities, shall be required to do the following:
    - a. Be floodproofed below the elevation required under this chapter and code so that the structure is watertight with walls substantially impermeable to the passage of water.

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- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
      - c. Be certified by a registered professional engineer, registered land surveyor, or licensed architect acceptable to the floodplain administrator and building official, that the standards of this section 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 prior to the commencement of construction, or as otherwise authorized by the floodplain administrator and building official.
    3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are useable 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 applicable FEMA technical bulletins for "Openings in Foundation Walls and Wet Floodproofing Requirements", respectively, and/or exceed the following minimum criteria:
      - a. Be certified by a registered professional engineer, registered land surveyor, or licensed architect.
      - b. Have a minimum of two openings on different sides of the structure, having a total net opening 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. A FEMA-approved Elevation Certificate for residential construction 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 developer's engineer shall provide written verification that the foundation form elevations are consistent with the 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 registered professional engineer, registered land surveyor, or licensed architect who is authorized by state or local law to certify elevation and shall be approved by the floodplain administrator. Failure to submit elevation certification shall be cause to issue a stop-work order for a project.
    5. A FEMA Elevation Certificate or a nonresidential Flood Proofing Certificate for nonresidential construction is required prior to the issuance of a building permit. Prior to pouring a foundation, the developer's engineer shall provide written verification that the foundation form elevations are consistent with the 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.

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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 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.
- 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. Waste-disposal systems shall be located on-site at locations and elevations that will avoid impairment or contamination 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 pursuant to the requirements of FEMA and ACOE.
- H. Standards for residences, including manufactured homes.
1. All residences or 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 by another city-approved analysis, 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 must be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

### **17.53.110.09 Existing parcels.**

Existing parcels which, at the time of the effective date of this chapter, fall wholly within a floodplain or which have a residual area outside the floodplain which, does not meet the minimum lot size or building site necessary for development in the zoning district in which it is located may seek relief from the provisions of this ordinance as follows:

- A. Petition to encroach into the flood fringe pursuant to Section 17.53.110.10 of this chapter.
- B. Seek a use permit to reduce any required setback by fifty percent, provided the floodplain area is placed in a permanent open-space easement.
- C. Where the city council approves the exchange of acreage for permanent open space dedication, it may grant a dwelling-unit or floor area ratio credit that can be added to the density of any unsubdivided residential, commercial, or industrial property in the city, subject to the following:
  1. Any such credit must be used within five years of the date approved by the city council.
  2. The density of the recipient property is not increased by more than twenty percent above what the general plan otherwise would allow.
  3. The credit would not change the land use established by the general plan or the provisions of this code.

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4. The credit is not in addition to any other bonus-density provisions sought for the property.
  5. Any credit shall be in the form of a recorded agreement.
  6. The flood fringe area shall be calculated as follows:
    - a. The base floodplain elevation and the edge of the floodway shall be plotted on a one- to four-foot interval contour map of the property. The area then bounded by the edge of the floodway, edge of the base floodplain, and property lines shall then be measured to calculate the flood fringe. That number shall then be divided by ten and reduced to the nearest whole number.
  7. Any offer to dedicate flood fringe shall also include any adjacent floodway under the same ownership.
  9. Areas that are surrounded by floodway are not eligible for density or intensity credit.

#### **17.53.110.10 Application for encroachment into the flood fringe.**

Property owners requesting permission to encroach into the flood fringe shall submit to the city a hydraulic assessment of the base flood event prepared by a hydrologist who is a registered civil engineer. The cost of evaluating the analysis by the city or its consultant will be the applicant's responsibility. The assessment shall meet the requirements for surveying, hydraulic analysis, and flood-flow frequency analysis, as outlined in the Guidelines and Specifications for Study Contractors prepared by FEMA, dated January 1995, or as subsequently amended. The city shall specify the hydraulic method and model to be used. The calculations shall include the runoff from projected upstream urbanization of the tributary area under full development pursuant to the land use designations of the general plan.

The assessment shall include a flood-flow frequency analysis. When there is insufficient flood history, the frequency analysis and associated confidence levels shall be developed through sensitivity analysis of rainfall and runoff parameters and impacts using hydraulic analysis methods and parameters approved by the city engineer. The results of the estimated frequency curve of the base flood event and resulting surface-water analysis shall be compared with a frequency chart using a ninety percent confidence limit and curves of standard deviations from the mean versus the frequency exceedance range, showing bands of confidence ranging from five hundredths to ninety-five hundredths.

The assessment shall also include calculations and cross-sections of the floodplain with a minimum interval of one hundred feet or less based on one-foot contour intervals. It shall be submitted in a format for review by the city consistent with FEMA approved flood insurance study guidelines. The city may also require additional information when necessary to make a final determination.

#### **17.53.110.11 Equal encroachment.**

All requests for encroachments into a floodplain shall, to the greatest extent possible, assume equal encroachment on both sides of a stream, unless it can clearly be determined that the opposite bank above the base floodplain elevation which would be affected is unusable and not subject to erosion or undercutting from increased water velocity or raised flood levels or has been placed in a permanent open-space status to the extent that there would be no impact from an increase in the level of the base flood.

#### **17.53.70.12 Environmental review.**

Any application for encroachment into a flood fringe area shall be subject to environmental review pursuant to state law and the requirements of Chapter 17.22. The environmental review shall evaluate the area needed to make a final determination, considering the cumulative and long-term impact of the proposed encroachment and the project's relationship to the purposes of this chapter.

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### **17.53.110.13 Notification.**

The city will notify the adjacent jurisdiction's floodplain administrator and the California Department of Water Resources prior to authorizing a significant alteration or relocation of a floodway or floodplain, submit evidence of such notification to the Federal Emergency Management Agency (FEMA) in a request for a conditional letter of map revision (CLOMR), and ensure that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

Whenever a rise in base flood elevation is due to physical alterations, the city shall submit technical or scientific data to FEMA for a letter of map revision (LOMR) within six months of information becoming available or project completion, whichever comes first. Preparation of the conditional LOMR application by the applicant's engineer and approval of the conditional LOMR by FEMA will be required prior to issuing a grading permit or building permit. Approval of the final LOMR is required prior to final building permit approval (certificate of occupancy).

### **17.53.110.14 Warning and disclaimer of liability.**

The degree of flood protection this chapter requires is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can occur, the base flood may occur more often than the one percent frequency, and flash floods may cause equal or greater damage. This chapter does not imply that land outside the areas of special flood hazards or allowable uses within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the city or any officer or employee thereof, the state of California, or the Federal Insurance Administration of the Federal Emergency Management Agency for any flood damages that result from reliance on this code, and any administrative decision lawfully made thereunder.

### **17.53.110.15 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 or more of its market value, it shall not be reconstructed.
- B. Flood Fringe. Within the flood fringe, a structure may be reconstructed pursuant to Chapter 17.46, provided that upon reconstruction, the structure is adequately and safely floodproofed, elevated, or otherwise protected in conformity with the requirements of this code.

### **17.53.110.16 Prohibitions.**

No building permit, license, certificate or other approval or entitlement shall be issued or given by the city with respect to any improvement until the design of the improvement has been approved, as provided in this chapter, and the one-hundred-year flood elevation has been determined. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to use permit by this chapter, unless and until the director has certified that the improvement has been completed in accordance with the use permit approved pursuant to this chapter.

### **17.53.110.17 Nuisance.**

- A. Any improvement constructed, located, repaired, altered or maintained contrary to the provisions hereof, after the effective date of this chapter, is hereby declared to be unlawful and a public nuisance. If any permit is issued based on plans or other submittals by an applicant that is contrary to the requirements of this chapter or project approval, the applicant shall be responsible for correcting any work done under such permit in order to bring it into conformance with the permit approval.

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- B. Any grading or filling within the floodplain contrary to the provisions of this chapter is hereby declared unlawful and a public nuisance.
  - C. When the city has been made aware of the unlawful deposit of filling or grading within the floodplain, the city shall inform the property owner that such material shall be removed within thirty working days of city notice, and that a reclamation plan may be required by the city within the same period of time.

Thereafter, the property owner shall implement the approved plan within one year of the date of notice by the city of approval of the plan. The requirement for a city-approved reclamation plan shall be recorded and shall remain in the title report until the city is satisfied that compliance has been achieved. Within thirty days of the planning commission or other approval, the property owner shall deposit an improvement security based on the estimated value of reclamation improvements to ensure that the plan is implemented. Until such time as the property is restored to its pre-disturbance conditions, no building, grading or use permit shall be issued for improvement of the property.

#### **17.53.110.18 Standards for subdivisions.**

- A. Unless encroachment into the flood fringe has been approved by the planning commission or city council pursuant to this chapter, no lots shall use areas subject to flooding by a base flood in order to meet minimum lot area requirements. Both the tentative and final maps for the subdivision shall show the boundary of the base flood. The boundary shall be certified by the engineer preparing the map. All final maps shall also include a note as identified in Section 17.53.110.14 of this chapter.
- B. All final subdivision plans shall provide the elevation of proposed structures, pads, and adjacent grades. If the site is filled above the base floodplain, the final pad elevation shall be certified by a registered professional engineer, registered land surveyor, or certified architect and shown on the final map. Approval of a conditional letter of map revision (CLOMR) by FEMA shall be required prior to approval of the commencement of grading or vegetation removal within the floodplain as part of the project approval.
- C. All subdivision design and development shall be consistent with the need to minimize flood damage per Section 17.53.110.01.
- D. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize potential damage to infrastructure.
- E. All subdivision proposals shall provide adequate drainage improvements to reduce exposure to flood damage. Certification of compliance shall be required of the engineer of record for the project.

#### **17.53.110.19 Variances.**

- A. The director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration of FEMA.
- B. 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.

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3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford the relief requested.
  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 or aesthetic purposes or because variances have been granted in the past for these reasons shall not be considered 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, threat 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 the 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 project. A copy of the notice shall be recorded by the director in the Office of the Shasta County Recorder. It shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

## ***Chapter 17.57 SPECIFIC PLAN (SP) OVERLAY DISTRICT***

### **17.57.010 Purpose.**

The Specific Plan (SP) overlay district is intended to be combined with any base zoning district to identify areas where specific plans, community plans, or area plans are applicable. A specific plan shall be prepared in conformance with the California Government Code and may be further implemented by this title.

The specific purposes of this overlay district include:

- A. To identify specific plans, community plans, or area plans adopted by the city.
- B. To ensure that all plans remain consistent with the intent of the general plan as expressed in its goals and policies.
- C. To ensure that development within each specific plan overlay is consistent with the goals, policies, guidelines, and standards of the specific plan.
- D. To provide a link between the regulations of this code, the goals and policies of the general plan, and those zoning districts and regulations and policies that may be established under a specific plan, community plan, or area plan.

### **17.57.020 Applicability and zoning map designation.**

The "SP" specific plan overlay shall be combined with those zoning districts where the city has adopted a specific plan, community plan, or area plan. Further, this chapter shall identify and provide reference to each adopted plan.

### **17.57.030 Initiation, pre-submittal, and preparation of specific plans.**

Specific plans may be initiated in the following manner and shall meet the following requirements.

- A. City. By a resolution of intention adopted by the city council.
- B. Property Owner. An application filed by one or more of the owners of the property to be included in the specific plan. If initiated by an applicant, the following process must first occur:
  - 1. Pre-submittal application. A pre-submittal application and conference with the director before filing a formal specific plan application is required.
  - 2. Public meeting(s) required. Prior to commencing the preparation of a specific plan, the city shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan.

### **17.57.040 Content of plan application.**

A specific plan application shall include text and one or more diagrams that contain all the required elements outlined in state law, commencing with Government Code Section 65450, in addition to all data and related exhibits specified in this title.

The application shall include a detailed description of the purposes for which the plan is being prepared and an analysis demonstrating the proposed plan's consistency with applicable general plan goals and policies. The director may require additional information to evaluate the proposed plan's consistency with the applicable general plan goals and policies and state law requirements.

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### **17.57.050 Adoption/amendment of plans.**

A specific plan shall be prepared, adopted, and amended in the same manner as the general plan, in compliance with Chapter 17.17 (Amendments to the Text or Map) of this title.

### **17.57.060 Required findings.**

A specific plan, community plan, or area plan may be adopted if it is found to be consistent with the general plan, this title, and any other applicable requirements of state law.

### **17.57.070 Land use regulations/administration of a plan.**

All uses and development within a special planning area established pursuant to this chapter shall be consistent with the provisions of this code and the adopted plan. Where a plan contains different allowable uses, standards, or regulations other than those found in this code, those of the adopted plan shall control. Where the plan is silent on a particular use, standard, or regulation, the provisions of this code shall apply. All development within a plan area must be consistent with the adopted plan and the general plan, except that the director may approve a minor deviation from the adopted plan so long as the director finds that the deviation is consistent with the intent and policies of the adopted plan and the city's general plan.

Except as otherwise provided for in this title or an adopted plan, minor modifications in a plan's allowable uses or development standards are subject to the review and approval of the planning commission. All other modifications are subject to compliance with the requirements of Chapter 17.17.

### **17.57.080 Adopted plans and relationship to zoning districts.**

Table 17.57.080-A below identifies the specific plans adopted by the city. Where a specific plan creates zoning districts that are not part of this code, a relationship between those districts and this code is established. This relationship will be used when the zoning district created by a specific plan does not include all the necessary use standards, height and bulk regulations, intensity standards, or other regulations established by the base zoning district. It is intended that the base district regulations will supplement but will not supplant those of the specific district plan. In all cases, the most restrictive standard shall apply unless modified by the approving authority.

When a plan creates zoning districts, this chapter, a separate chapter, or the plan shall provide a correlation between the plan's zoning district(s) and those of this code. All such plans shall be identified on the city's zoning map, except that properties less than 2 acres in size are not required to be identified on the zoning map, and adding adopted overlay plans to the following table shall not constitute an amendment of this code.

**Table 17.57.080-A: Adopted Specific Plans**

<b>Adopted Specific Plans</b>	<b>Title 17 Chapter/Ordinance or Resolution #</b>
<ul style="list-style-type: none"><li><b>MOUNTAIN GATE AT SHASTA SPECIFIC PLAN and PLANNED DEVELOPMENT</b></li></ul>	<b>Chapter 17.37; Ord. No. 16-245 (1/5/2016)</b>