

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR THE COUNTY OF LINCOLN

3 Ordinance # 128

RECEIVED
AUG 31 1979

4 AN ORDINANCE PROVIDING FOR A FLOOD AREA MANAGEMENT ~~Lincoln County~~ Legal Counsel
5 AMENDING LINCOLN COUNTY ORDINANCE #34, 1974, AS AMENDED.

6 The Lincoln County Board of Commissioners ordains
7 as follows:

8 Section 3.700 The following sections are added
9 to and made a part of Lincoln County Ordinance #34,
10 1974, as amended.
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"Section 3.705. As used in Section 3.705 to 3.760 unless the context requires otherwise:

(1) "Areas of Shallow Flooding" mean areas where the base flood depth is between one to three feet, a clearly defined channel does not exist and the path of flooding is not determinable. Areas of shallow flooding are identified on the FIRM.

(2) "Areas of Special Flood Hazard" mean land in the flood plain where a 1% or greater chance of flooding in any given year occurs.

(3) "Base Flood" means a flood having a 1% chance of being equalled or exceeded in any given year.

(4) "Breakaway Walls" mean walls which are not part of the structural support of the building and which are so designed to breakaway under flood conditions, without damage to the structural integrity of the building or any building to which they might be carried by flood waters.

(5) "Coastal High Hazard Areas" mean areas subject to high velocity waters, including but not limited to storm surge or tsunamis, coastal high hazard areas are identified on FIRM maps as V zones.

(6) "Cross Section" means a profile of the ground surface perpendicular to the center line of a stream or tidal estuary.

(7) "Development" means any man-made change or improvement involving buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling that alters in any way the flood plain.

(8) "FIRM" means the Flood Insurance Rate Map adopted by the Federal Insurance Administration that delineated both the area of "special flood hazard" and risk premium zones.

(9) "Flood Plain" means the area adjoining a stream, estuary, or ocean that is subject to inundation by a regional flood.

(10) "Floodway" means the normal stream channel and that adjoining area needed to convey the waters of a regional flood while causing less than one foot increase in flood elevation.

(11) "Floodway Fringe" means the area of the flood plain lying outside of the floodway.

(12) "Habitable Floor" means any floor usable for working, sleeping, eating, cooking, recreation, or other living purpose.

(13) "Mean Sea Level" means the average height of the sea at all stages of tide.

(14) "Mobile Home Park or Mobile Home Subdivision" means land divided into two or more mobile home lots for sale or rent for which public facilities are provided in conformance with laws, regulations, and ordinances of the State of Oregon and Lincoln County.

(15) "Regional Flood" means flooding during periods of higher than normal stream flow, tides, and winds that has a 1% chance of occurrence in any single year. A Regional flood is a 100 year flood.

(16) "Step-Backwater Analysis" means an engineering analysis developed by the Army Corps of Engineers to evaluate hydrostatic and hydrodynamic forces.

(17) "Substantial Improvement" means any repair, reconstruction, or improvement of a structure which exceeds 50% of the assessed value of the structure.

Section 3.710 - Flood Plain Management General Provisions:

(1) Section 3.700 to 3.760 shall apply to all areas of special flood hazard, within Lincoln County.

(2) The areas of special flood hazard identified by the Federal Insurance Administration in "The Flood Insurance Study for Lincoln County", dated July 1978, with accompanying FIRM as amended and all other identified flood prone areas are hereby adopted by reference and declared to be part of this ordinance.

(3) No structure or land shall be constructed, located, extended, converted or altered without compliance with the provisions of section 3.700 to 3.760.

(4) Section 3.700 to 3.760 are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions, but where section 3.700 to 3.760 conflict with existing easement, covenants or deed restrictions whichever imposes the more stringent restrictions shall prevail.

Section 3.715 - Permits:

(1) All development in special flood hazard areas must obtain approval from the Planning Director prior to construction or land elevation.

(2) The following shall be submitted to obtain approval:

(a) The site elevation in relation to mean sea level of the lowest floor, including basement, of all structures.

(b) Elevation in relation to mean sea level to which any structure has been flood proofed as provided in section 3.730.

(c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria as set forth in "Flood Proofing Regulations", EP 1165-2-314 and section 1910.3 (a)(3) of the Federal Register.

(d) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If the alterations or relocation are measurable the applicant shall notify adjoining communities, the State coordinating office, and the H.U.D. Regional Administrator. All measurable alterations or relocations shall also require a step-backwater analysis.

Section 3.720 - Procedure When FIRM Information is not Available: the Planning Director shall obtain, review and utilize any base flood elevation data available from federal, state or other sources, in order to administer flood management. All construction or substantial improvement shall have the lowest floor, including basement, elevated above the highest known flood level and comply with the standards of section 3.730. In determining the highest known flood level the Director and Building Inspector shall exercise local judgement based on historical data.

Section 3.725 - County Records:

(1) The Planning Director shall obtain and record the actual elevation, in relation to MSL (Mean Sea Level), of the lowest habitable floor of all new or substantially improved structures, subject to Sections 3.705 to 3.760.

(2) The Planning Director, for all new or substantially improved flood proofed structures, shall verify and record the actual elevation and maintain the flood proofing certifications required in section 3.730.

Section 3.730 - Areas of Special Flood Hazard Standards: In all areas of special flood hazard the following minimum standards are required in addition to the restrictions set forth in section 3.735 to 3.760.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be constructed with flood resistant materials, utilizing methods and practices to minimize flood damage.

(2) New construction and substantial improvement of any residential structure, including mobile homes, shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. Elevation shall be documented with a survey certified by a State of Oregon registered professional engineer or surveyor.

(3) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation, with proper documentation as set forth in subsection (2) above, or, together with attendant utility and sanitary facilities shall:

(a) Be flood proofed so that one foot above the base flood level the structure is water tight, 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 or architect that the standards of this subsection are satisfied.

(4) All mobile homes, except as provided in subsection (5) of this section, shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors as set forth below:

(a) Over-the-top ties shall be installed at each corner of mobile homes with two additional ties at intermediate locations for homes 50 feet or greater in length and one intermediate tie for homes less than 50 feet.

(b) Frame ties be installed at each corner of the mobile home with additional ties per side at intermediate points for homes 50 feet or greater in length and four intermediate ties for homes less than 50 feet.

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(d) Any additions to mobile homes shall be anchored as set forth in (a) and (b) of this subsection.

(e) All mobile homes affixed with an Oregon Department of Commerce data plate after 1972 or a H.U.D. data plate effective after June 1976, shall not require over-the-top ties.

(f) Alternative methods of anchoring mobile homes may be used provided the system is designed to withstand a wind force of 90 miles-per-hour or greater. Acceptable certification must be submitted to the Planning Director or Building Inspector that the provisions of this subsection have been met.

(5) All water and sewer systems, including on-site waste disposal systems as provided in ORS chapter 454, shall be designed to:

- (a) Minimize infiltration of flood waters into the system.
- (b) Minimize discharge from the systems into flood waters.
- (c) Avoid impairment or contamination during flooding.

(6) As used in this subsection, "major development" means a subdivision, condominium, planned development, commercial complex, or any other development having major impact on an area of special flood hazard. Major developments shall comply with the following:

(a) All roads in major developments shall be constructed at or above the base flood elevation.

(b) Maps shall be submitted showing the location to channel stations, flood profile elevation, existing topography, proposed topography including proposed dikes and revetments, one foot contours, and cross-section extending in both directions from the stream or estuary to an elevation above the probable regional flood elevation near the upstream and downstream boundaries within the development, at least one for each 1,000 feet of stream or estuary frontage, and to a point at least 2,000 feet below the downstream boundary of the subdivision.

(c) Engineering data related to the regional flood, showing the magnitude in cubic feet per second, flood profiles and the floodway and flood plain boundaries within the development.

Section 3.735 - Floodway Overlay Zone, FW: In an FW overlay zone, as identified on the FIRM adopted by section 3.710 of this ordinance, all uses in the underlying zone are permitted, subject to the following restrictions:

(1) No development shall be permitted that would cause any measurable increase in the base flood elevation. Encroachment is prohibited, including fill, new construction, substantial improvements and other development, unless a detailed step-backwater analysis by a registered professional engineer is provided, demonstrating that the encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If development is allowed pursuant to subsection (1) of this section, all new construction and substantial improvement shall comply with section 3.730.

(3) The nonpermanent placement of recreational vehicles in a FW zone between April 1, and November 1, shall be allowed as a conditional use, notwithstanding the underlying zone.

Section 3.740 - Flood Fringe Overlay Zone, FF: In an FF overlay zone, as identified on FIRM and adopted by section 3.710 of this ordinance, all uses in the underlying zone are permitted subject to the following restrictions:

(1) All uses shall comply with section 3.730 of this ordinance.

(2) In addition to the requirements for conditional uses provided by this ordinance, the director or commission may, in order to minimize flood damage, add the following special conditions:

(a) Increase the required lot size or yard dimensions.

(b) Limit the size and location of buildings.

(c) Control the location and number of vehicle access points.

- (d) Increase the street width.
- (e) Increase the number of required off-street parking spaces.
- (f) Require diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- (g) Designate sites for open space.

Section 3.750 - Coastal Flood Overlay Zone, CF: In a CF overlay zone, as identified on FIRM and adopted by section 3.710 of this ordinance, all uses in the underlying zones are allowed, subject to the following restrictions:

- (1) All uses shall comply with section 3.730 of this ordinance.
- (2) All buildings or structures shall be located landward of the mean high tide.
- (3) All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation.
- (4) All space below the lowest supporting member shall open to allow the flow of water or be constructed with breakaway walls as follows:
 - (a) Enclosed space shall not be used for human habitation.
 - (b) The walls below the base flood elevation shall not be a part of the structural support of the building.
 - (c) The walls shall be designed so as to breakaway under abnormally high tides or wave action, without damage to the structural integrity of the building.
- (5) All buildings or structures shall be securely on pilings or columns.
- (6) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
- (7) No fill shall be used for structural support.
- (8) Sand dunes shall not be altered to increase potential flood damage.
- (9) Mobile homes are prohibited.

(10) Alteration, repair, reconstruction, or improvement of a structure after the effective date of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided in subsection (4) of this section.

Section 3.755 - Shallow Flooding Overlay Zone, SF: In a SF overlay zone, as identified on FIRM and adopted by section 3.710 of this ordinance, all uses in the underlying zone are allowed, subject to the following restrictions:

(1) All uses shall comply with section 3.730 of this ordinance, except as otherwise provided in this section.

(2) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to one foot above the adjacent grade or the depth number specified on the FIRM.

(3) All construction and substantial improvement of nonresidential structures shall:

(a) Have the lowest floor, including basement, elevated one foot above the adjacent grade or above the depth number specified on the FIRM, or

(b) Together with the attendant utility and sanitary facilities, be completely flood-proofed.

1 Section 3.760 Section 4.200 "Special Standards: Floodplains"
2 of Lincoln County Ordinance #34, 1974, as amended,
3 is repealed.

4 DATED this 29th day of August, 1979.

5 LINCOLN COUNTY BOARD OF COMMISSIONERS

6 Albert R. Strand
Albert R. Strand, Chairman

7
8 Andy Ledwick
Andy Ledwick, Commissioner

9
10 W.S. Ouderkerk
W.S. Ouderkerk, Commissioner