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**BEFORE THE BOARD OF COMMISSIONERS**  
**FOR LINCOLN COUNTY, OREGON**

ORDINANCE # 366

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**Relating to land use planning; amending LCC 1.1395; and declaring an emergency.**

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The Lincoln County Board of Commissioners ordains as follows:

**SECTION 1.**

LCC 1.1395 is amended to read:

1.1395 Flood Hazard Overlay Zone

(1) Purposes:

The purposes of the Flood Hazard Zone are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, all in accordance with LCDC Statewide Planning Goal 7 and Lincoln County Comprehensive Plan Natural Hazard Policies. The regulation of uses within this zone is intended to:

- (a) Protect human life and health;
- (b) Protect property and structures;
- (c) Minimize public costs for flood control projects;
- (d) Minimize public costs of rescue and relief efforts associated with flooding;
- (e) Minimize business interruptions due to flooding;

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1 (f) Minimize damage to public facilities and utilities including water and gas mains,  
2 electric, telephone and sewer lines, streets and bridges located in flood hazard areas;

3 (g) Maintain a stable tax base by providing for appropriate use and development of areas  
4 of flood hazard;

5 (h) Make the designation of property subject to flood hazards a matter of public record;  
6 and

7 (i) Qualify Lincoln County for participation in the National Flood Insurance Program.

8 (2) Area Affected:

9 The provisions of this section shall apply to all areas within the 100-year flood boundary as  
10 identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as  
11 published by the Federal Emergency Management Agency (FEMA). These maps may be  
12 periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to  
13 Section 206 of the Flood Disaster Protection Act of 1973 (PL 92-234). These changes are  
14 technical in nature and are made in order to reflect new or revised data on base flood elevations,  
15 ground elevations, flood control structures or other factors. In order to employ the best available  
16 information and maintain compliance with Federal Flood Insurance Program regulations, Lincoln  
17 County shall utilize any such revisions or modifications upon their effective date.

18 (3) Uses:

19 In areas subject to the provisions of this section, all uses permitted under the provisions of  
20 the underlying zone may be permitted, subject to the additional requirements and limitations of this  
21 section. Notwithstanding the provisions of the underlying zone, the nonpermanent placement of a

1 recreational vehicle on an individual lot between April 15 and October 15, shall be permitted as an  
2 outright use in areas subject to the provisions of this section.

3 (4) Permits:

4 (a) No structure or mobile home shall be erected, located, altered, improved or enlarged,  
5 and no other new development, including but not limited to grading, mining, excavation and  
6 filling, shall occur on lands within the 100-year flood boundary unless a Floodplain Development  
7 Permit specifically authorizing the proposal has been obtained from Lincoln County.

8 (b) Application, review and appeals for Floodplain Development Permits shall be initiated  
9 and conducted in the manner provided for in LCC 1.1210, **and shall also include evaluation to**  
10 **determine that all necessary permits have been obtained from all federal, state, and local**  
11 **governmental agencies from which prior approval is required.**

12 (5) County Records:

13 (a) The Director shall obtain and maintain on file the actual elevation (in relation to  
14 NGVD) of the lowest floor, including basement, of all new or substantially improved structures in  
15 areas subject to the provisions of this section. In zones V and VI-30 the actual elevation of the  
16 lowest horizontal structural member, excluding pilings or columns, shall be obtained and  
17 maintained on file.

18 (b) For all new or substantially improved floodproofed structures in areas subject to the  
19 provisions of this section, the Director shall obtain and maintain on file the actual elevation, in  
20 relation to NGVD, of the flood proofing, and shall also maintain the flood proofing certifications  
21 required pursuant to subparagraph (C) of paragraph (c) of subsection (6) of this section.

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1 (c) Notwithstanding paragraphs (a) and (b) of this subsection, there shall be no  
2 requirement to obtain and maintain on file the actual elevation of the lowest floor, or of flood  
3 proofing measures, for new or substantially improved structures in areas where specific base flood  
4 elevations are not known.

5 (6) Development Standards for FIRM Zones A, A1-30 and A-0:

6 The following standards shall apply to all new construction, substantial improvement or  
7 other development in areas within FIRM Zones A, A1-30 and A-0:

8 (a) All new construction and substantial improvement shall be anchored to prevent  
9 flotation, collapse, and lateral movement of the structure, and shall be constructed with flood  
10 resistant materials, utilizing methods and practices to minimize flood damage.

11 (b) All new and substantially improved residential structures, including mobile homes and  
12 recreational vehicles placed on a site for more than 180 consecutive days, shall have the lowest  
13 floor, including the basement, elevated to at least one foot above the base flood elevation. In  
14 FIRM Zone A-0, the base flood elevation shall be defined as 12 inches above the highest adjacent  
15 grade. Except as otherwise provided in paragraph (c) of subsection (5) of this section, elevation  
16 of the lowest floor shall be documented with a survey certified by a State of Oregon Registered  
17 Professional Engineer or Land Surveyor. For purposes of this section, an unfinished garage, either  
18 attached or detached, may be considered a nonresidential structure.

19 (c) New construction and substantial improvement of any commercial, industrial or other  
20 nonresidential structure shall either have the lowest floor, including basement, elevated at least one

1 foot above the base flood elevation, with proper documentation as set forth in paragraph (b) of  
2 this subsection or, together with attendant utility and sanitary facilities, shall:

3 (A) Be floodproofed [*such that*] so that below the base flood level the structure is  
4 **watertight with walls** substantially impermeable to the passage of water [*to an elevation at least*  
5 *one foot above the base flood elevation*]. In FIRM zone A-0, base flood elevation is defined as  
6 12 inches above the highest adjacent grade;

7 (B) Have structural components capable of withstanding hydrostatic and hydrodynamic  
8 loads, effects of buoyancy, flood depths pressures, velocities and other factors associated with the  
9 base flood; and

10 (C) Be certified by a registered professional engineer or architect that the standards of this  
11 subsection are satisfied.

12 (d) Notwithstanding the provisions of paragraph (c) of this subsection, nonresidential  
13 structures utilizing flood proofing methods which permit the entry of floodwaters may be  
14 authorized, provided the following requirements are met:

15 (A) The structure and uses therein shall be of types which have a low flood damage  
16 potential, such as pole buildings used for parking and storage, and unfinished storage buildings;

17 (B) The contents and interior finish materials of the structure shall be of types which are  
18 neither hazardous nor vulnerable to loss under conditions of flooding;

19 (C) The structure shall have structural components capable of withstanding hydrostatic  
20 and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors  
21 associated with the base flood;

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1 (D) The structure shall be designed to allow for the automatic entry and exit of  
2 floodwaters in accordance with paragraph (g) of this subsection; and

3 (E) The owner shall be provided notice by the Planning Division that placement of a  
4 structure below the base flood level will result in increased premium rates for flood insurance up  
5 to amounts as high as \$25.00 per \$100.00 of insurance coverage.

6 (e) All mobile homes and recreational vehicles placed for greater than 180 consecutive  
7 days shall be placed on a permanent foundation and shall be anchored to resist flotation, collapse  
8 and lateral movement by providing tie downs and anchoring as specified in OAR 814-23-065.

9 (f) Electrical, heating, ventilation, plumbing and air conditioning equipment and other  
10 service facilities shall be designed or located so as to prevent water from entering or accumulating  
11 within components during conditions of flooding.

12 (g) For all new construction and substantial improvements **that are elevated**, fully  
13 enclosed areas below the lowest floor that are subject to flooding **are prohibited**, or shall be  
14 designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the  
15 entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a  
16 registered professional engineer or architect, or must meet or exceed the following minimum  
17 criteria: A minimum of two openings having a total net area of not less than one-square inch for  
18 every square foot of enclosed area subject to flooding shall be provided. The bottom of all  
19 openings shall be no higher than one foot above grade. Openings may be equipped with screens,  
20 louvers, or other coverings or devices, provided that they permit the automatic entry and exit of  
21 floodwaters. **Fully enclosed areas below the lowest floor of elevated buildings are usable**

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1 solely for the parking of vehicles, building access, or storage in an area other than a  
2 basement.

3 (h) For structures on slopes within FIRM Zone A-0, adequate drainage paths  
4 around the structures to guide floodwaters around and away from proposed structures are  
5 required.

6 ~~[(h)]~~ (i) All subdivision proposals shall be designed to minimize flood damage, shall  
7 provide adequate drainage, and shall have public utilities and facilities constructed to minimize  
8 flood damage.

9 ~~[(i)]~~ (j) Land may be exempted from the requirements of this subsection upon review and  
10 approval by the Director of an acceptable elevation survey, certified by a State of Oregon  
11 Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is at  
12 least one foot above the base flood level.

13 (7) Development Standards for FIRM Zones V and VI-30:

14 The following standards shall apply to all new construction, substantial improvement, and  
15 other development in areas within FIRM zones V and VI-30:

16 (a) All buildings or structures shall be located landward of the mean high tide line.

17 (b) All new or substantially improved structures shall be elevated on pilings or columns so  
18 that the bottom of the lowest horizontal structural member of the lowest floor, excluding pilings or  
19 columns, is elevated to or above the base flood level. Elevation of the lowest horizontal member  
20 shall be certified by a registered professional engineer or land surveyor.

1 (c) Pile or column foundations and structures attached thereto shall be anchored to resist  
2 flotation, collapse and lateral movement due to the effects of wind and water loads acting  
3 simultaneously on all building components. Wind and water loading values shall each have a one  
4 percent chance of being equaled or exceeded in any given year (100 year mean recurrence  
5 interval).

6 (d) A registered professional engineer or architect shall develop or review the structural  
7 design, specifications and plans for the construction, and shall certify that the design and methods  
8 of construction to be used are in accordance with accepted standards of practice for meeting the  
9 provisions of paragraphs (b) and (c) of this subsection.

10 (e) All space below the lowest floor shall be either free of obstruction to the free flow of  
11 water or constructed with nonsupporting breakaway walls, open wood lattice work or insert  
12 screening intended to collapse under wind and water loads without causing collapse, displacement  
13 or other structural damage to the elevated portion of the building or supporting foundation  
14 system. For purposes of this section, breakaway walls shall have a design safe loading resistance  
15 of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which  
16 exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a  
17 registered engineer or architect certifies that the designs proposed meet the following conditions:

18 (A) Breakaway wall collapse shall result from a water load less than that which would  
19 occur during the base flood; and

20 (B) The elevated portion of the building and supporting foundation system shall not be  
21 subject to collapse, displacement or other structural damage due to the effects of wind and water

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1 loads acting simultaneously on all building components, both structural and nonstructural.  
2 Maximum wind and water loading values to be used in this determination shall each have a one  
3 percent chance of being equaled or exceeded in any given year (100 year mean recurrence  
4 interval).

5 (f) All space below the lowest floor shall be usable solely for parking of vehicles, building  
6 access or storage.

7 (g) No fill shall be used for structural support.

8 (h) Sand dunes shall not be altered so as to increase potential flood damage.

9 (8) Floodway Requirements:

10 In areas identified as floodway on the Flood Boundary and Floodway Maps, the following  
11 restrictions, in addition to the requirements of subsection (6) of this section shall apply: No  
12 development shall be permitted that would result in any increase in base flood levels.  
13 Encroachment is prohibited, including fill, new construction, substantial improvement and other  
14 development, unless a detailed step backwater analysis, certified by a Registered Professional  
15 Engineer, is provided which demonstrates that the proposed encroachment will cause no  
16 measurable increase in flood levels (water surface elevations) during a base flood discharge.

17 (9) Procedure When Base Flood Elevation Data is Not Available:

18 (a) For the purposes of administering the provisions of this section in areas where detailed  
19 base flood elevation data has not been provided by FEMA, the Director shall obtain, review and  
20 utilize any base flood elevation and floodway data available from federal, state and local sources,  
21 and may exercise local judgment based on historical data.

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1 (b) In areas where detailed base flood elevation data has not been provided by FEMA, all  
2 proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever  
3 is less, shall provide detailed base flood elevation data and floodway data.

4 (10) Watercourse Relocation:

5 (a) Prior to approving any relocation or substantial alteration of a watercourse, the  
6 Director shall provide mailed notice of the proposal to adjoining communities and to the  
7 Department of Land Conservation and Development Floodplain Coordinator. Copies of such  
8 notice shall also be provided to the Federal Insurance Administration.

9 (b) No relocation or substantial alteration of a watercourse shall be permitted unless a  
10 detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which  
11 demonstrates that:

12 (A) The flood carrying capacity for the altered or relocated portion of the watercourse will  
13 be maintained;

14 (B) The area subject to inundation by the base flood discharge will not be increased; and

15 (C) The alteration or relocation will cause no measurable increase in base flood levels.

16 (11) Utilities:

17 (a) **All new and replacement water supply systems shall be designed to minimize or**  
18 **eliminate infiltration of flood waters into the systems;**

19 (b) **New and replacement sanitary sewage systems shall be designed to minimize or**  
20 **eliminate infiltration of flood waters into the systems, and discharge from the systems, into**  
21 **flood waters; and**

1           **(c) On-site waste disposal systems shall be located to avoid impairment of the**  
2 **systems, or contamination from the systems, during flooding.**

3           **(12) Review of Building Permits:**

4           **Where elevation data is not available, applications for building permits shall be**  
5 **reviewed to ensure that proposed construction will be reasonably safe from flooding. The**  
6 **review should include, but is not limited to, evaluation of historical data, high water marks,**  
7 **and photographs of past flooding, where available. Failure to elevate at least two feet above**  
8 **grade may result in higher flood insurance rates.**

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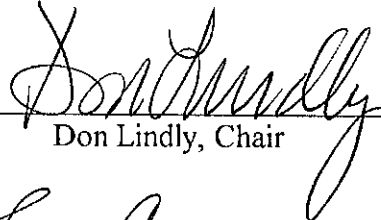
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1            **SECTION 2.**

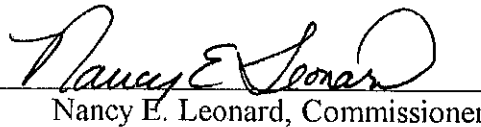
2            This Ordinance being necessary for the immediate preservation of the public peace, health  
3            and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 30<sup>th</sup> day of April, 1997.

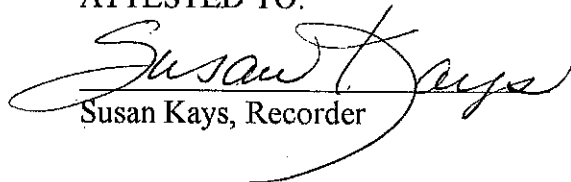
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Don Lindly, Chair


  
\_\_\_\_\_  
Jean Cowan, Commissioner

  
\_\_\_\_\_  
Nancy E. Leonard, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Susan Kays, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

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