

ORDINANCE NO. 1610

(AN ORDINANCE AMENDING CHAPTER 15.44 OF THE CITY OF HOOD RIVER MUNICIPAL CODE.)

WHEREAS, in 1986 new federal regulations went into effect that required all communities participating in the National Flood Insurance Program to amend their floodplain regulations to reflect the revised federal rules;

WHEREAS, the City of Hood River has been informed by the Federal Emergency Management Agency (FEMA) that these amendments must be adopted by February 2, 1989 or the city will be suspended from the National Flood Insurance Program;

WHEREAS, the City Council has held a legislative hearing to accept testimony regarding the proposed amendments;

THE CITY ORDAINS AS FOLLOWS:

Chapter 15.44 of the Hood River Municipal Code is amended as follows:

15.44.010 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- A. "Appeal" means a request for a review of the city building official interpretation of any provision of this ordinance or a request for a variance.
- B. "Area of Shallow Flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

- D. "Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- E. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- F. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters and/or
  2. The unusual and rapid accumulation of runoff of surface waters from any source.
- G. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- H. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- I. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- J. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).
- K. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also

includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

- L. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- M. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- N. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- O. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- P. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
  - 1a. before the improvement or repair is started, or
  - 2a. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1b. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15.44.020 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Hood River. (Ord. 1490 (part), 1981).

15.44.030 Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Hood River" dated September 24, 1984, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 211 Second Street.

15.44.040 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.44.030. The permit shall be for all structures including manufactured, as set forth in Section 15.44.010, "Definitions", and for all other development including fill and other activities, also as set forth in Section 15.44.010, "Definitions". (Ord. 1490 (part), 1981).

15.44.050 Designation of the building official enforcement. The city building official is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 1490 (part), 1981).

15.44.060 Duties and responsibilities of the building official. Duties of the city building official may include, but not be limited to:

A. Permit review.

- 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

2. Review all development permits to determine whether all necessary permits have been obtained from the Federal, State, or local governmental agencies from which prior approval is required.

B. Use of other Base Flood data.

When base flood elevation data has not been provided in accordance with Section 15.44.030, Basis For Establishing The Areas of Special Flood Hazard, the building official may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 15.44.080(A) and (B), Specific Standards, and Section 15.44.090, Floodways.

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 15.44.060(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
  - a. verify and record the actual elevation (in relation to mean sea level), and
  - b. maintain the floodproofing certifications required in Section 15.44.080(B)(3).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Interpretations.

The city building official or other city official as designated by the city council, shall have the initial authority and responsibility to interpret and enforce all terms, provisions and requirements of this title. If requested, the interpretation shall be in writing.

E. Appeals.

An appeal from a ruling by the city-designated official shall be made to the city council. An appeal to a ruling shall be in writing and filed with the City Recorder within 10 days of such ruling. No filing fee shall be required.

F. Alteration of Watercourses

1. Notify adjacent communities, the Oregon Department of Water Resources, and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

15.44.070 General Standards for flood hazard protection. In all areas of special flood hazards, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook, as amended, for additional techniques).

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

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

D. Subdivision Proposals

1. All subdivision proposals shall be reviewed to be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

E. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (See Section 15.44.060(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, and photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

15.44.080 Specific standards for flood hazard protection. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.44.030 or Section 15.44.060(B), the following provisions are required:

A. Residential Construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting these requirements must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings have a total new area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grad.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.



**B. Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.44.060(B);
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 15.44.080(A);
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

**C. Manufactured Homes**

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 15.44.070(B)(2).

15.44.090 Floodways. Located within areas of special flood hazard established in Section 15.44.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Subsection 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 15.44.070 and 15.44.080.

That inasmuch as the passage of this ordinance is necessary for the preservation of the health, safety and welfare of the citizens of the City of Hood River, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the City Council.

Read for the first time this 23<sup>rd</sup> day of January, 1989.

Read for the second time this 23<sup>rd</sup> day of January, 1989.

PASSED BY THE COUNCIL of the City of Hood River, this 23<sup>rd</sup> day of January, 1989.

Wanda L. Mathis  
Wanda L. Mathis, City Recorder

APPROVED BY THE MAYOR of the City of Hood River, this 23<sup>rd</sup> day of January, 1989.

Kenneth A. Jernstedt  
Kenneth A. Jernstedt, Mayor