

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 524

An Ordinance amending Multnomah County Code Chapter 11.15 by repealing the existing Flood Hazard District and establishing a new Flood Hazard District, with revised standards and procedures for the regulation of land uses in areas of special flood hazard.

Multnomah County ordains as follows:

Section 1. Findings.

- A. Multnomah County Framework Plan Policy No. 14 directs the County to take appropriate steps to safeguard development from natural hazards.
- B. The Federal Emergency Management Agency requires local communities to maintain and enforce minimum floodplain management standards in order to be eligible for participation in the National Flood Insurance Program.
- C. In order to qualify for the National Flood Insurance Program and implement Framework Plan Policy No. 14, Multnomah County adopted Ordinance No. 325 on July 13, 1982.
- D. The last review of Multnomah County's Floodplain Management Program conducted by the Federal Emergency Management Agency resulted in a recommendation for several minor program improvements in the areas of permit processes and record keeping.
- E. Experience in administering the provisions of Ordinance No. 325 has indicated a need for further improvements and simplification in the areas of development standards, floodway requirements and variance procedures.
- F. The above simplification and improvements can best be accomplished by establishing a new Flood Hazard District with a revised format and updated standards and procedures.

Section 2. Repeal of Existing Flood Hazard District.

MCC 11.15.6300 through 11.15.6332 adopted on July 13, 1982 which are designated as the "Flood Hazard District" are repealed.

Section 3. Amendment.

MCC 11.15 is amended by the establishment of Section 11.15.6301 through 11.15.6323 to read:

11.15.6301 Purposes.

The purposes of the Flood Hazard District 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 ORS 215, LCDC Statewide Planning Goal 7 and Multnomah County Framework Plan Policy 14. The regulation of uses within this District 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;
- (F) Minimize damage to public facilities and utilities including water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;
- (G) Maintain a stable tax base by providing for appropriate use and development of areas of flood hazard;
- (H) Make the designation of property subject to flood hazards a matter of public record; and
- (I) Qualify Multnomah County for participation in the National Flood Insurance Program.

11.15.6303 Area Affected.

The provisions of MCC .6301 - .6323 shall apply to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA). These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). These

changes are technical in nature and are made in order to reflect new or revised data on base flood elevations, ground elevations, flood control structures or other factors. In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

11.15.6305 Uses.

In areas subject to the provisions of this Section, all uses permitted under the provisions of the underlying district may be permitted, subject to the additional requirements and limitations of MCC .6301-6323.

11.15.6307 Permits.

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

(B) Application for a Floodplain Development Permit shall be initiated in the manner provided for in MCC .8210(B).

11.15.6309 Decision by Planning Director.

(A) A decision on a Floodplain Development Permit application shall be made by the Planning Director. The decision shall be based on an evaluation of the conformance of the proposed activity with the requirements of MCC .6315-.6323. The Director may approve the permit, disapprove it or approve it with such modifications and conditions as may be necessary to assure compliance with the requirements of MCC .6315-.6323.

(B) Within ten business days following receipt of a completed Floodplain Development Permit application, the Planning Director shall file a written decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons requesting the same.

11.15.6311 Appeals.

A decision on a Floodplain Development Permit application may be appealed in the manner provided in MCC .8290.

11.15.6313 County Records.

- (A) The Director shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.
- (B) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, the Director shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC .6315(C)(3).

11.15.6315 Development Standards.

The following standards shall apply to all new construction, substantial improvement or other development in areas within the 100-year flood boundary:

- (A) All new construction and substantial improvement shall be constructed in conformance with Oregon State Building Codes.
- (B) New construction and substantial improvement of any residential structure, including mobile homes (except in an existing mobile home park), shall have the lowest floor, including basement, elevated to at least one foot above the base flood level. Elevation of the lowest floor shall be documented with a survey certified by a State of Oregon Registered Professional Engineer or Land Surveyor. For purposes of MCC .6315, an unfinished garage (either attached or detached) may be considered a non-residential structure.
- (C) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor including basement, elevated at least one foot above the base flood level, with proper documentation as set forth in subsection (B) above, or, together with attendant utility and sanitary facilities, shall:
 - (1) Be floodproofed such that the structure is substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and
 - (2) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
- (E) All mobile homes shall be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs and anchoring as specified in OAR 814-23-005 through 080, except that such tie down methods shall apply to multiple wide as well as single wide mobile homes.
- (F) For new mobile home parks and for expansion of existing mobile home parks where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds 50% of the value of the street, utilities and pads before the repair, reconstruction or improvement is commenced, the following requirements shall apply:
 - (1) Stands or lots shall be located on compacted fill or on piling so that the lowest floor of any mobile home will be at least one foot above the base flood level.
 - (2) Adequate surface drainage and access for a hauler shall be provided.
- (G) All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:
 - (1) Minimize infiltration of flood waters into the system;
 - (2) Minimize discharge from systems into flood waters;
 - (3) Avoid impairment or contamination during flooding.
- (H) Land may be exempted from the requirements of MCC .6315 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is at least one foot above the base flood level.
- (I) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC .6315.

11.15.6317 Floodway Requirements.

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC .6315, shall apply:

No development shall be permitted that would result in any measurable increase in base flood levels. Encroachment is prohibited, including fill, new construction, substantial improvement and other development, unless a detailed step backwater analysis, certified by a Registered Professional Engineer, is provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

11.15.6319 Procedure When Base Flood Elevation Data is Not Available.

- (A) For the purposes of administering MCC .6315 in areas where detailed base flood elevation data has not been provided by FEMA, the Director shall obtain review and utilize any base flood elevation and floodway data available from federal, state or local sources and may exercise local judgement based on historical data.
- (B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.

11.15.6321 Watercourse Relocation.

- (A) Prior to approving any relocation or substantial alteration of a watercourse, the Director shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.
- (B) No relocation or substantial alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:
 - (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;
 - (2) The area subject to inundation by the base flood discharge will not be increased;
 - (3) The alteration or relocation will cause no measurable increase in base flood levels.

Variances.

- (A) A request for a variance from the floor elevation or flood proofing requirements of MCC .6315 may be initiated pursuant to MCC .8210(B).
- (B) Except as provided for in MCC .6323(C), a request for a variance shall be considered by the hearing authority at a public hearing. A variance shall be granted only if the following conditions and facts are found to exist:
- (1) The site of the proposed variance is a lot of one-half acre or less in size and is surrounded by and contiguous to lots with existing structures constructed below the base flood level;
 - (2) Failure to grant the variance will result in exceptional hardship to the applicant;
 - (3) The variance is the minimum necessary to afford relief.
 - (4) The granting of the variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;
 - (5) If located within an area identified as floodway, the granting of the variance will not result in any increase in flood levels during a base flood discharge.
- (C) The Planning Director may authorize, without notice or hearing, a variance to permit a non-residential structure with a lesser degree of floodproofing than required by MCC .6315 (C) (1) (i.e, with floodproofing methods which allow the entry of floodwaters) under the following conditions:
- (1) The contents and interior finish materials of the proposed structure are of types which are neither hazardous or vulnerable to loss under conditions of flooding.
 - (2) The structural requirements and certifications of MCC .6315 (C) (2) and (3) are satisfied.
- (D) Upon the granting of a variance in accordance with subsection (B) or (C), the Director shall notify the applicant in writing that:
- (1) The construction or placement of a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage;

(2) Construction below the base flood level increases risks to life and property.

Section 4. Adoption.

This Ordinance being necessary for health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 19th day of August, 1986, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

Section 5. Codification.

This Ordinance shall be codified in the Multnomah County Code Chapter 11.15 and adopted as part of that Code.

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By *Etchen Kabery*
Presiding Officer

(SEAL)

Authenticated by the County Executive on the 19th day of August, 1986.

Dennis Buchanan
Dennis Buchanan, County Executive

APPROVED AS TO FORM

John B. Leahy
County Counsel for
Multnomah County, Oregon

By *Pete Kastig*
Pete Kastig,
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