

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

**ORDINANCE NO. \_\_\_\_\_**

Amending MCC Chapter 39, Multnomah County Zoning Code, to Adopt Revised Flood Insurance Rate Maps, a Revised Flood Insurance Study and Revised Flood Hazard Regulations and Declaring an Emergency.

(Language ~~stricken~~ is deleted; underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this Ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 39.1645 and in ORS 215.110.
- b. Flood Hazard regulations in Multnomah County Code Chapter 39 implement Policies 7.5 and 7.6 of the County Comprehensive Plan relating to flood management. These regulations apply in areas of unincorporated Multnomah County identified by the Federal Emergency Management Agency (FEMA) and Metro, including within the 100-year flood boundary.
- c. FEMA periodically initiates studies and restudies of flood hazards to assist in the revision of community flood hazard maps. These maps identify areas that are expected to be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year, more commonly referred to as the 100-year flood. These maps are used by insurance agents to set flood insurance rates and are officially referred to as Flood Insurance Rate Maps (FIRM).
- d. In August of 2018, Multnomah County was notified by FEMA that certain FIRM map panels had been revised, that the accompanying technical Flood Insurance Study (FIS) for Multnomah County had been revised, and that both the identified FIRM map panels and FIS would become effective as of February 1, 2019. The specific FIRM map panels that have been revised are identified within this Ordinance as having an effective date of February 1, 2019. FIRM map panels with an effective date of December 18, 2009 within this Ordinance are not being revised and remain in effect.
- e. Multnomah County must adopt the revised FIRM map panels and the revised FIS prior to February 1, 2019 as a condition of continued eligibility in the National Flood Insurance Program (NFIP). This program provides the ability for community members to purchase flood insurance.
- f. In addition, continued eligibility in the NFIP requires that county Flood Hazard regulations meet or exceed the minimum federal and state floodplain management regulations. This Ordinance amends county Flood Hazard regulations consistent with these requirements.

g. FEMA and the County jointly hosted a community meeting in Gresham on June 27, 2016 to discuss the draft FIRM and FIS revisions with the public. Technical questions raised by the public about specific areas were addressed by FEMA staff at the community meeting. Notice of that meeting was published in the ‘Oregonian’ newspaper and posted on the County’s land use planning webpage, and all owners of property within the affected portions of the 100-year floodplain were notified of the meeting. The draft FIRM and FIS were made available for review on the County’s land use webpage.

h. The Planning Commission held a public hearing on this Ordinance on December 3, 2018 during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, the written individual notice required in ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) was mailed on November 9, 2018 to each owner of each lot or parcel of property that may be “rezoned,” as that term is defined by statute, under this Ordinance because this Ordinance may limit or prohibit a land use previously allowed in the affected zones.

i. The Planning Commission’s recommendation is sound and derives from the proper execution of its duties and authority.

**Multnomah County Ordains as Follows:**

**Section 1.** MCC 39.5000 is amended as follows:

**§ 39.5000 PURPOSES.**

The purposes of the Flood Hazard Overlay, MCC 39.5000 through MCC 39.5055 (FH), are to promote the public health, safety and general welfare, ~~and~~ to minimize public and private losses due to flood conditions in specific areas, ~~and~~ to allow property owners within unincorporated Multnomah County to participate in the National Flood Insurance Program, ~~and~~ to comply with Metro Title 3 Requirements.

**Section 2.** MCC 39.5005 is amended as follows:

**§ 39.5005 DEFINITIONS.**

For purposes of MCC 39.5000 through MCC 39.5055, the following terms and their derivations shall have the meanings provided below:

\* \* \*

**Areas of Special Flood Hazard** – ~~All rural and urban unincorporated lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps (FIRM) as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood Insurance Rate Maps within the Metro Jurisdictional Boundary.~~ The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year, and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood

Insurance Rate Maps within the Metro Jurisdictional Boundary. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the scientific and engineering report entitled “Flood Insurance Study Multnomah County Oregon and Incorporated Areas”, dated February 1, 2019 with accompanying Flood Insurance Rate Maps (FIRM) ~~effective-December 18th, 2009~~ identified in Table 1 below, are hereby adopted by reference for the ~~rural and~~ unincorporated portions of Multnomah County. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood Insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 39.5040 shall be the basis for regulation until a new FIRM is issued.

\* \* \*

**(TABLE 1 – FLOOD INSURANCE RATE MAPS, MULTNOMAH COUNTY, OREGON)**

<b><u>FIRM Map Panel</u></b>	<b><u>Effective Date of Latest Map Revision</u></b>
<u>41051C1ND0A</u> <u>(map index)</u>	<u>December 18, 2009</u>
<u>41051C0030H</u> <u>(panel 30 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0035H</u> <u>(panel 35 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0040H</u> <u>(panel 40 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0045H</u> <u>(panel 45 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0065H</u> <u>(panel 65 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0100H</u> <u>(panel 100 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0130H</u> <u>(panel 130 of 550)</u>	<u>December 18, 2009</u>

<u>41051C0135H</u> <u>(panel 135 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0155H</u> <u>(panel 155 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0180H</u> <u>(panel 180 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0185H</u> <u>(panel 185 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0205H</u> <u>(panel 205 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0210J</u> <u>(panel 210 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0211H</u> <u>(panel 211 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0212H</u> <u>(panel 212 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0214J</u> <u>(panel 214 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0216J</u> <u>(panel 216 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0217J</u> <u>(panel 217 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0218J</u> <u>(panel 218 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0219J</u> <u>(panel 219 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0228J</u> <u>(panel 228 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0238J</u> <u>(panel 238 of 550)</u>	<u>February 1, 2019</u>

<u>41051C0240J</u> <u>(panel 240 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0245J</u> <u>(panel 245 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0275H</u> <u>(panel 275 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0300H</u> <u>(panel 300 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0325H</u> <u>(panel 325 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0360H</u> <u>(panel 360 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0367H</u> <u>(panel 367 of 550)</u>	<u>December 18, 2009</u>
<u>41051C0401J</u> <u>(panel 401 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0402J</u> <u>(panel 402 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0403J</u> <u>(panel 403 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0404J</u> <u>(panel 404 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0406J</u> <u>(panel 406 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0407J</u> <u>(panel 407 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0408J</u> <u>(panel 408 of 550)</u>	<u>February 1, 2019</u>
<u>41051C0409J</u> <u>(panel 409 of 550)</u>	<u>February 1, 2019</u>

<u>41051C0426J</u> (panel 426 of 550)	<u>February 1, 2019</u>
<u>41051C0427J</u> (panel 427 of 550)	<u>February 1, 2019</u>
<u>41051C0428J</u> (panel 428 of 550)	<u>February 1, 2019</u>
<u>41051C0429H</u> (panel 429 of 550)	<u>December 18, 2009</u>
<u>41051C0435J</u> (panel 435 of 550)	<u>February 1, 2019</u>

**Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on the FIRM maps always includes the letter A to identify a zone of specified risk. (Zone A is the flood insurance rate zone that corresponds to the 1-percent annual-chance floodplains that are determined in the Flood Insurance Study by approximate methods of analysis).

**Base Flood Elevation** - The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

\* \* \*

**Below-Grade Crawlspace** ~~Crawl space~~ – An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

**Community** – Any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Critical Facility** – A facility for which even a slight change of flooding ~~might be~~ is too great a threat. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

\* \* \*

**Digital Flood Insurance Rate Map (DFIRM) – See FIRM.**

**Development** – Any human-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 or storage of equipment or materials ~~located within the areas shown within 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) or within any water course.~~

\* \* \*

**Flood or Flooding -**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood Hazard Boundary Map (FHBM) – An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M and/or E.**

**Flood Insurance Rate Map (FIRM) – The An official map of a community, on which the Federal Insurance Administrator Administration has delineated both the areas of the special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).**

**Flood Insurance Study (FIS) – 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. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.**

**Floodproofing Certificate** – Documentation of certification by an Oregon registered professional engineer or architect that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements of this subpart subchapter.

\* \* \*

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Lowest Floor** – 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 the Flood Hazard provisions.

**Manufactured Home** – 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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” A “manufactured home” may also be referred to as a “manufactured dwelling” per State of Oregon Manufactured Dwelling Installation Specialty Code.

**New Construction** – Structures for which the “start of construction” commenced on or after the effective date of this ordinance (~~Ordinance 1120, effective on September 11, 2008~~). of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

\* \* \*

**Special Flood Hazard Area** – See Areas of Special Flood Hazard.

**Start of Construction** – ~~Includes substantial improvement to existing structures, and means the~~ 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 dwelling ~~home~~ on a foundation. Permanent construction does not include the 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 foundations 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. For a substantial improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. May also be referred to as a manufactured dwelling.

**State Building Code** – ~~Means the~~ The combined Oregon specialty codes.

**Structure** – A walled and/or roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured dwelling. A building with only one wall and no roof or a building with no walls and a roof, for example, is considered a structure.

\* \* \*

**Substantial Improvement** - ~~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:~~

- ~~(1) — Before the improvement or repair is started; or~~
- ~~(2) — 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 costs to repair must be calculated for full repair to "before damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor including donated labor and materials.~~
- ~~(3) — The value of these alterations to an existing structure is measured cumulatively to avoid exempting a substantial improvement implemented in phases over time.~~
- ~~(4) — Substantial Improvement does not, however, include either:
  - ~~(a) — The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions; or~~
  - ~~(b) — Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~~~

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

\* \* \*

**Section 3.** MCC 39.5010 is amended as follows:

**§ 39.5010 AREAS AFFECTED.**

The provisions of MCC 39.5000 through 39.5055 shall apply to all areas of special flood hazard, as defined by MCC 39.5005. The provisions of MCC 39.5045 shall also apply to any relocation, encroachment or alteration of a watercourse.

Multnomah County shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards including where there appears to be a conflict between a mapped boundary and actual field conditions.

A person contesting the location of the boundary of the area of special flood hazard may apply for a Type II Administrative Decision by the Planning Director under MCC 39.1225, which can be appealed to a Hearings Officer.

**Section 4.** MCC 39.5015 is amended as follows:

**§ 39.5015 PERMITS.**

(A) No structure, dwelling or manufactured ~~dwelling home~~ shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling (see “Development” under MCC 39.5005) shall occur in areas of special flood hazard unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County. Variances to the Flood Hazard regulations are not allowed.

(1) Improvements to a structure, dwelling or ~~manufactured dwelling mobile home~~ or other development, which do not meet the definition of “Development” under MCC 39.5005, are exempted from obtaining a Floodplain Development Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 39.5005 are subject to a Floodplain Development permit and the Watercourse Relocation and Alteration standards of MCC 39.5045.

(C) Transportation maintenance activities may be evaluated in an annual floodplain development ~~Flood Hazard~~ permit. This permit will confirm that the typical Best Management Practices used to accomplish routine transportation maintenance projects meet applicable Flood Hazard regulations. Eligible activities include routine cleaning and maintenance of ditches and culverts, replacement culverts, unanticipated emergency response activities and the permitting of new driveway culverts crossing a county maintained ditch. After the fact notification of the location and scope of all transportation maintenance activities is required.

**Section 5.** MCC 39.5020 is amended as follows:

**§ 39.5020 EXEMPTION FROM DEVELOPMENT STANDARDS.**

The following are exempt:

(A) Land may be exempted from the requirements of MCC 39.5030 upon review and approval by the Director of an acceptable elevation certificate or survey, certified by a State of Oregon registered land surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood elevation and only after a Letter of Map Amendment (LOMA) is issued by FEMA. This exemption is only possible when flood elevation data is available. If a critical facility is proposed, the entire parcel must be at least three feet above the base flood elevation (or above the 500-year flood

elevation, whichever is higher) in order to be considered exempt from the requirements of MCC 39.5030 and only after a Letter of Map Amendment (LOMA) is issued by FEMA.

(B) 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 39.5030(B) through (D).

(C) Forest practices approved under the Forest Practices Act are not regulated by this subpart ~~subchapter~~. Forest practice buildings exempt from state building code per ORS Chapter 215 are subject to Flood Hazard Regulations of this subpart ~~subchapter~~ in the same manner as agricultural buildings.

~~(D) The following drainage district maintenance activities are not regulated by this subchapter when regulated by an Army Corps of Engineers Nationwide 31 permit—Routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing drainage, flood control, and related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, provided that:~~

~~(1) The project is consistent with Division of State Lands, five year renewable general authorization permit, five year renewable Army Corps of Engineers Nationwide 31 permit and all other applicable local, regional, county and state laws and regulations. The preconstruction notification and annual reporting required by the Army Corp's Nationwide 31 permit must also be submitted to Multnomah County planning by the drainage districts for review and comment.~~

~~(2) The project does not encroach closer to a water feature than existing operations and development; and~~

~~(3) Vegetation native to the metro area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non-native vegetation is encouraged.~~

**Section 6.** MCC 39.5025 is amended as follows:

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the surveyed boundaries of the Areas of Special Flood Hazard ~~100-year floodplain~~ on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project. The FIRM map and panel number shall also be provided on the map.

\* \* \*

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the floodplain development permit and this subpart ~~subchapter~~.

\* \* \*

**Section 7.** MCC 39.5030 is amended as follows:

**§ 39.5030 DEVELOPMENT STANDARDS.**

~~Unless otherwise stated below, the~~ The following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as defined in MCC 39.5005: ~~(General Development Standards of MCC 39.5030(A) are only applicable in the West of Sandy River Rural Planning area and/or within the Metro Jurisdictional Boundary).~~

(A) This section applies to all development within areas of special flood hazard in unincorporated Multnomah County as defined in MCC 39.5005 ~~General Development Standards- Applicable only in the West of Sandy River Rural Planning Area and/or within the Metro Jurisdictional Boundary.~~

\* \* \*

(B) ~~Except as provided in subsection (A) above, this~~ This subsection applies to all structures within areas of special flood hazard in unincorporated Multnomah County as defined in MCC 39.5005.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

\* \* \*

(d) Use ~~using~~ methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that 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. ~~(Note: ¶This requirement is not applicable for floodproofed nonresidential structures).~~

\* \* \*

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured dwelling ~~homes~~ not considered a ~~C~~critical ~~F~~facility, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. All manufactured dwelling ~~homes~~ to be placed or substantially improved shall be elevated on a permanent foundation such that the finished floor of the manufactured dwelling ~~home~~ is elevated to a minimum of 18 inches above the base flood

elevation. The bottom of the lowest chassis frame beam ~~top of the dwelling stand~~ for all manufactured dwelling ~~homes~~ subject to this provision shall be at least 12 inches above the base flood elevation (~~see 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Chapter 3~~). Floating dwellings do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this subsection. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the ~~base flood elevation~~ highest adjacent grade where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

(2) A garage attached to a residential structure can be constructed with the garage floor slab below the base flood elevation but must be designed to allow for the automatic entry of flood waters. Openings must meet the requirements of MCC 39.5030(B) and are required in two different exterior walls of the garage (two different walls or one wall and one garage door).

(a) In addition to allowing the automatic entry of flood waters, the areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garage doors without openings specifically designed to allow for the free flow of floodwaters do not meet these opening requirements. Gaps that may be present between the door segments and between the garage door and the garage door jam do not guarantee the automatic entry and exist of floodwaters. The human intervention necessary to open garage doors is not an acceptable means of meeting the opening requirements.

(32) Be placed on a permanent foundation and shall be anchored to prevent flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(43) 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.

(54) Conduct a finished construction elevation survey of the lowest floor. This survey shall be completed by a State of Oregon registered land surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood elevation. The lowest floor, including basement, shall be elevated to at least two feet above the ~~base flood elevation~~ highest adjacent grade where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

\* \* \*

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure, including a detached garage, shall meet (1) or (2) and (3):

(1) Have the lowest floor including basement, elevated at least one foot above the base flood elevation and be anchored to prevent flotation, collapse, or lateral movement of the structure. Floating nonresidential structures do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this subsection. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the ~~base flood elevation~~ highest adjacent grade where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding;

or, together with attendant utility and sanitary facilities, shall:

(2a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood elevation; and

(~~a~~b) 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

(b~~e~~) Be certified by a State of Oregon 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.

(3~~2~~) The applicant shall provide either a finished construction elevation certificate prepared by a State of Oregon land surveyor for an elevated non-residential structure or a floodproofing ~~flood proofing~~ certificate prepared by a State of Oregon registered professional engineer or architect for a non-elevated, non-residential structure.

\* \* \*

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including wells and on-site waste disposal systems, shall be designed to:

\* \* \*

(F) Recreational Vehicles

Recreational vehicles utilized on a sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, ~~or~~ and
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of MCC 39.5030(B) and (C).

\* \* \*

**Section 8.** MCC 39.5035 is amended as follows:

**§ 39.5035 FLOODWAY REQUIREMENTS.**

In areas identified as a floodway on a Flood Insurance Rate Map (FIRM) in MCC 39.5010, the following restrictions, in addition to the requirements of MCC 39.5030, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway, including fill, new construction, substantial improvements and other development, is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a State of Oregon registered professional engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a 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~~ MCC 39.5030.

(B) In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the ~~communities~~ FIRM, unless:

(1) It is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community as identified in the Flood Insurance Study (Multnomah County, Oregon and Incorporated Areas), and

\* \* \*

(D) A proposed ~~structure~~ accessory structure in the floodway ~~to a manufactured dwelling~~ shall have the finished floor elevated a minimum of 18-inches above the base flood elevation.

**Section 9.** MCC 39.5040 is amended as follows:

**§ 39.5040 PROCEDURE WHEN BASE FLOOD ELEVATION DATA IS NOT AVAILABLE.**

(A) For the purposes of administering MCC 39.5030 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data. The property owner shall be responsible for determining the base flood elevation and floodway data as relevant, in the case where such information is not available from any listed sources.

\* \* \*

**Section 10.** MCC 39.5045 is amended as follows:

**§ 39.5045 WATERCOURSE RELOCATION AND ALTERATION.**

~~Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division 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) Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division 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.

**Section 11.** MCC 39.5050 is amended as follows:

**§ 39.5050 COUNTY RECORDS.**

(A) Multnomah County or its designee shall obtain and maintain on file the final construction elevation (in relation to the National Geodetic Vertical Datum (NGVD) 1929 or NAVD 1988) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(BA) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD 1929 or NAVD 1988) to which the structure was floodproofed and shall also maintain the floodproofing certifications required pursuant to MCC 39.5030.

(C) Multnomah County shall notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a Letter of Map Revision (LOMR).

(D) The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.

(E) Multnomah County shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.

**Section 12.** MCC 39.5055 is amended as follows:

**§ 39.5055 REVIEW AND APPROVAL FEE.**

A fee for a ~~flood plain~~ floodplain review is imposed and the amount will be set by Board resolution.

**Section 13.** This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and this ordinance will take effect immediately upon being signed pursuant to Section 5.50 of the Multnomah County Home Rule Charter.

FIRST READING AND ADOPTION:

\_\_\_\_\_  
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services