

ORDINANCE NO. 641

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF STAYTON'S CITY CODE REGARDING STAYTON'S FLOOD CONTROL PROGRAM.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Stayton City Code Section 8.554 is hereby amended to read:

8.554 Definitions

Appeal. A request for a review of the local Building Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding. 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.

Area of Special Flood Hazard. 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.

Base Flood. 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.

Development. 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.

Existing Manufactured Housing Park or Manufactured Housing Subdivision.

A parcel or contiguous parcels of land divided into two or more manufactured housing lots, for rent or sale for which the construction of facilities for servicing the lot on which the manufactured house is affixed

(including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete paths and the construction of streets) is completed before the effective date of this Ordinance.

Expansion to Manufactured Housing Park or Manufactured Housing Subdivision.

Preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured houses are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete paths and the construction of streets).

Flood or Flooding. A general and temporary condition or partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). 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.

Flood Insurance Study. The official report provided by the Federal Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway. 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.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

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 this ordinance found at Section 8.581 (1).

Manufactured House. 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 house" 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 house" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured house lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities either final site grading or the pouring of concrete paths and the construction of streets) is completed on or after February 28, 1979.

New Construction. Structures for which the "start of construction" commenced on or after February 28, 1979.

Start of Construction. 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 house 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.

Structure. A walled and roofed building or manufactured house including a gas or liquid storage tank that is principally above ground.

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.

Section 2. Stayton City Code Section 8.561 is hereby amended to read:

8.561 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 8.556. The permit shall be for all structures including manufactured houses, as set forth in the "Definitions" section, and for all other development including fill and other activities, also as set forth in the "Definitions" section. Application for a development permit shall be made on forms. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.581(2);
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 3. Stayton City Code Section 8.563 is hereby amended to read:

8.563 Duties and Responsibilities of the Building Official

Duties of the Building Official shall include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 8.582(1) are met.

2. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 8.556, "Basis for Establishing the Areas of Special Flood Hazard", the Building Official shall 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 8.581 (1), "Specific Standards, Residential Construction", and 8.581 (2), "Specific Standards, Nonresidential Construction", and 8.582, "Floodways".

3. Information to be Obtained and Maintained.

Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 8.563 (2).

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood-proofed structures:
  - i. Verify and record the actual elevation (in relation to mean sea level), and
  - ii. Maintain the floodproofing certifications required in Section 8.561(3).
- c. Maintain for public inspection all records pertaining to the provisions of Code Section 8.550 through 8.582.

4. Alteration of Watercourses

- a. Notify adjacent communities and the State Coordinating Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the locations of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8.570.

Section 4. Stayton City Code Section 5.580 as it appears in Chapter 8 as part of the Flood Control Program, is hereby amended to read:

8.580 General Standards.

In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured housing 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 of frame ties to ground anchors. Specific requirements shall be that:
  - i. Over-the-top ties be provided at each of the four corners of the manufactured house, with two additional ties per side at intermediate locations with manufactured housing less than 50 feet long requiring one additional tie per side.
  - ii. Frame ties be provided at each corner of the house with five additional ties per side at intermediate points, with manufactured housing less than 50 feet long requiring four additional ties per side.
  - iii. All components of the anchoring system be capable of carrying a force 4,800 pounds.
  - iv. Any additions to the manufactured house be similarly anchored.
- c. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the local Building Official that this standard has been met.

2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. 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.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. 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,
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,



- d. 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).

5. Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 8.563 (2)), 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, photographs of past flooding, etc., where available.

Section 5. Stayton City Code Section 5.581 as it appears in Chapter 8 as part of the Flood Control Program, is hereby amended to read:

8.581 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 8.556, "Basis for Establishing the Areas of Special Flood Hazard" or Section 8.563 (2), "Use of Other Base Flood Data", the following provisions are required:

1. Residential Construction.
  - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
  - b. 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 this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. 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 one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the 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 8.563(3b).
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 8.581(lb).

- e. 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).

APPROVED BY THE COMMON COUNCIL THIS 4th DAY OF January, 1988.

Signed by the Mayor this 7th day of January, 1988.

  
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Mayor

ATTEST:

  
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Interim City Administrator

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