

ORDINANCE NO. 745

AN ORDINANCE ADOPTING THE 1983 FLOOD INSURANCE STUDY, AND FLOOD INSURANCE MAPS FOR THE CITY OF CANBY; ESTABLISHING RULES AND GUIDELINES AND PROVIDING FOR ENFORCEMENT.

The Legislature of the State of Oregon has in O.R.S. 221 delegated the responsibility to local governmental units to adopt regulations designed to promote the public safety, and general welfare of its citizenry.

NOW THEREFORE, THE CITY COUNCIL OF CANBY, OREGON, DOES ORDAIN AS FOLLOWS:

Section I. PURPOSE. The purpose of Ordinance No. 745 is to minimize flood losses by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause increased flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

Section II. DEFINITIONS. For the purposes of this ordinance, the following words and phrases are defined:

- A. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- B. "Development" means any manmade 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.
- C. "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.

D. "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.

E. "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.

F. "Habitable floor" means 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.

G. "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance.

H. "Start of construction" means the first placement of permanent construction of a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 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 as part of the main structure. For a structure, other than a mobile home, without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

I. "Structure" means a walled and roofed building or mobile home that is principally aboveground.

J. 1. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

a. Before the improvement or repair is started;  
or

b. If the structure has been damaged and is being returned, 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.

2. The term does not, however, include either:

a. 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

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section III. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration is a scientific and engineering report entitled "The Flood Insurance Study for the City of Canby, dated May 27, 1983, 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 the Public Works Office.

Section IV. DEVELOPMENT PERMIT REQUIRED. A development permit shall be obtained before construction or development begins within an area of special flood hazard established in

Section III. The permit shall be for all structures including mobile homes and for all other development including fill and other activities as defined in Ordinance No. 740.

Section V. DESIGNATION OF THE BUILDING OFFICIAL. The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

Section VI. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.

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 that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

3. 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 VIII, C, 1 are met.

B. Use of other Base Flood Data. When base flood elevation data has not been provided in accordance with Section III, the Building Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section VIII, B, 1 & 2.

C. Information to be Obtained and Maintained

1. 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.

2. For all new or substantially improved flood-proofed structures:

a. Verify and record the actual elevation (in relation to mean sea level),

b. Maintain floodproofing certifications.

c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses

1. Notify adjacent communities and the appropriate State agency 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.

E. 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 location of

the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section VIII.

Section VII. VARIANCE PROCEDURE. The Planning Commission is established as an appeal board and shall hear and decide appeals and requests for variances from the requirements of this ordinance. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.)

Section VIII. PROVISIONS FOR FLOOD HAZARD PROTECTION.

A. 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 floatation, collapse or lateral movement of the structure.

b. All Mobile homes shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

4. Any additions to the mobile home be similarly anchored.

c. An alternative method of anchoring may involve a system designated to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the 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.

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. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available, 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.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section III and Section VI (B) the following provisions are required.

1. Residential 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 base flood elevation.

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 the level of 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 bouyancy; and,

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section VI C-2 (2) of this ordinance.

3. Mobile Homes

a. Mobile homes shall be anchored in accordance with Section VIII (A) (1).

b. For new mobile home parks and mobile home subdivisions; for expansions of existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or



improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level,

(2) Adequate surface drainage and access for a hauler are provided; and

(3) In the instance of elevation on pilings, that:

(a) Lots are large enough to permit steps.

(b) Piling foundations are placed in stable soil no more than 10 feet apart, and

(c) Reinforcement is provided for pilings more than six feet above the ground level.

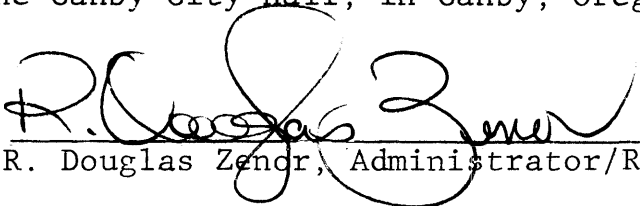
C. Floodways. Located within areas of special flood hazard established in Section III are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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.

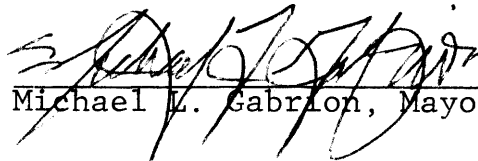
2. If Section VIII (C) (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section VIII.

3. Prohibit the placement of any mobile homes, except in an existing mobile home subdivision.

Submitted to the Council and read the first time at a regular meeting thereof on the 21st day of March, 1984, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on the 4th day of April, 1984, commencing at the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City Hall, in Canby, Oregon.

  
R. Douglas Zender, Administrator/Recorder

Passed on second and final reading by the Canby City Council at a regular meeting thereof on the 4th day of April, 1984.  
Vote 6 Yea, 0 Nay & \_\_\_\_\_ Abstention

  
Michael L. Gabriel, Mayor

ATTEST:

  
Marilyn K. Perkett, Deputy Recorder