

## **Ordinance No. 1220**

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code (WMC) 16.12.010, Definitions, WMC 16.88.030(H) Variance Procedures, WMC 16.88.040(H) Manufactured Homes/Dwellings, and adding a new Section "Coastal High Hazard Areas.

**WHEREAS**, the Federal Emergency Management Agency has requested development code amendments as identified above; and

**WHEREAS**, the City of Warrenton must incorporate these amendments into the Warrenton Municipal Code to remain eligible to participate in the National Flood Insurance Program.

**NOW, THEREFORE**, the City of Warrenton ordains as follows.

Section 1. WMC Section 16.12.010 Definitions is amended:

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"STRUCTURE" means a walled and roofed building, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

"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:

- (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 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

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the structure's continued designation as a "historic structure.

"VARIANCE" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this Development Code.

Section 2. Section 16.88.030(H) Variance Procedures is hereby amended as follows:

**16.88.030(H) Variance Procedures**

1. Variances shall be issued or denied in accordance with Chapter 16.88.030 of this title.
2. Conditions for Variances.
  - a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
  - b. Variances may be issued for the rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section provided that the alteration will not preclude the structure's continued designation as a "historic structure.
  - c. Variances shall not be issued within a designated floodway, if any increase in flood levels during the base flood discharge, would result.
  - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - e. Variances shall only be issued upon:
    - i. A showing of good and sufficient cause;

ii. A determination that the failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

iv. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential building(s) in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with general standards.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 3. Section 16.88.040(H) Manufactured Homes/Dwellings is hereby amended as follows:

H. Manufactured Homes/Dwellings.

1. All manufactured homes to be placed or substantially improved on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm)\* above the base flood elevation, is securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement, and electrical crossover connections are a minimum of 12 inches above BFE.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

a. The lowest floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

Section 4. A new section is added to Section 16.88.040 Standards for Flood Hazard Reduction as follows:

### **Coastal High Hazard Areas**

Located within areas of special flood hazard established in Section 16.88.030(B) are Coastal High Hazard Areas, designated as Zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance the following provisions shall also apply:

- (1) All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
  - (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
  - (ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind

and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);

- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (i) and (ii) of this Section.
- (3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- (4) All new construction shall be located landward of the reach of mean high tide.
- (5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - (i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (7) Prohibit the use of fill for structural support of buildings.

- (8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- (9) All manufactured homes to be replaced or substantially improved within Zones V1-V30, V, and VE on the community's FIRM shall meet the standards of paragraphs (1) through (8) of this section.
- (10) Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either:
  - (i) Be on the site for fewer than 180 consecutive days,
  - (ii) Be fully licensed and ready for highway use, 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
  - (iii) Meet the requirements of Section 16.88.030(A) and paragraphs (1) through (8) of this section.

Section 5. This ordinance shall become effective June 20, 2018.

First Reading: *April 24, 2018*  
Second Reading: *May 8, 2018*

ADOPTED by the City Commission of the City of Warrenton, Oregon this day *8<sup>th</sup>* of *May 2018.*

APPROVED

  
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Henry A. Balensifer, Mayor

Attest:

  
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Dawne Shaw, Deputy City Recorder