

ORDINANCE No. 808-A

Introduced by Commissioner Max BINGAMAN

AMENDING THE CITY OF WARRENTON COMPREHENSIVE PLAN,  
MAP AND ZONING ORDINANCE No. 726-A

WHEREAS, certain changes to the flood hazard regulations and provisions for dredge material disposal are necessary to update and amend the City of Warrenton Comprehensive Plan, Zoning Ordinance and Map; and

WHEREAS, the City of Warrenton Planning Commission has reviewed the proposed changes to the flood hazard regulations and provisions for dredge material disposal and has recommended said changes to the Warrenton City Commission;

NOW, THEREFORE, the Warrenton City Commission does ordain as follows:

Section 1. The City of Warrenton Comprehensive Plan, Zoning Ordinance and Map are hereby amended as set forth and described within Exhibit "A", which is attached hereto and by this reference incorporated herein.

Section 2. The Legislature of the State of Oregon has in Oregon Revised Statutes 221.916 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry,

Section 3. If any article, section, subsection, subdivision, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

Amendment #1: Revising the flood hazard regulations in order to meet the National Flood Hazard Insurance requirements, as set forth in Exhibit "A",

Amendment #2: Removing from the inventory of Priority II Dredge Material Disposal Sites, as follows:

16(s)--Located near Tansy Point between Northwest 15th Street and Northwest 17th Street, and between Fort Stevens Highway and the Columbia River.

16(s)--Located upstream from Tansy Creek and Northwest 14th Street,

26(s)--Located at the Capital Development site, near Southeast Neptune Avenue, between Southeast 2nd Street and Southeast 7th Street.

Amendment #3: Deletion of the Regional Estuary and Shoreland Policy 18(2) within the Comprehensive Plan, which will therefore no longer require that only designated sites be used for the disposal of dredge material.

First reading: 5 August 1987

Second reading: 19 August 1987

Passed by the Warrenton City Commission, this 19th day of August, 1987.

Approved by the Mayor of the City of Warrenton, Oregon, this 19th day of August, 1987.

  
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Mayor

ATTEST:

  
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City Manager/Auditor

ORDINANCE NO. 808-A

EXHIBIT "A"

AMENDMENTS TO FLOOD HAZARD REGULATIONS

I. Amend Section 1.040. Definitions - Flood Hazard Zone (FH) as follows:

Section 1.040. Definitions - Flood Hazard Zone (FH).

Unless specifically defined below, word or phrases used to discuss FH Zone requirements shall be defined as in Section 1.030. If not defined in Section 1.030, these words or phrases shall be interpreted so as to give them the meaning they have in common usage, and to provide this Ordinance with its most reasonable application.

1. Area of Shallow Flooding.

Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range is 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.

2. Area of Special Flood Hazard.

The land in the flood plain subject to a one percent or greater chance of flooding in any given year. Designation on maps always include the letter A or V.

3. Base Flood.

A flood having a one percent chance of being equalled or exceeded in any given year.

4. Development.

Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling located within the area of special flood hazard.

5. Flood or Flooding.

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

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

**6. 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.

**7. Flood Insurance Study.**

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.

**8. 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 4.032, Specific standards 1.

**9. 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 connected to the required utilities. For flood plain management purposes the term "manufactured home" 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 home" does not include park trailers, travel trailers, and other similar vehicles.

**10. Manufactured Home Park or Subdivision.**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**11. Mean Sea Level (MSL).**

The average height of the sea for all stages of the tide.

**12. New Construction.**

Structures for which the "start of construction" commenced on or after the effective date of this amendment to the Zoning Ordinance.

**13. Start of Construction.**

Includes substantial improvement, and means 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for 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.

**14. Structure.**

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

**15. Substantial Improvement.**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the fair 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 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 terms do not, however, include either:

- (1.) Any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

- (2.) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**16. Watercourses.**

Rivers, sloughs, creeks and major drainage ditches.

**II. Amend Section 4.010-4.012 - Flood Hazard (FH) Zone as follows:**

**Section 4.010. Flood Hazard Zone.**

It is the purpose of the FH Zone to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Warrenton Comprehensive Plan and this Ordinance, the specific objectives of this zone are:

1. To combine with other zoning requirements certain restrictions made necessary for the known flood hazard areas, to promote the general health, welfare and safety of the City.
2. To prevent the establishment of certain structures and land uses in areas, unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
3. To minimize the need for rescue and relief efforts associated with flooding.
4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities located in flood hazard areas.
6. To ensure that potential home and business buyers are notified that property is in a flood area.
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Section 4.011. General Provisions.**

**1. Uses Allowed:**

Uses allowed in the basic zoning district within which the property is located will be allowed in the FH Zone if the use will not violate standards referred to in: the applicable basic zoning district, Section 4.012, and additional zoning ordinance provisions.

**2. Areas Affected by FH Zone:**

This district shall apply to all areas of special flood hazards. Since the FH Zone is an overlay zone one or more other zoning districts will also regulate the use of land in areas of special flood hazards.

**3. Basis For Establishing the Areas of Special Flood Hazard:**

A scientific and engineering report entitled "The Flood Insurance Study for the City of Warrenton" dated May 15, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps and any revision thereto provide the basis for establishing areas of special flood hazard.

**4. Compliance:**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.

**5. Warning and Disclaimer of Liability:**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply land outside the areas will be free from flooding or flood damages. The Ordinance shall not create liability on the part of the City of Warrenton, or by any officer or employee thereof, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**Section 4.012. Provisions for Flood Hazard Reduction.**

**General Standards.**

In the Flood Hazard (FH) Zone the following provisions are required:

**1. Anchoring.**

- a. All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes 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 or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

**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 or substantial improvements shall be constructed by 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 accumulation 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 discharges from the systems into flood waters.
- 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 subdivisions 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 damages.
- 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 administrative source (Section 15.090(3)), 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. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**Specific Standards.**

In all areas of special flood (FH) hazards Zone where base flood elevation data has been provided as set forth in Section 4.011(2), Basis For Establishing The Areas Of Special Flood Hazard, or Section 15.090(3), Use of Other Base Flood Data, the following provisions are required unless a variance is granted in accordance with Article II.

**1. Residential Construction:**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to base flood elevation. 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:

- a. 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.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. 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 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 provision 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 15.090(4),(b)(2).
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 4.012 Specific Standard I.
- 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).

### 3. Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section 4.012 General Standard I.

### III. Amend Section 15.090 - FH Zone Flood Hazard Permit as follows:

#### Section 15.090. FH Zone Hazard Permit.

1. Establishment of a Flood Hazard Permit: A special flood hazard permit, in addition to any regular building permit which may be required, shall be required in an FH Zone for all structures, including manufactured homes, and for all other development as defined in Section 1.040(4). An application for a flood hazard permit shall be made to the Building Official on forms furnished by him and shall specifically include the following information:
  - a. Elevation in relation to mean sea level, of the lowest floor (including basement of all structures certified by a registered surveyor, engineer or architect).
  - b. Elevation in relation to mean sea level to which any structure has been flood proofed.
  - c. Certification by a registered professional engineer or architect that the floodproofing method for any nonresidential structure meets the floodproofing criteria in Section 4.012, Specific Standard 2.
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### 2. Duties and Responsibilities:

The duties of the Building Official shall include, but not be limited to permit review:

- a. Review all flood hazard permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all flood hazard permits to require that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c. Review all flood hazard permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

**3. Use of Other Base Flood Data:**

When base flood elevation data has not been provided in accordance with Section 4.011,(2), Basis for Establishing the Area of Special Flood Hazard, 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 4.012, Specific Standards 1 & 2.

**4. Information to be Obtained and Maintained by Building Official.**

Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 15.090(3) obtain:

- a. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, and maintain the floodproofing certifications required in Section 15.090(1d).
- b. For all new or substantially improved floodproofed structures:
  - (1.) verify and record the actual elevation (in relation to mean sea level), and
  - (2.) maintain the floodproofing certifications required in Section 15.090(1c).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

**5. Alteration of Watercourses:**

The Building Official shall:

- a. Notify adjacent communities and the Oregon Water Resources Department 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.

**6. Interpretation of FIRM Boundaries:**

The Building Official shall make interpretations where needed, as to the 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 interpretations as provided in Article 15.

## FINDINGS-OF-FACT

### REVISING THE WARRENTON COMPREHENSIVE PLAN, ZONING ORDINANCE AND MAP, BY AMENDING THE FLOOD HAZARD REGULATIONS AND PROVISIONS FOR DREDGE MATERIAL DISPOSAL

#### I. AMENDING THE FLOOD HAZARD REGULATIONS:

1. The State of Oregon has in ORS 221.916 delegated to the City of Warrenton the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
2. The Federal Emergency Management Agency has required local jurisdictions to amend their existing regulations to comply with the current National Flood Insurance Requirements.
3. The Planning Commission has held a public hearing regarding this material, and has recommended approval of the proposed revisions.

#### II. AMENDING THE DREDGE MATERIAL DISPOSAL SITE INVENTORY:

1. The City of Warrenton provides for the disposal of dredge material by reserving sites of adequate volume.
2. CREST has estimated that the potential needs for the disposal of dredge material for all of The City of Warrenton within the next five (5) years is 5.2 million cubic yards, as described within Table I.
3. CREST has estimated that the remaining potential volume of the eleven (11) Dredge Material Disposal Sites as listed within Table II (and which excludes sites 16(s), 18(s) and 26(s)) is 6.2 million cubic yards.
4. The reservation of sites 16(s), 18(s) and 26(s) is not required to meet the needs of the City for the disposal of dredge material.
5. The deletion of sites 16(s), 18(s), and 26(s) will allow these properties to be utilized to their highest and best use.
6. Regional Estuary and Shoreland Policy 18(2) requires that only designated sites be used for the disposal of dredge material.

7. Deletion of Regional Estuary and Shoreland Policy 18(2) will allow for the disposal of dredge material at other sites, upon receipt of approval of all required agencies.

8. Policy 18(2) is not needed to meet any requirement of the Department of Land Conservation and Development.

9. The Planning Commission has held a public hearing regarding this material, and has recommended approval of the proposed revisions.

TABLE I

EXISTING AND POTENTIAL WARRENTON DREDGING PROJECTS

<u>Project</u>	<u>Maximum Cubic Yardage x 1,000</u>	<u>Potential Warrenton Disposal Sites</u>
Flavel Shoal	2,500/5yr	Wa-S-10.9
Skipanon Channel	240/5yr (Pipeline)	Wa-S-10.1 Wa-S-10.5 Wa-S-10.9
Warrenton Boat Basin	Minimal	Wa-S-10.1 Wa-S-10.5 Wa-S-10.9
Port of Astoria Slips and Dock Face	625/5yr	Wa-S-11.7 Wa-S-11.8 Wa-S-11.9 Wa-S-12.1 Wa-S-12.5 Wa-S-12.6
West Mooring Basin	20/5yr	Wa-S-11.7 Wa-S-11.8 Wa-S-11.9 Wa-S-12.1 Wa-S-12.5 Wa-S-12.6
Tansy Point Development	250 (Construction) 66.25/5yr (Maintenance)	Wa-S-9.4 On-Site Fill
West Bank Skipanon Development	200 (Construction) 375/5yr (Maintenance)	Wa-S-10.5 Wa-S-10.7 On-Site Fill
East Bank Skipanon Development	500 (Construction) 430/5yr (Maintenance)	Wa-S-9.4 On-Site Fill



EXISTING AND POTENTIAL WARRENTON DREDGING PROJECTS - CONTINUED

<u>Project</u>	<u>Cubic Yardage</u> <u>x 1,000</u>	<u>Disposal Sites</u>
Youngs Bay and River and Lewis and Clark Entrance	12.5/5yr	Wa-S-11.7 Wa-S-11.8 Wa-S-11.9 Wa-S-12.1 Wa-S-12.5 Wa-S-12.6

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TOTAL FROM WARRENTON - 5 YEARS - 2,061,250 CUBIC YARDS  
IMPORTED FROM OUTSIDE WARRENTON - 3,157,500 CUBIC YARDS  

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5 YEAR TOTAL ----- 5,218,750 CUBIC YARDS

TABLE II

WARRENTON DISPOSAL SITE CAPACITY

<u>Site</u>	<u>Warrenton Site No.</u>	<u>Zoning</u>	<u>Location</u>	<u>Size (Acres)</u>	<u>Remaining Capacity (Cubic Yards)</u>
Wa-S-9.4	17(S)	I-3 & R-10	Tansy Creek, West of Warrenton Drive	26.0	420,000
Wa-S-10.1	22(S)	I-1 & RH	South of Sewage Lagoon	15.0	240,000
Wa-S-10.5	24(S)	R-10	East of Skipanon Slough	70.0	1,130,000
Wa-S-10.7	20a(S)	I-3	West Bank of Skipanon Waterway	4.8	39,000
Wa-S-10.9	25(S)	EB, C-3, C-4	East Bank of the Skipanon	1. 15.5 2. 33.6 3. 48.8 4. 40.5 5. 50.3	-0- 221,000 657,000 277,000 650,000
Wa-S-11.7	28(S)	I-4	Airport	32.0	260,000
Wa-S-11.8	29(S)	I-4	Airport	131.0	1,060,000
Wa-S-11.9	None	RD	Northwest of Airport	10.6	170,000
Wa-S-12.1	30(S)	I-4	Airport	16.7	135,000
Wa-S-12.5	31(S)	I-4	Airport	17.0	137,000
Wa-S-12.6	32(S)	I-4	Airport	103.0	831,000
TOTAL -----				6114.8	6,227,000