

ORDINANCE NO. 203

AN ORDINANCE AMENDING CHAPTER 4 OF THE WILSONVILLE CODE, 1981, BY ADDING SECTION 4.062 FLOOD PLAIN REGULATIONS.

WHEREAS, certain areas of the City of Wilsonville are subject to periodic flooding potentially causing serious damages to properties within these areas;

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, and

WHEREAS, the City of Wilsonville has the legal authority to adopt land use regulations to reduce future flood losses pursuant to Oregon Revised Statutes, Chapter 227; and

WHEREAS, the James M. Montgomery Engineers, under contract with the Federal Insurance Administration (F.I.A.) has prepared a flood insurance study, including floodway and flood insurance rate maps. Draft copies of said study and maps were presented to and reviewed by the City at a final coordination meeting conducted by the Federal Insurance Administration at Wilsonville City Hall, on January 29, 1981, at 7:30 p.m.; and

WHEREAS, the proposed base flood elevations were published in the Wilsonville Times on March 18, 1981, and March 25, 1981, and subsequently published in the Federal Register at 46FR19509 on March 31, 1981; and

WHEREAS, copies of the final flood insurance study were provided to the City on July 6, 1981; and

WHEREAS, under the provisions of Section 1361 of the National Flood Insurance Act of 1968, as amended, the City is required, as a condition of continued eligibility in a national flood insurance program, to adopt flood plain regulations consistent with the standards of Section 60.3 (d) of the 1973 Act, by January 6, 1982, or within six (6) months of the date of the final study; and

WHEREAS, said regulations were submitted in accordance with Article 12 of Wilsonville Zoning Ordinance No. 154 (now 4.087 to 4.090 of the Wilsonville Code, 1981), and recommended by the Planning Director as Amendments to said Ordinance; and

WHEREAS, said regulations were considered by the Planning Commission at a regularly scheduled meeting conducted on November 9, 1981, at which time said exhibits, together with findings and public testimony, were entered into the public record; and

WHEREAS, the Planning Commission found the proposed Flood Plain Regulations to be consistent with the Comprehensive Plan and Federal Insurance Administration Regulations; and

WHEREAS, the Wilsonville Planning Commission approved the Flood Plain Regulations and Federal Insurance Administration Map and recommended to the City Council adoption of said regu-

lations and Federal Insurance Administration Map as Section 7.13 of Ordinance No. 154 (now 4.062 of the Wilsonville Code, 1981).

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Chapter 4 of the Wilsonville Code, 1981, is hereby amended by adding Section 4.062, as follows:

4.062. Flood Plain Regulations.

(1) Purpose:

(a) To minimize public and private losses due to flood conditions in flood-prone areas.

(b) To regulate uses and alteration of land which cause erosion, increased flood heights or velocities.

(c) To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, alteration or remodeling.

(d) To restrict filling, grading, dredging, and other development which would increase flood damage.

(e) To prevent construction of flood barriers which would unnaturally divert flood waters or increase flood hazards in other areas.

(f) To properly regulate the 100-year flood plain identified by the Federal Insurance Administration (FIA) in the "Flood Insurance Study for the City of Wilsonville" dated July 6, 1981, and displayed on FIA Floodway and Flood Insurance Rate Maps.

(g) To implement the policies of the Comprehensive Plan and to provide standards consistent with the City of Wilsonville Storm Drainage Master Plan.

(h) To insure the City and its residents and businesses, continued eligibility in the National Flood Insurance Program by complying with the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.

(2) Definitions:

(a) Base Flood or 100-year Flood - a flood having a one percent chance of being equalled or exceeded in any given year.

(b) Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grad-

ing, paving, excavation or drilling operations located within the flood plain.

(c) Fill - any act by which earth, sand, gravel, rock, structures or any similar material is deposited, erected, placed, pulled or transported, including the conditions resulting therefrom, within the limits of the 100-year flood plain.

(d) Flood or Flooding - general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

(e) Flood Insurance Rate Map (FIRM) - the official map prepared for the City of Wilsonville on which the Federal Insurance Administration has delineated both the flood plain, and the risk premium zones applicable to the community.

(f) Flood Insurance Study - the official report prepared for the City of Wilsonville by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(g) 100-Year Flood Plain - land adjacent to a floodway that has a one percent chance of flooding in any given year, and as identified within the "A" zones of the FIRM.

(h) Flood Plain - flood-prone areas as identified on the FIRM.

(i) 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.

(j) Floodway Fringe - that portion of the flood plain not contained in the floodway.

(k) Floodway Map - the official map prepared for the City of Wilsonville by the Federal Insurance Administration which identifies floodways.

(l) 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".

(3) General Provisions:

(a) This section shall apply to all flood plain areas in the City of Wilsonville identified by the Flood Insurance Study, the Floodway Map and the Flood Insurance Rate Map. No Building Permits or Construction Permits for development within the flood plain shall be issued except as in compliance with the provisions of the Section.

(b) That the City of Wilsonville Building Official shall review all Building Permit applications for new construction or substantial improvement to determine whether proposed building sites will be located in a flood plain. If a

proposed building site is located within a flood plain, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

1. be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
2. use construction materials and utility equipment that are resistant to flood damage, and
3. use construction methods and practices that will minimize flood damage.

(c) That the City of Wilsonville Planning Director shall review subdivision proposals and other proposed new developments within the flood plain to assure that:

1. all such proposals are consistent with the need to minimize flood damage,
2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
3. adequate drainage is provided so as to reduce exposure to flood hazards.

(d) That the City of Wilsonville Public Works Director shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(4) Outright Permitted Uses in the 100-Year Flood Plain:

(a) Agricultural use that is conducted without a structure other than a boundary fence.

(b) Recreational uses which would require only minor structures such as picnic tables and barbecues.

(c) Residential uses that do not contain buildings.

(d) Underground utility facilities.

(e) Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.

(5) Uses Within the 100-Year Flood Plain Requiring a Flood Plain Permit:

(a) Any development except as specified in 4.062(4), that is otherwise permitted within the Zoning District provided such development is consistent with the Flood Plain Standards.

(b) All subdivisions and minor land partitions.
(c) Installation of dikes to provide buildable or usable property, provided that said dikes do not conflict with the policies of the Comprehensive Plan and 4.061.

(6) Prohibited Uses in the 100-Year Flood Plain:

(a) Any use or building which stores or otherwise maintains hazardous materials, chemicals, explosives or any other similar materials.

(b) Storage of any materials that are not properly anchored, enclosed or protected to prevent movement or flotation beyond the property lines.

(7) Flood Plain Permit Review Process:

(a) The Permit process for developments not regulated by 4.030 to 4.040 shall be as follows:

1. Pre-application conference with the Planning Department, in accordance with the procedures set forth in 4.039(1).
2. A complete application in accordance with 4.062 shall be submitted to the Planning Director.
3. Within 30 days of complete application, the Planning Director shall approve or deny the application based on the following Findings:
 - a. Report from the City Engineer, as to the applicant's submittal documents' compliance with 4.062(8), including recommendations.
 - b. The proposed development's compliance with other provisions of the Comprehensive Plan and Zoning Regulations.
4. The decision of the Director may be appealed to the Planning Commission, upon written notice to the City Recorder within 15 days of the date of final decision. Upon appeal the Commission shall hear the matter in accordance with 4.092 to 4.095.

(b) Any flood plain development proposed for property regulated under 4.030 to 4.040 shall be considered by the Planning Commission as part of the Planned Development Permit process.

(c) Submittal requirements.

1. A field survey in relation to mean sea level by a licensed surveyor or civil engineer of the actual location of the 100-year flood plain, fringe, floodway and the lowest habitable finished

floor elevations, including basements, of all existing structures.

2. A site Plan Map showing all existing and proposed contours and development. Supplemented by a soils and hydrologic report sufficient to determine the net effect of the proposed development on the flood plain elevations on the subject site and adjacent properties.
3. A soils stabilization plan for all cuts, fills and graded areas.

(d) Use and Interpretation of Base Flood Data

and Maps.

1. When specific 100-year flood plain elevation data has not been provided in accordance with 4.062(3), the City Engineer shall obtain, review and reasonably utilize any base flood elevation data available from federal, state or other sources, in order to determine compliance with 4.062.
2. The City Engineer shall make the final interpretation of the exact 100-year flood plain boundaries on the FIRM and the Floodway Map. Appeals shall be granted consistent with the Standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program.

(e) Monumentation and Recordation:

1. Prior to issuance of a Flood Plain Permit, the Planning Director shall cause the placement of an elevation marker, set at one and one-half (1 1/2) feet above the 100-year flood elevation, on the subject property. The marker shall be properly identified and permanently monumented in concrete.
2. A Site Plan or map showing the location and elevation of the monument shall be submitted to and maintained on file by the Building Official.
3. Prior to issuance of an Occupancy Permit, for any structure within the 100-year flood plain, the Building Official shall insure by signature of a licensed surveyor or civil engineer that the finished floor elevation is

one and one-half feet above the 100-year flood elevation.

(8) Standards:

(a) Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.
 - a. Over-the-top ties shall 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.
 - b. Frame ties shall 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.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. Any additions to the mobile home be similarly anchored.
3. Any 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 Wilsonville Building Official that this standard has been met.

(b) Construction Materials and Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- (c) Utilities:
 - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - 2. 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.
- (d) Watercourse and Flood Plain Alterations:
 - 1. The floodway carrying capacity shall not be reduced by alteration of a flood plain or watercourse which will increase the 100-year flood plain elevation by more than one (1) foot.
- (e) Residential Construction:
 - 1. New construction and substantial improvement of any residential structure shall have the lowest finished floor, including basement, elevated one and one-half (1 1/2) feet above the 100-year flood elevation.
- (f) Nonresidential Construction:
 - 1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest finished floor, including basement, elevated one and one-half (1 1/2) feet above the 100-year 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 standards of this subsection are satisfied.
- (g) Mobile Homes:
 - 1. Mobile homes shall be anchored in accordance with 4.062(8)(a).

2. For new mobile home parks and mobile home subdivisions, or improvements to existing mobile home parks or subdivisions which exceed the provisions of 4.062(4)(e), the following shall apply:
 - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - b. Adequate surface drainage and access for a hauler are provided, and
 - c. In the instance of elevation on pilings, that:
 - (1) lots are large enough to permit steps.
 - (2) piling foundations are placed in stable soil no more than ten feet apart, and
 - (3) reinforcement is provided for pilings more than six feet above the ground level.
 3. No mobile home shall be placed in a floodway.
- (h) Floodways:
1. Located within the flood plain as established in 4.062(3) 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:
 - a. Encroachments, including fill in any new development, shall be prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100 year flood discharge.
 - b. All development shall comply with all applicable flood plain standards of 4.062(8).
 - c. All buildings designed for human habitation and/or occupancy shall be prohibited within the floodway.

(i) Parking Lots and Storage Areas:

1. All parking lots and storage areas below the flood plain elevation shall be paved.
2. A minimum of twenty-five (25) percent of the required parking space must be provided above the 100-year flood plain elevation for all non-residential uses.
3. Residential uses shall provide at least one parking space per unit above the 100-year flood plain elevation.

(9) Conflicts:

If any provisions of 4.062 conflict with any other sections of the Zoning Ordinance, the most restrictive shall apply.

Submitted to the Council and read the first time at a regular meeting thereof on the _____ day of _____, 1981, and scheduled for second reading at a regular meeting of the Council on the 21st day of December, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 21st day of December, 1981,
by the following votes: YEAS 5 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 23rd day of December,
1981.


William G. Lowrie, Mayor