

ARTICLE 44 - FLOODPLAIN ZONE (FP)

(Effective 11/4/87)

Section 44.00 - Purpose & Intent

The purpose of the Floodplain Ordinance is the protection of life and property from natural disasters and hazards. The intent of the ordinance is to: (1) minimize expenditures of public money and costly flood control projects; (2) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public; (3) minimize damage to public facilities and utilities; (4) insure that potential buyers are notified that property is in the floodplain; (5) insure that those who occupy the floodplain area assume responsibility for their actions; and (6) insure applicable property owners are adequately insured.

The Floodplain Zone implements the Environmental Protection Plan designation and can be used as an overlay zone in areas not planned or zoned Forest or Primary Forest.

Section 44.05 - Definitions

- A. AREA OF SPECIAL FLOOD HAZARD: Means lands in the Floodplain as identified on the County Zoning Map as Floodplain and zoned Floodplain (FP). Lands in the floodplain are subject to a 1% or greater chance of flooding in any given year (see Floodplain definition below).
- B. BASE FLOOD: Means the flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the 100-year floodplain. The area designated Floodplain (FP) on the County Zoning Map.
- C. 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 designated Floodplain on the County Zoning Map.
- D. FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normal 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): 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. This includes the

areas designated Floodplain on the County Zoning Map. These maps are available in the Hood River County Planning Department.

- F. FLOODPLAIN: Means land in the floodplain as identified by sources listed in Section 44.10 - Ordinance Applicability, and zoned Floodplain by Hood River County. The County Zoning Map boundary shows the approximate outline. A base flood which reaches this boundary has 1% chance of occurring each year, commonly referred to as the 100-year flood. This is also called the area of Special Flood Hazard by the Federal Emergency Management Agency (FEMA).
- G. FLOODWAY: Means the channel of a river or other water course 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 1'.
- H. LOWEST FLOOR: Means 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 in Section 44.50 - Floodplain Standards.
- I. MANUFACTURED HOME: Means 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 floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, or other similar vehicles. Also see Article 16 - Mobile Home Parks, etc. Zone, Section 16.05 - Definitions.
- J. STRUCTURE: Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Section 44.10 - Ordinance Applicability

The Floodplain Ordinance applies to lands zoned Floodplain on the County Zoning Map. The following primary sources were used to designate the Floodplain, and are adopted as elements of the Hood River County Comprehensive Plan: (1) Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM) September 24, 1984;¹ (2) State of Oregon, Department of Geology & Mineral Industries Bulletin #91, Geologic Hazards of Parts of Northern Hood River, Wasco & Sherman Counties, 1977, and State Geologic Hazard Maps accompanying that report, prepared by J.D. Beaulieu, 1977; and (3) Hood

¹. The FEMA 1984 Maps Supersede the HUD December 6, 1977 Maps.

River County Generalized Floodplain Report, U.S. Department of Agriculture, Soil Conservation Service, 1975. Copies of the above sources are available for review in the Hood River County Planning Department.

Section 44.15 - Use of Other Base Flood Data

When base flood elevation data has not been provided pursuant to Section 44.10 - Ordinance Applicability, the applicant shall obtain and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, in order to comply with applicable provisions in Section 44.50 Floodplain Standards.

Section 44.20 - Applicant's Burden of Proof

The burden is upon the applicant to provide affirmative documented findings demonstrating compliance with all provisions of this ordinance. The applicant is responsible for retaining either an engineer, architect, hydrologist or geologist (all licensed in Oregon), who will be responsible for demonstrating through written documented findings of compliance with provisions of this ordinance.

Section 44.25 - Planning Director Responsibility

The County Planning Director or his designate will administer and ensure all Floodplain Development Permit applications comply with provisions of this ordinance.

Section 44.30 – Columbia River Gorge National Scenic Area

All permit applications within the Scenic Area will be sent to the Scenic Area Manager for review and comment.

Section 44.35 - Disclaimer of Liability:

On rare occasions, large floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the area zoned Floodplain, or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of Hood River County, or any official or employee, for any flood damage that results from reliance on this ordinance or any administrative decisions pursuant to this ordinance.

Section 44.40 - Permitted Uses

The following uses are permitted within the floodplain, but not within the floodway. Uses proposed within the floodway must comply with Section 44.45 Floodplain Development Permit.

- A. Farm use, other than dwellings, barns, and storage buildings.

- B. Small private boat docks, landings for pleasure (not commercial use); but not including incidental buildings.
- C. Parks, playgrounds, but not including incidental buildings.
- D. Golf courses, driving ranges; but not including incidental buildings.
- E. Private airports, not including structures.
- F. Truck storage and rental, not including structures.
- G. Temporary rock, sand and gravel storage, not including structures.
- H. Timber harvesting along streams shall be conducted in compliance with forest practices as defined and regulated under the Oregon Forest Practices Act (January 10, 1980).

Section 44.45 - Floodplain Development Permit

A Floodplain Development Permit shall be obtained before construction or development begins within the floodplain, including floodway, as established pursuant to Section 44.10 - Ordinance Applicability. A Floodplain Development Permit is required for all structures, manufactured homes, and development as defined in Section 44.05 - Definitions. Applicants shall retain one of the following Oregon licensed individuals who is responsible for demonstrating through written documentation (report) of compliance with the requirements of this ordinance, specifically Section 44.50 - Floodplain Standards: engineer, architect, hydrologist, or geologist. Application may include but not be limited to the following information:

- A. Scaled site plan showing the characteristics, location, dimensions, and site elevation; existing or proposed structures, development including fill, storage of materials, etc.
- B. General elevation to mean sea level of building site.
- C. Distance between ground elevation and level to which the proposed structure is to be flood-proofed.
- D. Description of the extent to which a water course(s) will be altered or relocated as a result of development, structures, etc.

- E. Copies or all permits required from any governmental agency, etc.

Section 44.50 - Floodplain Standards

Applicants for Floodplain Development Permits shall demonstrate through written documented affirmative findings of compliance with the following standards. A County building permit will not be issued unless all provisions of the Floodplain Ordinance have been affirmatively addressed by the applicant's representative.

- A. **ARTICLE 44 - FLOODPLAIN ZONE ORDINANCE:** Compliance with all applicable provisions of Article 44 - Floodplain Zone, Hood River County Zoning Ordinance, prior to making application for a Hood River County building permit.
- B. **AGENCY REFERRALS:** Compliance with permits and approvals of all applicable local, state and federal agencies.
- C. **INTERPRETATION OF FLOODPLAIN BOUNDARIES:** Presentation of documented evidence of the exact location of the floodplain and floodplain boundary and the location of the proposed or existing construction or development.
- D. **BASE FLOOD ELEVATION DATA:** Provide documented evidence identifying the base flood elevation data (in relationship to mean sea level). The sources noted in Section 44.10 - Ordinance Applicability, do not contain base flood elevation data, consequently the following base information is required of the applicant:
 - 1. Record the actual elevation (in relationship to mean sea level) of the lowest floor (including basement) of whole new or improved pre-existing structures.
 - 2. Whether or not the structure contains a basement.
 - 3. Applicant is required to elevate development, etc., at least 2 feet above the base flood elevation data. This information will be obtained and maintained in the applicant's file by the Hood River County Planning Department and will be available for public inspection.
- E. **ELEVATION DATA NOT AVAILABLE:** When elevation data has not been provided in accordance with Section 44.10 - Ordinance Applicability, or from another authoritative source, the applicant is responsible to assume through a licensed professional (engineer, architect, hydrologist or geologist), that the proposed building construction, development, or structures will be reasonably safe from flooding. The test of reasonableness includes use of historical data, high

water marks, photographs or past flooding, etc., where available. Failure to elevate at least 2 feet above grade may result in higher insurance rates.

F. ALTERATIONS OF WATER COURSE:

1. Notification of adjacent cities (e.g., Cascade Locks and Hood River) or communities (e.g., Odell, Parkdale, Mt. Hood, etc.) and the State Floodplain Coordinator, and other applicable state and local agencies prior to obtaining a building permit and prior to any alteration or relocation of a water course, and also submit notification to the Federal Insurance Administration.
2. Provide maintenance within the altered or relocated portion of the watercourse to insure that the flood carrying capacity is not diminished.

G. SUBDIVISION PROPOSALS:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage; and
4. When base flood elevation data has not been provided or is not available, it shall be provided pursuant to Section 44.50 - Floodplain Standards, subparagraph D. or E., for subdivision proposals and other proposed developments, which contain at least 50 lots or 5 acres (whichever is less).

H. BUILDING & SANITATION STANDARDS: Applicant's representative to contact the Building Official and County Sanitarian to insure the following applicable standards are completed:

1. ANCHORING:
 - a. All construction and improvements shall be anchored to prevent flotation, collapse or lateral movement of a structure.
 - b. All manufactured homes shall 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, or as specified by the County Building Official.

- c. All construction and improvements shall be constructed using methods and practices that minimize flood damage.
- d. 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.

2. RESIDENTIAL CONSTRUCTION:

- a. Construction and improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation by 2 feet.
- 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 the interior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings have a total net area of not less than one square inch for each square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than 1 foot above grade.
 - (3) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. All manufactured homes to be improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequate anchored foundation system in accordance with the provisions of the County Building Official.

3. NONRESIDENTIAL CONSTRUCTION: Construction and improvement of any commercial, industrial, or nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attending utility and sanitary facilities shall:
 - a. Be flood proofed so that below the 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. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described above.
 - d. Applicants flood proofing nonresidential buildings are notified that flood insurance premiums will be based on rates that are 1 foot below the flood proof level (e.g. building constructed to the base level will be rated as 1 foot below that level).

4. UTILITIES: Applicant or his representative is required to contact the County Sanitarian and insure the following standards are completed:
 - a. All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the floodwaters;
 - c. On-site waste disposal shall be located to avoid impairment to them or containment from them during flooding; and
 - d. Subsurface sewage disposal drain fields shall be set back a minimum of 100-feet from the ordinary high water mark of the stream.

I. OTHER:

1. Property access for emergency vehicles will be provided to the proposed site(s).

2. Chemical pesticide or herbicide containers shall not be stored within 300 feet of any watercourse.
3. Compliance with water quality goals, policies, strategies, and land use designations and standards noted in the County Policy Document under Goal 5.
4. No building or subsurface sewage disposal system shall be allowed in the surface drainage basin of Crystal Springs in that area east of the springs to Highway 35, or 1,200 feet, whichever is closer, except for protection and maintenance by Crystal Springs Water District.

Section 44.55 - Site Development Standards

Same as those required in the base zone or:

- A. Maximum Height: 35 feet.
- B. Setbacks, minimum:
 1. Front: 50 feet from the centerline of any local street, or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.
 2. Rear: 20 feet.
 3. Side: Interior lot: 10 feet. Exterior, side or corner lot: 50 feet from the centerline of any street.
 4. Setbacks between buildings: 10 feet minimum.
 5. Accessory farm buildings may be located within 10 feet of the rear property line.
 6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.
 7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.

C. WATER COURSE SETBACKS: All new buildings shall be set back 100 feet from ordinary high water mark except for those uses in conjunction with water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Director to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance or the setback requirement; or (2) the protection, maintenance, and retention of riparian vegetation are not applicable to the proposal.