

SECTION 3.060: FLOOD HAZARD OVERLAY ZONE (FH)

- (1) **PURPOSE:** It is the purpose of the FH zone to promote the public health, safety and general welfare and to minimize public and private losses or damages due to flood conditions in specific areas by provisions designed to:
 - (a) Protect human life and health;
 - (b) Minimize expenditure of public money for costly flood control projects;
 - (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
 - (d) Minimize prolonged business interruptions;
 - (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;
 - (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
 - (i) Maintain the functions and values associated with Special Flood Hazard Areas which reduce the risk of flooding.
- (2) **CONTENT:** In order to accomplish this purpose, this Section of the Land Use Ordinance includes methods and provisions for:
 - (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) Maintaining the natural and existing flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (d) Minimizing and controlling filling, grading, dredging, and other development which may increase flood damage or may increase flood hazards in other areas;

- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;
 - (f) Encouraging mitigation and restoration programs in "exchange" (/in addition to) for alteration of Special Flood Hazard Areas, existing and natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters
- (3) **DEFINITIONS:** Unless specifically defined below or in Section 1.030 of this ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AREA OF SHALLOW FLOODING: Means a designated A0 or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range 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. A0 is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: Means the land in the flood plain within the county subject to a one percent or greater chance of flooding in any given year. Designation includes the letters A or V.

ADDITION: An alteration to an existing structure that results in any increase in its ground floor area.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

BASEMENT: Any area of a building having its flood subgrade (below ground level) on all sides.

BREAKAWAY WALL: Means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL HIGH HAZARD AREA: Means the area subject to high velocity waters, including but not limited to storm surge or tsunamis. The area is designated on the FIRM as Zones V1-V30, VE or V.

DEVELOPMENT: Means any man-made 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.

ENHANCEMENT: Means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity.

EXISTING MANUFACTURED HOME PARK: Is one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before August 1, 1978. The construction of facilities includes, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

FILL: Means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed on land including existing and natural floodplains, or in waterways, for the purposes of development or redevelopment.

FIRST FINISHED FLOOR: The first finished floor is when all mechanical equipment is above minimum required base flood elevation of county. This can include but is not limited to ducting, and wiring located within joists (See Mechanical). If no mechanicals are located within floor joists, first finished floor shall be the subfloor above the required elevation above base flood.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): Means the official map issued by the Federal Emergency Management Agency where the boundaries of the area of special flood hazards applicable to Tillamook County have been designated as Zone A, M and/or E.

FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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.

FLOOD PLAIN: Means any land area susceptible to being inundated by water from the sources specified in the flood(ing) definition.

FLOOD PLAIN MANAGEMENT REGULATIONS: Means the provisions of this ordinance in addition to the Land Division Ordinance, building codes, health regulations, and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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.

HIGHWAY READY: Refers to a recreational vehicle that is on wheels or a jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. This includes having a plan and making provision to remove the unit in the event of flood

HYDROSTATIC LOADS: Means those loads caused by water either above or below the ground surface, free or confined, which is either stagnant or moves at very low velocities, of up to five (5) feet per second. These loads are equal to the product of the water pressure times the surface area on which the water acts. The pressure at any point is equal to the product of the unit weight of water (62.5 pounds per cubic foot) multiplied by the height of water above that point or by the height to which confined water would rise if free to do so.

HYDRODYNAMIC LOADS: Means those loads induced on buildings or structures by the flow of flood water moving at moderate or high velocity around the buildings or structures or parts thereof, above ground level when openings or conduits exist which allow the free flow of flood waters. Hydrodynamic loads are basically of the lateral type and relate to direct impact loads by the moving mass of water, and to drag forces as the water flows around the obstruction.

IRREVOCABLY COMMITTED: Means any platted area with improved streets, sewer, water, and fire districts, as well as established commercial and high density residential uses as of June 2, 1978.

LETTER OF MAP AMENDMENT (LOMA): A LOMA is the result of an administrative procedure in which the Federal Insurance Administer reviews scientific or technical data submitted by the owner or lessee of property who believes the property has incorrectly been included in a designated Special Flood Hazard Area (SFHA). A LOMA amends the currently effective FEMA map and establishes that a property is not located in an SFHA.

LETTER OF MAP REVISION (LOMR): A LOMR is an official amendment to the currently effective FEMA map. It is used to change flood zones, flood delineations, flood elevations, and planimetric features. All requests for LOMRs must be made to FEMA through the chief executive officer of the community, since it is the community that must adopt any changes and revisions to the map. A LOMR is usually followed by a physical map revision

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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.

MANUFACTURED DWELLING: Includes:

Residential trailer: a structure, greater than 400 square feet, constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Mobile home: A structure having at least 400 square feet of floor area and which is transportable in one or more sections. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Manufactured home: A structure constructed for movement on the public highways, after June 15, 1976, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED HOME PARK OR SUBDIVISION: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: Means the average height of the sea for all stages of the tide.

MECHANICAL EQUIPMENT: Means Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities.

MITIGATION: Means the reduction of adverse effects of a proposed project by considering, in the following order:

- (a) Avoiding the impact all together by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
- (e) Mitigating for the impact by replacing or providing comparable substitute floodplain areas.

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after August 1, 1978.

PERMANENT FOUNDATION: Refers to a natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistivity and strength.

REACH: Means a hydraulic engineering term used to describe longitudinal segments along a stream of water. A reach will generally include a segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or constrictions. In an urban area an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.

RECONSTRUCTION: Means the repair of a structure damaged by any cause (not limited to flooding) without increasing the floor area of the structure.

RECREATIONAL VEHICLE: A portable temporary dwelling unit, with a gross floor area not exceeding 400 square feet in the set up mode, which is intended for vacation, emergency or recreational use, but not for permanent residential use, unless located in a recreational vehicle park.

RECREATIONAL VEHICLE includes the following:

- (a) **CAMPER:** A structure containing a floor that is designed to be temporarily mounted upon a motor vehicle, and which is designed to provide facilities for temporary human habitation.

- (b) **MOTOR HOME:** A motor vehicle with a permanently attached camper, or that is originally designed, reconstructed or permanently altered to provide facilities for temporary human habitation.
- (c) **TRAVEL TRAILER:** A trailer that is capable of being used for temporary human habitation, which is not more than eight feet wide, and except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.
- (d) **SELF-CONTAINED RECREATIONAL VEHICLE:** A vehicle that contains a factory-equipped, on-board system for the storage and disposal of gray water and sewage.

REHABILITATION: Means any improvements and repairs made to the interior and exterior of an existing structure that do not result in an increase in the ground floor area of the structure. Examples include remodeling a kitchen, gutting a structure and redoing the interior, or adding a second story.

REINFORCED PIER: At a minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured dwelling under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacking concrete blocks do not constitute reinforced piers.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damage occurred.

RESTORATION: Means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the ecological structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

SPECIAL FLOOD HAZARD AREA (SFHA): Areas subject to inundation from the waters of a 100-year flood.

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 occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction of the 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 state of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a 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.

STRUCTURE: Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

SUBSTANTIAL DAMAGE: Pertains to flood related damage where the cost of restoring the structure would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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** 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. Substantial Improvement applies to additions, reconstructions, rehabilitations, repetitive loss structures, and nonresidential construction at a cumulative 50% of market value, determined at the time of a building permit application. The market value of the structure will be determined through the records of the County Assessor at the beginning of the five year period.

Unless the addition meets the definition of Substantial Improvement, then only the actual addition needs to meet the requirements of the Flood Hazard Overlay Zone.

The term does not, however, include either:

- (3) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by local code enforcement activity and which are solely necessary to assure safe living conditions, or
- (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WATER SURFACE ELEVATION: Means the projected water heights in relation to mean sea level.

- (4) GENERAL STANDARDS: In all areas of special flood hazards the following standards are required:

ANCHORING

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured dwellings 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 (See FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for techniques). A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

CONSTRUCTION MATERIALS AND METHODS

- (c) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated to three feet above flood level so as to prevent water from entering or accumulating within the components during conditions of flooding.

UTILITIES

- (f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system.
- (g) 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.
- (h) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SUBDIVISION AND PARTITION PROPOSALS

- (i) All subdivision and partition proposals governed by the Land Division Ordinance shall be consistent with the need to minimize flood damage.
- (j) All subdivision and partition proposals governed by the Land Division Ordinance shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (k) All subdivisions and partition proposals governed by the Land Division Ordinance shall have adequate drainage provided to reduce exposure to flood damage.
- (l) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision and partition proposals governed by the Land Division Ordinance and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

BUILDING AND MANUFACTURED DWELLING PERMITS

- (m) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits and/or manufactured dwelling 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 floodings, etc., where available. Failure to elevate at least three feet above grade in these zones may result in higher insurance rates.
- (5) SPECIFIC STANDARDS FOR NUMBERED A ZONES (A1-A30): In all areas of special flood hazards where base flood data has been provided as set forth in Section 2.020 (2) or other base flood data are utilized, the following provisions are required:

RESIDENTIAL CONSTRUCTION

- (a) New construction and substantial improvement of any residential structure (including manufactured dwellings) shall have the lowest floor, including basement, at a minimum of three feet above base flood elevation.
- (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 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 must meet or exceed the following minimum criteria:

- (1) 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.
- (2) The bottom of all openings shall be no higher than one 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.

NONRESIDENTIAL CONSTRUCTION

- (c) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor including basement elevated to three feet above the level of the base flood elevation or higher; or, together with attendant utility and sanitary facilities, shall:
 - (1) Be floodproofed so that the portion of the structure that lies below the portion that is three feet or more above the base flood level is watertight with walls substantially impermeable to the passage of water.
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in compliance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director.
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in the residential construction Section of this Section.
 - (5) 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).

MANUFACTURED DWELLINGS

- (d) Any manufactured dwelling which incurs substantial damage as the result of a flood, must be elevated to the standard listed in (e) below.

- (e) All manufactured dwellings to be placed or substantially improved within Zones A1-30, shall be elevated on a permanent foundation such that the lowest floor of the manufactured dwelling is at or above three feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the following chart:

- (6) **RECREATIONAL VEHICLES:** Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or greater providing they are fully licensed and highway ready. Recreational vehicles that do not meet these criteria become manufactured dwellings and must be anchored and elevated pursuant to this ordinance.

- (7) **SPECIFIC STANDARDS FOR FLOODWAYS:** Located within areas of special flood hazard established in Section 2.020 (2) 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, new construction and substantial improvements are prohibited unless certification is provided by a professional registered architect or engineer certifying that the proposed encroachment, improvement, or development shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) If Subsection 5 (c) (1) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 3.060 (3) and (4).

- (8) **SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES):** Located within areas of special flood hazard established in Section 2.020 (2) are Coastal High Hazard Areas, designed as Zones V1-V30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this Section the following provisions shall apply:
 - (a) All new construction and substantial improvements in Zones V1-V30, VE and V shall be elevated on pilings and columns so that:
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above one foot above the base flood level: and
 - (2) 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).

- (b) 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 (1) and (2) above. A certificate shall be submitted, signed by the registered professional engineer or architect that the requirements of this Section will be met.
- (c) 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 Planning Director shall maintain a record of all such information.
- (d) All new construction shall be located landward of the reach of mean high tide.
- (e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting 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:
 - (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (2) 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).
- (f) If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (g) Prohibit the use of fill for structural support of buildings.

- (h) Prohibit man-made alteration of sand dunes, including vegetation removal, which would increase potential flood damage.
- (9) **SPECIFIC STANDARDS FOR AREAS OF SHALLOW FLOODING (A0 ZONE):** Shallow flooding areas appear on FIRM's as A0 zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas the following provisions apply:
- (a) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

RESIDENTIAL

- (b) New construction and substantial improvements of residential structures (including manufactured dwellings) within A0 zones shall have the lowest floor (including basement) elevated one foot above the depth number specified on the FIRM (at least two feet above the highest adjacent grade if no depth number is specified).

NON-RESIDENTIAL

- (c) New construction and substantial improvements of nonresidential structures within A0 zones shall either:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified):
or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to one foot above the depth number specified on the FIRM so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Subsection (5) (3) (3) of this Section.
- (10) **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 that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance

shall not create liability on the part of Tillamook County, any officer or employee thereof, of the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(11) SPECIAL ADMINISTRATIVE PROVISIONS FOR FH ZONE:

- (a) The Planning Director of Tillamook County is hereby appointed to administer and implement the provisions of this Section by granting or denying development permit applications in accordance with its provisions.
- (b) Duties of the Planning Director shall include, but not be limited to:
 - (1) Review all development permit requests to assure that the requirements of this Section have been satisfied and that all other necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (2) Review all other permit applications to determine compliance with this Section.
 - (3) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (4) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capability is not diminished.
 - (5) Where base flood elevation data is provided through the Flood Insurance Study or required within this Section, obtain 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.
 - (6) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level), and
 - (b) Maintain the floodproofing certifications required in this Section.
 - (7) Maintain for inspection the affidavits of certification required in this Section. Affidavits of certification are required to be submitted by the permit applicant for elevations and structural requirements as specified in this Section, both pre- and post-construction, utilizing forms provided for

this purpose by FEMA. Elevations may be certified by a licensed surveyor or a registered professional architect or engineer. Structural requirements may be certified by a registered professional architect or engineer.

- (8) Where interpretation is needed requiring the boundaries of the areas of special flood hazard, the Planning Director will make the necessary interpretation. The person contesting the location of the boundary or other decision shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
 - (9) When base flood elevation had not been provided, the Planning director shall obtain, review and reasonably utilize any base flood data and floodway available from federal, state, or other source in order to administer the provisions of Section 3.060.
 - (10) All records pertaining to the provisions of this Section shall be maintained in the Tillamook County Planning Department and shall be open for public inspection.
 - (11) When a Variance is granted, the Planning Director shall give written notice that the structure will be allowed to be built with the lowest floor elevation at or below base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.
- (d) Restrict the location of structures placed on undeveloped parcels between Brooten Road and the Nestucca River, from the Woods Bridge downstream to map cross-section line F on the amended floodway map for the Nestucca River.

Such structures shall occupy no more than 62.5% of the lot width of the parcel to be built upon. This requirement does not apply if the structure is built upon piling with the area beneath the structure open to permit passage of flood water, or enclosed only with "breakaway walls" which are designed to give way to allow passage of flood waters.

Any such structure shall comply with all other requirements of this Section. The intent of this subsection is to maintain a minimum of 1000 feet of open space on the east bank of the Nestucca River, between Brooten Road and the river, from the Woods Bridge structure downstream to map cross-section line F on the amended floodway map for the Nestucca River.

- (e) Publicly owned open land recreation parks and accessory restroom facilities, where allowed in the underlying zone, shall be allowed in floodplain areas below the base flood elevation. The accessory restroom facilities shall be located outside of floodplain areas if possible. If it is not possible, the structures shall be located:
 - (1) On the highest portion of the park grounds; and
 - (2) Be wet-floodproofed; and
 - (3) Maintain riparian setbacks.

If the structure is located in a designated floodway, it shall conform to 1 through 3 above and shall be small enough and positioned so that it will not divert floodwaters.

- (f) All residential and non-residential development and substantial improvements, within the Pacific City Airport Overlay Zone where the height is restricted by the PAO zone, below that allowed by the underlying zone, shall conform to the FH zone regulations except that the first finished floor elevation and the floodproofing shall be certified at the base flood elevation given on the FIRM maps instead of the required three foot above base flood elevation level.

(12) **DEVELOPMENT PERMIT PROCEDURES:** A development permit shall be obtained before construction or development begins within any area of special flood hazard zone. The permit shall be for all structures including manufactured dwellings, and for all development including fill and other development activities, as set forth in the Definitions contained in this Section of the Land Use Ordinance.

- (a) Application for a development permit shall be made on forms furnished by the Planning Director and shall include but not necessarily be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required and Development Permits required under this Section are subject to the Review Criteria put forth in Section 3.060 (12)(b):
 - (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
 - (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed;
 - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 4 (c) of this Section; and

- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Development Permit Review Criteria

- (1) The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.
- (2) The fill is necessary for an approved use on the property.
- (3) The fill is the minimum amount necessary to achieve the approved use.
- (4) No feasible alternative upland locations exist on the property.
- (5) The fill does not impede or alter drainage or the flow of floodwaters.
- (6) For creation of new, and modification of, Flood Refuge Platforms, the following apply, in addition to (12)(a)(1-4) and (b)(1-5):
 - i. The fill is not within a floodway, wetland, riparian area or other sensitive area regulated by the Tillamook County Land Use Ordinance.
 - ii. The property is actively used for livestock and/or farm purposes,
 - iii. Maximum platform size = 10 sq ft of platform surface per acre of pasture in use, or 30 sq ft per animal, with a 10-ft wide buffer around the outside of the platform,
 - iv. Platform surface shall be at least 1 ft above base flood elevation,
 - v. Slope of fill shall be no steeper than 1.5 horizontal to 1 vertical,
 - vi. Slope shall be constructed and/or fenced in a manner so as to prevent and avoid erosion.

Conditions of approval may require that if the fill is found to not meet criterion (5), the fill shall be removed or, where reasonable and practical, appropriate mitigation measures shall be required of the property owner. Such measures shall be verified by a certified engineer or hydrologist that the mitigation measures will not result in a net rise in floodwaters and be in coordination with applicable state, federal and local agencies, including the Oregon Department of Fish and Wildlife.

- (c) Before approving a development permit application for other than a building, the Planning Director may determine that a public hearing should be held on the application. Such hearing shall be held before the Planning Commission and a decision made by the Planning Commission in accordance with the provisions of Section 3.060 (11).

(13) APPEALS, REDUCTIONS AND VARIANCES:

- (a) An appeal of the ruling of the Planning Director regarding a requirement of this Section may be made to the Tillamook County Planning Commission pursuant to Section 10.020.
- (b) Reductions of the "3 feet above base flood elevation" standard may be granted by the Planning Director, upon findings that:
 - (1) Strict application of the three-foot standard would produce an unreasonable or inequitable result; and
 - (2) A lesser elevation requirement will not result in an appreciable increase in flood damage.

Reductions to below 1 foot above base flood elevation require a Variance as described in (c), below.

The intent of this provision is to limit this application of the Director's discretion to those rare and unusual circumstances where the three-foot standard would result in unnecessary and burdensome development requirements.

- (c) Variances to the standards contained in Section 3.060 shall be issued only in accordance with Section 1910.9 of the Federal Regulations governing flood insurance (Title 24 CFR) and any amendment thereto.
 - (d) The procedures for reviewing and taking action on a variance under the provisions of this Section shall be pursuant to the procedures provided in Article 8.
- (14) PROVISIONS: The provisions of Section 3.060 shall take precedence over all prior resolutions or orders of the Board of County Commissioners relating to Flood Plain Management.