

PLANNING COMMISSION MEETING

Thursday, April 07, 2016 6:00 PM

City Council Chambers, 1001 Bridge Street, Vernonia OR 97064

WORKSHOP

AGENDA

- 1. Call to Order: Susan Wagner, Chair**
- 2. Approval or Additions to Agenda**
- 3. Topics from the Floor**
- 4. Consent Agenda**
 - A. Planning Commission Minutes February 04, 2016
- 5. Unfinished Business**
- 6. New Business**
 - A. Review of Ordinance 851 “An Ordinance of the City of Vernonia, Oregon Enacting Flood Damage Prevention Provisions...”
- 7. City Planner’s Report**
- 8. Commissioners Reports**
- 9. Chairperson Report**
- 10. Correspondence**

Adjournment

*****AMERICANS WITH DISABILITIES ACT NOTICE*****

Please contact the City Recorder, Vernonia City Hall, 1001 Bridge Street, Vernonia, OR 97064 (Phone No. 503-429-5291) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

Ordinance 851
An Ordinance of the City of Vernonia, Oregon Enacting
Flood Damage Prevention Provisions and
Repealing Ordinances 845, 725, 722, 712, 633 and 554

Section 1.0 [Statutory Authorization, Findings of Fact, Purpose, and Objectives.]

1.1 Statutory Authorization. The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council of the City of Vernonia, State of Oregon, does repeal Ordinance 725 and does ordain as follows:

1.2 Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in the Flood Plain Management Area;
- (6) To help maintain a stable tax base by providing for the sound use and development of the Flood Plain Management Area so as to minimize future flood blight areas;
- (7) To provide a tool for potential buyers to utilize in determining if property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

Section 2.0 [Definitions.]

Unless specifically defined, 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. Likewise, these definitions are specific to flood plain

"Flood of Record" means high water marks as maintained by the City of Vernonia.

"Flood Plain Management Area" means the land area inside the 0.2% (500 year) Flood Inundation Area as shown on the map accompanying the Army Corps of Engineers, Draft Flood Hazard Study, City of Vernonia, Oregon, as revised February 7, 2008, or as depicted on the FIRM, whichever is greater.

"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 design flood without cumulatively increasing the water surface elevation more than one foot. Once established, nothing can be placed in a floodway that would cause any rise in Design Flood Elevation.

"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 at Section 5.2-1(2).

"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 flood plain management purposes the term "manufactured home" also includes park 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.

"Market Value" means the value of the building:

- 1) as determined by the assessor's real market value or the appraised value of the structure prior to the start of the repair or improvement, or
- 2) in the case of damage, the assessor's real market value or the appraised value of the structure prior to the damage occurring.

"New Construction" means structures for which the "start of construction" commences on or after the effective date of this ordinance.

"Recreational Vehicle" means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

any given year as defined by the Army Corps of Engineers, Draft Flood Hazard Study, City of Vernonia, Oregon, as revised February 7, 2008 or the Federal Emergency Management Agency, Flood Insurance Study, dated August 16, 1988, whichever is higher. The Draft Flood Hazard Study and the Flood Insurance Study are on file at Vernonia City Hall, 1001 Bridge Street, Vernonia OR 97064.

- 3.3 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 4.0 [Administration.]

4.1 Establishment of Flood Plain Development Permit.

4.1.1 Flood Plain Development Permit Required. A Flood Plain Development Permit shall be obtained before construction or development begins within the Flood Plain Management Area established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the 'Definitions,' and for all development including fill and other activities, also as set forth in the 'Definitions.'

4.1.2 Application for Flood Plain Development Permit. An application for a Flood Plain Development Permit shall be made on forms furnished by the City of Vernonia and may include but not 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:

- (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 structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2.2; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(4) Costs associated with the following items are not to be included:

- a. The preparation and approval of all required plans, calculations, certifications, and specifications;
- b. The performance of surveys or other geotechnical or engineering studies and the resulting reports;
- c. Permit and review fees assessed by the city or others;
- d. The construction, demolition, repair, or modification of outside improvements, including landscaping, fences, swimming pools, detached garages, etc.

(5) Proposed alteration of a designated historic building or structure is not to be considered a substantial improvement, unless the alteration causes a loss of the said designation.

The building official or city's designee shall make the final determination of whether the proposed building's or structure's improvement constitutes a "substantial improvement" or "substantial damage" to the subject building or structure.

4.3.4 Information to be Obtained and Maintained.

(1) Where Design Flood Elevation data is provided as in Section 3.2 or as in Section 4.3.2, 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.

(2) For all new or substantially improved flood proofed structures where Design Flood Elevation data is provided as in Section 3.2 or as in Section 4.3.2:

- a. Verify and record the actual elevation (in relation to mean sea level to which the structure was floodproofed); and
- b. Maintain the flood proofing certifications required in Section 5.2.2(1).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3.5 Alteration of Water Courses.

(1) Notify adjacent communities and the Department of Land Conservation and Development as to any alteration or relocation of

5.1.3 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; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1.4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Where Design 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).

5.1.5 Review of Flood Plain and Building Permits. Where elevation data is not available either through flood insurance studies (Section 3.2) or from another authoritative source (Section 4.3.2), applications for floodplain development and 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 three feet above the highest adjacent grade in these zones may result in higher insurance rates and/or refusal of the city to grant a permit.

5.1.6 Crawlspace Construction. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

- (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below.

(8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

5.2 Specific Standards. In the Flood Plain Management Area where Design Flood Elevation data has been provided as set forth in Section 3.2 or Section 4.3.2, the following provisions are required:

5.2.1 Residential Construction.

(1) New construction and substantial improvement, as defined in Section 2.0, of any residential structure shall have the lowest floor, including basement, elevated to a minimum of three (3) feet above Design Flood Elevation as defined in Section 2.0., but no less than one (1) foot above the Flood of Record.

(2) 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 floodwater. 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.
- d. Flood vents are required in a garage if the garage is below the Design Flood. Elevation

5.2.2 Non Residential Construction. New construction and substantial improvement, as defined in Section 2.0, of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated or flood proofed to a minimum of three (3) feet above Design Flood Elevation as defined in Section 2.0., but no less than one (1) foot above the Flood of Record.

Alternatively, any new construction or substantial improvement of any commercial, industrial, or other nonresidential structure, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed so that below the Design Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water;

due to the velocity of flood waters which carry debris, potential projectiles, and erosion potentials, the following provisions apply:

- 5.4.1 Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered profession engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of a design flood discharge.
- 5.4.2 If Section 5.4.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Section 5.0, Provisions for Flood Hazard Reduction.

Section 6.0 [Violation and Fine.]

- 6.1 A violation of any provision of this ordinance shall, upon conviction, be punishable by a fine of not more than \$500.00. A violation of this ordinance shall be considered a separate offense for each day the violation continues.
- 6.2 In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
- 6.3 Subject to removal. A building, sited upon property in violation of this ordinance, shall be subject to removal from such property. However, the building owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

Section 7.0 [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 of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Vernonia or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.