

WASHINGTON COUNTY ENACTED ORDINANCE

9
Pages



ORDINANCE

635

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

MAR 23 2005

**Washington County
County Clerk**

Rec.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing -
Department of Land Use and Transportation All CPO's

Agenda Title: **PROPOSED LAND USE ORDINANCE NO. 635 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO
FLOOD PLAIN REGULATIONS**

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance 635 proposes to amend Community Development Code (CDC) Section 421 relating to flood plain regulations. The purpose of the amendments is to bring the County's flood plain regulations into compliance with the recently updated regulations adopted by the Federal Emergency Management Agency (FEMA).

FEMA recently revised their construction standards pertaining to non-residential structures and updated the Flood Insurance Rate Maps (FIRMS) and the Flood Insurance Study (FIS) maps for Washington County. The maps will be made available February 18, 2005. Certain amendments are needed to bring the County's flood plain regulations into compliance with FEMA's recent changes. In addition, FEMA has contacted the County and has requested that the County's flood plain regulations be amended as soon as possible.

The staff report and attachments will be provided to the Board prior to the hearing and copies will also be available at the Clerk's desk.

Pursuant to Board direction on July 11, 1995, testimony about the ordinance will be limited to 12 minutes for a representative of a recognized group and three minutes for individual testimony.

(continued)

DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct the first public hearing for Ordinance 635. At the conclusion of the hearing, adopt Ordinance 635 as filed.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	<u>03/22/05</u>

PROPOSED LAND USE ORDINANCE NO. 635

March 22, 2005

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On January 25, 2005, the Board authorized the filing of an ordinance to make the necessary changes to CDC Section 421.

On March 16, 2005, the Planning Commission (Commission) opened the public hearing on Ordinance 635. At the conclusion of the meeting, the Commission voted to recommend to the Board that they adopt Ordinance 635 as filed.

FILED

JAN 26 2005

**Washington County
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 635

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan Relating to Flood Plain
Regulations

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628 and 631.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the Community Development Code element of the Comprehensive Plan relating to flood plain regulations to improve its administration and to comply with regulations of the Federal Emergency Management Agency (FEMA). The Board takes

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1 note that such changes are necessary for the benefit of the health, safety, and general
2 welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the Land
4 Use Ordinance Advisory Commission has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to
7 the Board. The Board finds that this Ordinance is based on that recommendation and any
8 modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters
10 and information necessary to consider this Ordinance in an adequate manner, and that this
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
12 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
13 Washington County Charter, and the Washington County Community Development Code.

14 SECTION 2

15 The following exhibit, which is marked as Exhibit 1 (2 pages), is hereby adopted
16 as amendments to Section 421 of the Community Development Code.

17 SECTION 3

18 All other Comprehensive Plan provisions that have been adopted by prior
19 ordinance, which are not expressly amended or repealed herein, shall remain in full force
20 and effect.

21 ////

22 ////

1 SECTION 4

2 All applications received prior to the effective date shall be processed in accordance
3 with ORS 215.427 (2003 Edition).

4 SECTION 5

5 If any portion of this Ordinance, including the exhibit, shall for any reason be held
6 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
7 affected thereby and shall remain in full force and effect, and any provision of a prior land
8 use ordinance amended or repealed by the stricken portion of this Ordinance shall be
9 revived and again be considered in full force and effect.

10 SECTION 6

11 The Office of County Counsel and Department of Land Use and Transportation are
12 authorized to prepare planning documents to reflect the changes adopted under Section 2
13 of this Ordinance, including deleting and adding textual material and maps, renumbering
14 pages or sections, and making any technical changes not affecting the substance of these
15 amendments as necessary to conform to the Washington County Comprehensive Plan
16 format.

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22 /////

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 22nd day of March, 2005, being the first
4 reading and first public hearing before the Board of County Commissioners of
5 Washington County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8
9 **ADOPTED**

8 *Andrew Oard*
9 CHAIRMAN

10 *Barbara Hejtmanek*
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First March 22, 2005
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____

March 22, 2005

16 VOTE: Aye: Duyck, Rogers, Leeper, Nay: _____
Schouten

17 Recording Secretary: Barbara Hejtmanek Date: 3-22-05

Amend Section 421, Flood Plain and Drainage Hazard Area Development, of the Community Development Code as follows:

1. Amend Section 421-1 as follows:

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

421-1.1 The maps entitled "Flood Plain Series, Washington County, Oregon" Revision 5/01/74, 1/03/78, 1/81 and 5/25/83 and 12/12/83 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County, together with the Flood Insurance Rate Maps, ~~with amendments,~~ and the "Flood Insurance Study for Washington County," ~~with amendments~~ maps, as may be amended from time to time, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) hereby are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, the Director may use any base flood elevation and floodway data available from a federal or state source, or any other authoritative source, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

2. Amend Section 421-10 as follows:

421-10 Criteria for Non-Dwelling Structures

421-10.1 New construction or substantial improvement of non-dwelling structures shall either have the lowest floor, including any basement, elevated to or above the flood surface elevation; or, the structure together with attendant utility and sanitary facilities shall:

~~421-10.1~~ A. Be floodproofed so that below the flood surface elevation the structure is watertight with walls substantially impermeable to the passage of water;

~~421-10.2~~ ~~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:~~

~~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; and~~

~~C. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~421-10.3~~ B. Be constructed with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage;

421-10.4 C. Be anchored to prevent flotation, collapse or lateral movement;

421-10.5 D. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of ~~buoyance~~buoyancy; ~~and~~

421-10.6 E. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice and satisfy the standards of Section 421-10 ~~are satisfied~~; ~~and~~

F. Have the non-dwelling space below the lowest floor incorporate the applicable standards of Section 421-8.2.

421-10.2 In accordance with FEMA regulations, the flood insurance premiums for floodproofed non-dwelling structures will be based on the rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one (1) foot below) or as otherwise amended by FEMA.

3. Amend Section 421-15 as follows:

421-15 Duties of the County

421-15.2 The Director shall notify adjacent communities and the relevant State agency of any approval prior to alteration of a ~~water course~~watercourse. The Director shall submit evidence of said notification to the Federal Insurance Administration.