

**CITY OF GARIBALDI
ORDINANCE NO. 327**

**AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 16
ENVIRONMENT OF THE GARIBALDI MUNICIPAL CODE, AND
AMENDING THE GARIBALDI COMPREHENSIVE PLAN**

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

ARTICLE I. Adopting Amendments to Title 16 of the Garibaldi Municipal Code.

Garibaldi Municipal Code, hereby referenced as "GMC" in this ordinance, is amended by the changes as directed in this section. Reference to section numbers and titles are not part of the adopted text amendments except as required for reference or codification of new or replacement text. The table of contents for this section is provided only for reference.

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**Chapter 16.05
FLOOD DAMAGE PREVENTION**

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Article I. General Provisions

16.05.010 Title and Authorization

This chapter shall be known as the Garibaldi flood damage prevention ordinance. [Ord. 146 § 1.010, 1987.] The State of Oregon in ORS 203.035 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 City of Garibaldi does ordain as follows:

16.05.020 Purpose and objectives.

It is the purpose of this chapter to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Garibaldi comprehensive plan and zoning ordinance (GMC Title 18), the specific objectives are:

- A. To promote the general health, welfare and safety of the city;
- B. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;
- C. To minimize the need for rescue and relief efforts associated with flooding;
- D. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities located in flood hazard areas;
- F. To ensure that potential home and business buyers are notified that property is in a flood area; and
- G. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [Ord. 146 § 1.020, 1987.]

16.05.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable applications. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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“Area of special flood hazard” means the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor 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 an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“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 or storage of equipment or materials.

“Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Flood” or “flooding” means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1.) The overflow of inland or tidal waters.

(2.) The unusual and rapid accumulation or runoff of surface waters from any source.

(3.) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

“Flood Insurance Rate Map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to
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the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood insurance study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.”

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“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.

“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 nonelevation design requirements of this chapter found in GMC 16.05.170.

“Manufactured dwelling” 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 attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle”.

“Manufactured dwelling park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

“Mean sea level (MSL)” means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (NAVD88), to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction for floodplain management purposes structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.”

“Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

“Recreational vehicle” means a vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

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D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a 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 streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.”

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include either:

(1.) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2.) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Variance” means a grant of relief by this community from the terms of a flood plain management regulation contained within this chapter.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 322 §§ 1, 2, 2014; Ord. 249 § 1, 2001; Ord. 146 § 1.030, 1987.]

Article II. Applicability – Compliance

16.05.040 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction (city limits) of the city of Garibaldi. [Ord. 146 § 2.010, 1987.]

16.05.050 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled, "Flood Insurance Study for Tillamook County, Oregon and incorporated areas," September 28, 2018, with accompanying Flood Insurance Rate Maps (FIRM) and any revision thereto are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Garibaldi City Hall. [Ord. 146 § 2.020, 1987.]

16.05.060 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered, and no development activity shall occur without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations with conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein contained shall prevent the City of Garibaldi from taking such other lawful action as is necessary to prevent or remedy any violation. Any person violating any of the provisions of this chapter shall be subject to provisions of ORS 221.914. A violation of this chapter shall be considered a separate offense for each day the violation continues. [Ord. 146 § 2.030, 1987.]

16.05.070 Interpretation.

In the interpretation and application of this chapter, all provisions shall be: (A) considered as minimum requirements; (B) liberally construed in favor of the city of Garibaldi; and (C) deemed neither to limit nor repeal any provisions of other city of Garibaldi ordinances or any other powers granted under State statutes. [Ord. 146 § 2.040, 1987.]

16.05.080 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter 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 chapter shall not create liability on the part of the city of Garibaldi or by an officer, or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. [Ord. 146 § 2.050, 1987.]

Article III. Administration

16.05.090 Establishment of building/development permit.

A building permit shall be obtained before construction or development (including substantial improvements) begins within any area of special flood hazard established in GMC 16.05.050. The permit shall be for all structures including manufactured dwellings as set forth in GMC 16.05.030, Definitions, and for all development including fill and other activities, also set forth in GMC 16.05.030, Definitions. Application for a building permit shall be made to the city manager or their designee on forms furnished by the city and shall specifically include the following information:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

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B. Elevation in relation to mean sea level to which any structure has been floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing method for any nonresidential structure meets the floodproofing criteria in GMC 16.05.170(B).

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. [Ord. 322 § 3, 2014; Ord. 146 § 3.010, 1987.]

16.05.100 Duties and responsibilities.

The duties of the city manager or their designee shall include, but not be limited to, the following:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

C. Review all development permits in the area of special flood hazard to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.05.175 are complied with.

D. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.

E. Review all development permit applications to determine if the proposed development qualifies as a "substantial improvement", as set forth in the "DEFINITIONS".

F. Review all development permit applications to determine if the proposed development qualifies as a "critical facility", as set forth in the "DEFINITIONS". If the development qualifies as a "critical facility", assure that the provisions of Section 16.05.195 are complied with. [Ord. 322 § 4, 2014; Ord. 146 § 3.020, 1987.]

16.05.105 Requirement to submit new technical data

(1.) Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).

(2.) The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.

(3.) The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.

16.05.110 Use of other base flood data.

When base flood elevation data has not been provided in accordance with GMC 16.05.050, Basis for establishing the areas of special flood hazard, the city manager or their designee shall obtain, review, and

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reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer GMC 16.05.170(A), Residential Construction, and GMC 16.05.170(B), Nonresidential Construction. [Ord. 322 § 5, 2014; Ord. 146 § 3.030, 1987.]

16.05.115 Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another administrative source (GMC 16.05.100), applications for 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 two feet above grade in these zones may result in higher insurance rates. [Ord. 146 § 4.010, 1987.]

16.05.120 Information to be obtained and maintained by city manager or their designee.

A. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in GMC 16.05.110, 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.

B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in GMC 16.05.110:

1. Verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed; and

2. Maintain the floodproofing certifications required in GMC 16.05.090(C).

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters. [Ord. 322 §§ 6, 7, 2014; Ord. 146 § 3.040, 1987.]

16.05.130 Alteration of watercourses.

The building official¹ shall:

A. Notify adjacent communities and the Oregon 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.

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. [Ord. 322 § 8, 2014; Ord. 146 § 3.050, 1987.]

16.05.140 Interpretation of FIRM boundaries.

The city manager or their designee shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in Section 16.05.150 of this chapter. [Ord. 322 § 9, 2014; Ord. 146 § 3.060, 1987.]

16.05.150 Appeals and variance procedures.

A. An appeal of a ruling or interpretation regarding a requirement of this chapter may be made only to the Garibaldi city council.

B. The city council shall hear and decide appeals when it is alleged there is an error in any interpretation, requirement, decision or determination in the enforcement or administration of this chapter.

C. The administrative procedures for hearing a variance under the provisions of this chapter shall be pursuant to the administrative procedures utilized by the city of Garibaldi.

D. An action or ruling of the city council pursuant to this chapter is final.

E. Variances shall be issued in accordance with the National Flood Insurance Program (NFIP) regulations governing flood insurance (44 CFR 60.6) and any amendment thereto.

F. Authorization of a variance shall be void after six months unless the new construction, substantial improvement or approved activity has taken place. However, the city council may, at its discretion, extend authorization for an additional six months upon request.

G. When a variance is granted, the city recorder shall give written notice that the structure or manufactured dwelling will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation, and that: (1) the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation; and (2) such construction below the base flood level increases risk to life and property. Such notification shall be permanently maintained with the floodplain development permit and a record of all variance actions. [Ord. 249 § 2, 2001; Ord. 170 § 4, 1990; Ord. 146 § 3.070, 1987.]

Article IV. Provisions for Flood Hazard Reduction

16.05.160 General standards.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. 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 (reference FEMA's "Manufactured dwelling Installation in Flood Hazard Areas" guidebook for additional techniques).

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 or substantial improvements shall be constructed by methods and practices that minimize flood damage.

3. 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.

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 discharges 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 consistent with the Oregon Department of Environmental Quality.

D. 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 flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base 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 five acres (whichever is less).

E. AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

16.05.170 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in GMC 16.05.050, Basis for establishing the areas of special flood hazard, or GMC 16.05.110, Use of other base flood data, the following provisions are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. 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 architect 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.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities shall:

1. Be floodproofed so that below the base flood level the structure 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 accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certification shall be provided to the official as set forth in GMC 16.05.120(B)(2);
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A 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).
6. Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
7. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

C. Manufactured dwellings. All manufactured dwellings to be placed or substantially improved within Zones A1 – A30, AH and AE shall meet the following requirements:

1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with 16.05.170(a)(1) through (3) above;
2. Be elevated so that the bottom of the longitudinal chassis frame beam shall be at or above BFE;
3. The manufactured dwelling shall be securely anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured dwelling Installation in Flood Hazard Areas" guidebook for additional techniques), and;

4. Electrical crossover connections shall be a minimum of 12 inches above the base flood elevation.

5. Crossover ducts are allowed below BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components. This may require an engineer's certification.

D. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1 – A30, AH, E, and D on the community's Flood Insurance Rate Map (FIRM) either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions;
OR

3. Meet the requirements of subsection C of this section and the elevation and anchoring requirements for manufactured dwellings. [Ord. 322 § 10, 2014; Ord. 249 § 3, 2001; Ord. 146 § 4.020, 1987.]

16.05.175 Before Regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1 – 30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. [Ord. 322 § 11, 2014.]

16.05.180 Regulatory floodway

Located within areas of special flood hazard established in 16.05.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in base flood or floodway elevations when compared to pre-project conditions.

B. If paragraph (A.) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV. (Provisions for Flood Hazard Reduction) of this chapter or ASCE 24, whichever is more stringent.

16.05.185 Coastal high hazard area.

Coastal high hazard areas (V and coastal A zones) are located within the areas of special flood hazard established in 16.05.050 of this chapter. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

A. All new construction and substantial improvements in Zones V1 – V30 and VE (V if base flood elevation data is available) 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 one foot above the base flood elevation.

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).

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 subsections (A)(1) and (2) of this section.

B. 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 – V30 and VE, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

C. All new construction shall be located landward of the reach of mean high tide.

D. 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).

E. 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.

F. Prohibit the use of fill for structural support of buildings.

G. Prohibit manmade alteration of sand dunes which would increase potential flood damage.

H. All manufactured dwellings to be placed or substantially improved within Zones V1 – V30, V and VE on the community's FIRM on sites shall meet the standards of subsections A through G of this section. Also the
14 - AN ORDINANCE AMENDING TITLE 16 ENVIRONMENT OF THE GARIBALDI MUNICIPAL CODE, AND AMENDING THE GARIBALDI COMPREHENSIVE PLAN

electrical connection shall be a minimum of 12 inches above the base flood elevation. For manufactured dwellings the bottom of the longitudinal chassis frame beam shall be elevated to one foot above the base flood elevation or higher.

I. Recreational vehicles placed on sites within Zones V1 – 30, V and VE on the community’s FIRM shall either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions;
OR
3. Meet the requirements of GMC 16.05.090 (Permitting requirements) and subsections A through H of this section. [Ord. 322 §§ 12, 13, 2014; Ord. 249 § 4, 2001; Ord. 146 § 4.030, 1987.]

16.05.190 Critical facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 322 § 15, 2014.]

Article V. Miscellaneous Provisions

16.05.200 Restrictions and prohibited uses.

A. Restrictions. Restrictions regarding height, rear yards, side yards, front yard setback, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific zone located within the area of special flood hazard.

B. Prohibited Uses. It shall be unlawful to erect, alter, maintain or establish in a special flood hazard area any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing nonconforming uses. [Ord. 146 § 5.010, 1987.]

16.05.210 Abrogation and Severability

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.

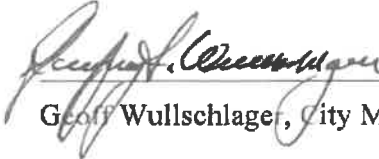
If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

¹ Code reviser’s note: Ord. 322 intended to change “building official” to “city manager or their designee.” This instance was inadvertently omitted and will be changed with the next ordinance amendment.

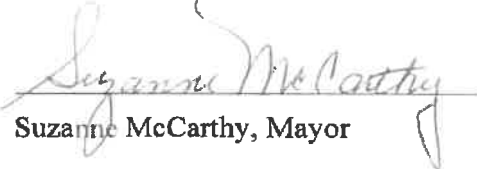
Section 2. EFFECTIVE DATE: The provisions of this Ordinance are deemed necessary to the health, safety, welfare, and economy of the citizens of Garibaldi. An emergency is hereby declared to exist, and this Ordinance will be in effect upon its passage by the Common Council.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 8th day of October, 2018.

ATTEST:



Geoff Wullschlage, City Manager Pro-Tem



Suzanne McCarthy, Mayor