

## **Title 15**

### **Buildings, Construction, Addressing and Land Use**

#### **Chapters:**

- 15.05 Land Use Fees**
- 15.10 Flood Damage Prevention**
- 15.15 Building Numbering**



**Chapter 15.05****Land Use Fees**

## Sections:

15.05.010 Title.

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15.05.030 Fees set by resolution.

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E. Fees, rates and charges for new services to be provided by the city may be adopted as an amendment to the resolution at the time the new service goes into effect. [Ord. P10-61 § 4, 2002.]

**15.05.010 Title.**

This chapter shall be known and may be cited as the “land use fees and charges process and authorization ordinance” for the city of Lyons. [Ord. P10-61 § 1, 2002.]

**15.05.020 Purpose.**

The purpose of this chapter is to authorize the city council of the city of Lyons to set fees for services and/or materials provided by the city. The intent of assigning these fees and charges to land use actions is to recover direct and indirect costs incurred by the city during the processing of land use applications. [Ord. P10-61 § 2, 2002.]

**15.05.030 Fees set by resolution.**

The various fees and charges set by the city shall be adopted by resolution of the city council. [Ord. P10-61 § 3, 2002.]

**15.05.040 Process for setting fees and charges.**

A. The council shall, on an as-needed basis, re-evaluate the current fees and charges as established by the city. The purpose of this evaluation process is to determine the appropriate amount of fees and charges based upon the city’s direct and indirect costs for providing these services.

B. At the conclusion of the evaluation process, the city council shall consider a new resolution intended to set updated fees and charges.

C. Upon approval of the resolution adopting the fees and charges, the city of Lyons shall immediately begin charging the fees and charges as set forth in that resolution.

D. The resolution adopting the fees and charges shall be made available to all citizens of the city and to all other parties who request information pertaining to these fees or charges.

## Chapter 15.10

### Flood Damage Prevention

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#### Article I. Statutory Authorization, Findings of Fact, Purpose, and Objectives

##### 15.10.010 Statutory authorization.

The Legislature of the State of Oregon has in ORS Chapter 197 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 council of city of Lyons, Oregon, does ordain as follows. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 1.1, 1988.]

##### 15.10.020 Findings of fact.

A. The flood hazard areas of the city of Lyons are subject to periodic inundation which could result in loss of life and property, affect the health and safety of our citizens, and cause disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by a greater than normal volume of water and by the cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 1.2, 1988.]

##### 15.10.030 Statement of purpose.

It is the purpose of this chapter 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To 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 hazard;
- F. To 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. To ensure that potential buyers are notified that property is in an area of special flood hazard;

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

I. To manage the alteration of flood hazard areas, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 1.3, 1988.]

#### **15.10.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter 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. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 1.4, 1988.]

### **Article II. Definitions**

#### **15.10.050 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 application.

“Appeal” means a request for a review of the city council’s interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO 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. AO is characterized as sheet flow and AH indicates ponding.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“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.

“Base flood elevation (BFE)” means the water surface elevation during the base flood in relation to a specified datum. The base flood elevation is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

“Basement” means the portion of a structure with its floor sub grade (below ground level) on all sides.

“Building codes” means the combined specialty codes adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“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 of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“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.

“Floodway” means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

“Historic structure” means a structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

“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 design requirements of the state building code.

“Manufactured dwelling” means a structure, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured dwelling” does not include a recreational vehicle.

“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.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter, and includes subsequent substantial improvements to the structure.

“Recreational vehicle” means a vehicle that is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towed 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.

“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 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 stage of excavation; or the placement of manufactured home 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 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” means a walled and roofed building, a manufactured dwelling, or a gas or liquid storage tank that is principally above ground.

“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 its market value before the damage occurred.

“Substantial improvement” means 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 market value of the structure should be:

1. The appraised real market value of the structure prior to the start of the initial repair or improvement; or

2. In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:

a. A 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

b. 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 from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 2.0, 1988.]

### Article III. General Provisions

#### 15.10.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of city of Lyons. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.1, 1988.]

#### 15.10.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas, dated September 29, 2010, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this chapter. The FIS and the FIRM are on file at the Lyons City Hall at 449 5th Street, Lyons, Oregon. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.2, 1988.]

#### 15.10.075 Coordination with building codes.

Pursuant to the requirement established in ORS Chapter 455 that the city of Lyons administers and enforces the building codes, the city council of

Lyons does hereby acknowledge that the building codes contain certain provisions that apply to the design and construction of buildings and structures located in areas of special flood hazard. Therefore, this chapter is intended to be administered and enforced in conjunction with the building codes. (Chapter 455 ORS establishes a statewide building code in Oregon.) [Ord. P1-2010 § 1, 2010.]

#### 15.10.080 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned for not more than one year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Lyons from taking such other lawful action as is necessary to prevent or remedy a violation. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.3, 1988.]

#### 15.10.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.4, 1988.]

#### 15.10.100 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 governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.5, 1988.]

### **15.10.110 Warning, disclaimer of liability and severability.**

A. The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city of Lyons, any 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 hereunder.

B. This chapter is hereby declared to be severable. Should any portion of this chapter be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of this chapter before the declaration of partial invalidity. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 3.6, 1988.]

## **Article IV. Administration**

### **15.10.120 Establishment of development permit.**

A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in LMC 15.10.070. The permit shall be for all structures including manufactured homes, as set forth in LMC 15.10.050, Definitions, and for all development including fill and other activities, also as set forth in LMC 15.10.050, Definitions. Any floodplain development permit that requires an engineering certification or engineering analysis, calculations or modeling to process shall be considered a land use action requiring a quasi-judicial land use hearing. (LUBA No. 2009-007 and ORS 197.763.)

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city recorder 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 LMC 15.10.160(B);

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; and

5. Applicants of proposed projects that increase the base flood elevation more than one foot shall obtain from FEMA a conditional letter of map revision before the project may be permitted.

C. In areas within AE Zones on the federal insurance rate map with a base flood elevation but where no regulatory floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, 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;

D. Certificate of Occupancy. In addition to the requirements of the building codes pertaining to certificate of occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered surveyor or engineer (44 CFR Part 60.3(b)(5)):

1. For elevated buildings and structures in areas of special flood hazard, the as-built elevation of the lowest floor, including basement or where no base flood elevation is available the height above highest adjacent grade of the lowest floor; and

2. For buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.

E. Expiration of Floodplain Development Permit.

1. A floodplain development permit shall expire 180 days after issuance unless the permitted

activity has been substantially begun and thereafter is pursued to completion (44 CFR 59.1).

2. Commencement of work includes start of construction, when the permitted work requires a building permit (44 CFR 59.1). [Ord. G2-2015 § 1, 2015; Ord. P1-2010 § 1, 2010; Ord. P10-40 § 4.1, 1988. Amended during 2006 recodification.]

#### **15.10.130 Designation of the city recorder.**

The city recorder, or their designee, is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. [Ord. G2-2015 § 1, 2015; Ord. P1-2010 § 1, 2010; Ord. G1-2006 § 24, 2006; Ord. P10-40 § 4.2, 1988. Amended during 2006 recodification.]

#### **15.10.140 Duties and responsibilities of the city recorder.**

Duties of the city recorder shall include, but not be limited to:

##### **A. Permit Reviews.**

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

2. Review all development permit applications to determine whether proposed new development will be located in areas of special flood hazard;

3. Review applications for modifications of any existing development in areas of special flood hazard for compliance with the requirements of this chapter;

4. Interpret areas of special flood hazard boundaries, provide available flood hazard information, and provide base flood elevations, where they exist;

5. Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and state of Oregon removal-fill permits. Copies of such permits shall be maintained on file;

6. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that

the encroachment provisions of LMC 15.10.170 are met;

7. When base flood elevation data or floodway data are not available, then the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other authoritative source in order to administer the provisions of this chapter;

8. When base flood elevations or other engineering data are not available from an authoritative source, the floodplain administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site or subdivision will be reasonably safe from flooding. Note: Oregon Residential Specialty Code R324.1.3 authorizes the building official to require the applicant to determine a base flood elevation where none exists;

9. Issue floodplain development permits when the provisions of this chapter have been met, or disapprove the same in the event of noncompliance;

10. Coordinate with the building official to assure that applications for building permits comply with the requirements of this chapter;

11. Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no base flood elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures;

12. Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no base flood elevation is available, to which any new or substantially improved buildings or structures have been floodproofed. When floodproofing is utilized for a structure, the floodplain administrator shall obtain certification of design criteria from a registered professional engineer or architect;

13. Ensure that all records pertaining to the provisions of this chapter are permanently maintained in the office of the city recorder or his/her designee and shall be open for public inspection;

14. Make inspections in areas of special flood hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that develop-

ment is undertaken in accordance with a floodplain development permit and this chapter, and verify that existing buildings and structures maintain compliance with this chapter;

15. Coordinate with the building official to inspect areas where buildings and structures in areas of special flood hazard have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure; and

16. Make substantial improvement or substantial damage determinations.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with LMC 15.10.070, Basis for establishing the areas of special flood hazard, the city recorder shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer LMC 15.10.160, Specific standards, and LMC 15.10.170, Encroachments.

C. Encroachment Information.

1. Where base flood elevation data is provided through the flood insurance study or required as in subsection (B) of 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.

2. 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 LMC 15.10.120(B).

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

D. Alteration of Watercourses.

1. 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.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to 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 interpretation as provided in LMC 15.10.050. [Ord. G2-2015 § 1, 2015; Ord. P1-2010 § 1, 2010; Ord. G1-2006 § 24, 2006; Ord. P10-40 § 4.3, 1988. Amended during 2006 recodification.]

## **Article V. Provisions for Flood Hazard Reduction**

### **15.10.150 General standards.**

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

A. Anchoring.

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

2. All manufactured homes 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 Home 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 and substantial improvements shall be constructed using 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 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.

**D. Site Improvements and Subdivisions.**

1. All proposed new development and subdivisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding;

2. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is less;

3. New development and all subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

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

5. 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); and

6. On-site waste disposal systems shall be located and constructed to avoid functional impairment or contamination from them during flooding.

**E. Review of Building Permits.** Where elevation data is not available either through the flood insurance study or from another authoritative source (LMC 15.10.140(B)), 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. P1-2010 § 1, 2010; Ord. P10-40 § 5.1, 1988.]

**15.10.160 Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in LMC 15.10.070, Basis for establishing the areas of special flood hazard, or LMC 15.10.140(B), Use

of Other Base Flood Data, the following provisions are required:

**A. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

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 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:

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.

**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 the level of 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, specifications and plans. Such certifications shall be provided to the official as set forth in LMC 15.10.140(C)(2).

4. Nonresidential structures that are elevated, not floodproofed, must meet the same stan-

dards for space below the lowest floor as described in subsection (A)(2) 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).

C. Below-Grade Crawlspace. Below-grade crawlspace foundations are allowed, unless no base flood elevations are available; provided, that they conform to guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas, and building codes.

D. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1 – 30, AH, and AE shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of LMC 15.10.150(A)(2).

1. New and replacement manufactured dwellings must meet the requirement of the building codes; and

2. All new manufactured dwellings and replacement manufactured dwellings shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

E. Recreation Vehicles. In all areas of special flood hazard, recreational vehicles that are an allowed use or structure under the zoning ordinance must either:

1. Be placed 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 structures or addition; or

3. Meet all the requirements of subsection (D) of this section, including the anchoring and elevation requirements.

F. Other Development in Areas of Special Flood Hazard. All development in areas of special flood hazard for which specific provisions are not specified in this chapter or in the building codes shall:

1. Be located and constructed to minimize flood damage;

2. Be designed so as not to impede flow of flood waters under base flood conditions;

3. If located in a floodway, meet the limitations of subsection (B) of this section;

4. Be anchored to prevent flotation or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

5. Be constructed of flood damage-resistant materials; and

6. Have electric service and/or mechanical equipment elevated above the base flood elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 5.2, 1988.]

#### **15.10.170 Encroachments.**

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. [Ord. P1-2010 § 1, 2010; Ord. P10-40 § 5.3, 1988.]

**Chapter 15.15****Building Numbering**

Sections:

15.15.010 Buildings shall be numbered.

**15.15.010 Buildings shall be numbered.**

From and after the passage of the ordinance codified in this section, all buildings and residences shall be addressed with numbers as designated by the city recorder. The city shall provide a uniform numbering plan based upon the addressing grid as developed by the city. [Ord. G2-2015 § 1, 2015; Ord. G1-2006 § 21, 2006; Ord. P10-3 § 1, 1962.]

