

## Amendments to City of Gearhart Flood Hazard Overlay Zone

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### Deletions

### Insertions

#### 5.010 DEFINITIONS

“AREA OF SPECIAL FLOOD HAZARD” The land in the flood~~ing~~ plain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

“BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.

“BREAKAWAY WALLS” 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~~ed~~ portion of the building or supporting foundation system.

“COASTAL HIGH HAZARD AREAS” Means an area of special flood hazard extending from offshore to the inland limit of primary frontal dune along an open coast and any other areas subject to high velocity wave action from storms or seismic sources. ~~The area subject to high velocity waters, including but not limited to, storm surge or tsunamis.~~ The area is designated on FIRM as Zone V1-30 or VE Zone.

“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.

“ELEVATED BUILDING” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“DEVELOPMENT” any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation or drilling or storage of equipment or materials located within the area of special flood hazard.

“FLOOD INSURANCE RATE MAP (FIRM)” means the official map on which the Federal Insurance Administration Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“MEAN SEA LEVEL” ~~The average height of the sea for all stages of the tide.~~ Means for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“STRUCTURE” means a walled and roofed building, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

“SUBSTANTIAL DAMAGE” ~~Pertains to flood related damage where the cost of restoring the structure would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~ 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” Any repair, 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 either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  - (a) 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
  - (b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of Historic Places provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

## **5.030 GENERAL PROVISIONS**

### **1. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance

Study for the City of Gearhart” dated ~~May 15, 1978~~ June 20, 2018, with accompanying Flood Insurance Rate Maps ~~and Flood Boundary Maps~~ and any revision hereto is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Gearhart City Hall.

## 5.040 ADMINISTRATION

### 7. Variance Procedures

~~A. Variances shall be issued or denied in accordance with Article 9 and any amendment thereto.~~

B. The administrative procedure for hearing a variance shall be as established in Section 9.060

C. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the criteria for granting variances in Section 9.030 have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

D. Variances may be issued for the rehabilitation or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the variance criteria and standards set forth in this section provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon:

- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 9.030, or conflict with existing local laws or ordinances.

G. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the

structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

H. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 5.040(7)(C) and otherwise complies with Sections 5.050(1)(A), (B), and (C).

I. When a variance is granted, the City Auditor shall give written notice that the structure or manufactured home will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation and that:

- (1) The issuance of the variance to construct a structure below the base flood elevation will result in ~~increased premium rates for flood insurance as high as \$25 for every \$100 of insurance coverage~~ flood insurance rates that 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 maintained with a record of all variance actions.

#### **5.050 STANDARDS FOR FLOOD HAZARD REDUCTION**

##### **(2)(C) Manufactured Homes**

(1) 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 bottom of the longitudinal chassis frame beam in A zones, shall be at or above BFE ~~lowest floor of the manufactured home is elevated to one foot above the base flood elevation~~ and securely anchored to an adequately anchored foundation system.

~~(2) All manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or other foundation elements that are no less than 36 inches in height above grade or have their lowest floor at or above the base flood elevation, if this allows for the use of a lower foundation.~~

~~(3) A manufactured home which incurs substantial damage as the result of a flood, must be elevated to or above the base flood elevation.~~

(2) Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 5.050(A).

(3) Electrical crossover connections shall be a minimum of 12 inches above BFE.

(3) Coastal high hazard area

(H) All manufactured homes to be replaced or substantially improved within Zones V1-V30, V, and VE on the community's FIRM shall meet the standards of paragraphs 5.6(1) through (8) of this section.

(5) 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.