YAMHILL COUNTY

FLOOD HAZARD DISTRICT ORDINANCE

No. 69

Yamhill County Department of Planning & Development

June, 1975
In the Matter of an Ordinance

To Adopt the Yamhill County

Flood Hazard District Ordinance

Adopted the 9th day of July, 1975)

Ordinance No. 69

Whereas, ORS Chapter 215.050 provides that the Yamhill County Board of Commissioners shall, "adopt ordinances for the use of some or all of the land in the County," and,

Whereas, the flood hazard areas of Yamhill County, a political subdivision of the State of Oregon, are subject to periodic inundation which results in loss of life and property, health and safety hazards, 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; and,

Whereas, on the 1st day of July, 1975, after due notice was given according to law, a public hearing on this matter was held by the Yamhill County Planning Commission; and,

Whereas, the Planning Commission has now determined that such ordinance is necessary and proper for the promotion of the public health, safety and general welfare, and is in the best interests of the people of Yamhill County; and,

Whereas, on the 9th day of July, 1975, after due notice was given according to law, a public hearing on this matter was held by the Yamhill County Board of Commissioners; and,

Whereas, the Board has now determined that such ordinance is necessary and proper for the promotion of the public health, safety and general welfare, and is in the best interests of the people of Yamhill County; and,
WHEREAS, after the termination of the said public hearing before
the Yamhill County Board of Commissioners, and at the regular session of
the Board on the 9th day of July, 1975, a motion was duly made and
regularly passed to adopt said Ordinance for Yamhill County, now therefore,

IT IS HEREBY ORDAINED:

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.1 TITLE.

This Ordinance may be cited for all purposes as the Yamhill County
Flood Hazard District Ordinance, No. 69, 1975.

SECTION 1.2 APPLICATION.

This Ordinance is hereby enacted for the area of Yamhill County
outside of incorporated cities, and shall apply to all lands subject to
periodic inundation by flood waters as shown on Schedule "A" of this
Ordinance. Said Schedule "A" is hereby made a part of this Ordinance.

SECTION 1.3 DEFINITIONS.

For the purposes of this Ordinance, all words, terms and expres-
sions contained herein shall be interpreted in accordance with the following
definitions, unless the context otherwise requires;

(1) Assessor - the Yamhill County Assessor.

(2) Board - the Yamhill County Board of Commissioners.

(3) Commission - the Yamhill County Planning Commission.

(4) Director - the Yamhill County Planning Director or
   representative.

(5) Encroachment - advancement of a surrounding use onto
   the flood plain area.
(6) Fill - earth or other material added to land to raise the
  land to a higher level.
(7) Flood - a temporary rise in stream flow that results
  in inundation of the areas adjacent to the channel.
(8) Flood Fringe - the portion of the regulatory flood plain
  beyond the limits of the floodway. Flood waters in this
  area are usually shallow and slow moving.
(9) Flood Fringe Overlay District - an overlay district, the
  boundaries of which are determined by the Planning Com-
  mission, which imposes flood fringe land use regulations
  in addition to use provisions of the underlying zoning
  districts.
(10) Flood Hazard - a general term meaning the risk to life
    or property caused by flooding.
(11) Flood Hazard District - a district, the boundaries of
    which are determined by the Planning Commission, which is
    subject to risk of life or property caused by flooding. This
    district encompasses both floodway and flood fringe
    areas.
(12) Flood Height or Level - the height of the flood waters
    measured at points along the water course and expressed
    in feet above mean sea level.
(13) Flood Plain - the area adjoining a river, stream or water-
    course which may be subject to periodic inundation by
    floodwaters.
(14) Flood Plain, Regulatory - The areas adjoining a watercourse
    which have been or hereafter may be covered by the regulatory
    flood. Composed of the regulatory floodway and the regulatory
    flood fringe.
(15) Flood Proofing - any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings.

(16) Flood Protection Elevation, Regulatory - a point not less than one (1) foot above the water surface profile associated with the regulatory flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

(17) Flood, Regulatory - a flood occurring on the average of once in one hundred (100) years and having a one percent (1%) chance of occurring in any single year. It is based on a statistical analysis of available streamflow records or analysis of rainfall and runoff characteristics in the general region of the watershed, and includes both streams with and without flood control measures.

(18) Floodway - the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water of any river or stream including but not limited to flood flows associated with the regulatory flood.
(19) Floodway District - a district, the boundaries of which are determined by the Planning Commission, which imposes land use regulations in floodway areas.

(20) Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projecting, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter; which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.

(21) Structure - a construction of any kind, whether fixed to, supported by, or sunk into land or water, and includes buildings, fences and signs.

(22) Water Surface Elevation - of the regulatory flood, the highest water level expected to occur during the regulatory flood.

CHAPTER 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

SECTION 2.1 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

To determine the Flood Hazard District affecting specific lands within Yamhill County, this Ordinance relies upon a two-step process. The first step delineates a general flood plain district as that area determined to be subject to flooding based upon evidence of past flood events. This
district is outlined in Schedule "A", which has been adopted as part of this Ordinance. In delineating this district, the following information has been utilized:

- U.S. Corps of Engineers Flood Plain Information, Willamette River and Chehalem Creek, Newberg, Oregon, June, 1971;

The second step involves a determination of the flood hazard at the site of any proposed use. For the purposes of this Ordinance, use, other than open space use as specified in Section 3.1 (1) (a-d) means conditional use subject to the terms of Chapter 4 of this Ordinance and requires a case by case evaluation by the Commission, with expert technical assistance where necessary. All available information will be utilized in determining the flood hazard and floodway district boundaries.

In determining district boundaries the Commission shall, where applicable:

(1) Estimate the discharge of the regulatory flood which is representative of large floods known to have occurred in Yamhill County and which are reasonably characteristic of what can be expected to occur on the particular streams and rivers subject to this Ordinance.

(2) Determine the specific flood hazard at the site of the proposed use and determine whether the use is located in a floodway or flood fringe district by:

(a) Calculation of water-surface elevations and flood-protection elevations based upon an hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. All flood-protection elevations shall be one (1) foot above the water-surface elevations of the regulatory flood.
(b) Computation of the floodway required to convey the regulatory flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or permitted future development. Computation of increases in flood heights caused by any encroachment shall be based upon the assumption that the encroachment will be in equal degrees on both sides of the stream within the boundaries of the flood waters. Any increase in flood height attributable to encroachments on the flood plain or any river or stream shall not exceed one-half (0.5) foot in any one span of the flood waters, or for the cumulative effect of several spans.

(3) Evaluate the effects of the proposed use upon the public health, safety, and general welfare in light of the purposes of this Ordinance and the standards established herein and deny, grant, or conditionally grant the application for the proposed use.

CHAPTER 3. FLOOD DISTRICTS

SECTION 3.1 FLOOD HAZARD DISTRICT (FH)

For the purposes of reviewing conditional use permit applications, the initial location of the Flood Hazard District shall be based on the past flooding in the vicinity of the proposed use. Actual determination of the Flood Hazard District shall be made as provided in Chapter 2 of this Ordinance.

(1) Permitted Uses. The following uses, having a low flood damage potential and no obstructing flood flows, shall be permitted within the Flood Hazard District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. No use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
(a) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

(c) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat-launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(d) Residential uses such as lawns, gardens, parking areas, and play areas.

(2) Conditional Uses. All uses other than those specified in Section 3.1 (1) are permitted only upon application to the Commission and subsequent issuance of a conditional use permit by the Commission as provided in Chapter 4 of this Ordinance. In considering the issuance of a permit, the Commission shall determine whether the proposed use is located within a floodway or flood fringe area, as provided in Chapter 2. If it is determined that the proposed use is located within the floodway, the provisions of Section 3.2 of this Ordinance shall apply. If it is determined that the proposed use is located within the flood fringe, the provisions of Section 3.3. of this Ordinance shall apply.

SECTION 3.2 FLOODWAY DISTRICT (FW).

 Determination of the Floodway District boundaries shall be made on a case-by-case basis by the Commission in accordance with the provisions of Chapter 2 of this Ordinance.
(1) **Permitted Uses.** The following shall be permitted within the floodway District.

   (a) Any use permitted under Sections 3.1 (1) of this Ordinance.

   (b) Extraction of sand, gravel, and other materials.

(2) **Conditional Uses.** The following uses which involve structures (temporary or permanent), fill, or storage of materials or equipment may be permitted only upon application to the Commission and subsequent issuance of a conditional use permit by the Commission as provided in Chapter 4 of this Ordinance. These uses are subject to the provisions of Section 3.2 (3).

   (a) Uses or structures accessory to open space or permitted conditional uses.

   (b) Circuses, carnivals, and similar transient amusement enterprises.

   (c) Drive-in theaters, new and used car lots, road side stands, signs and billboards.

   (d) Marinas, boat rentals, docks, piers, wharves.

   (e) Railroads, streets, bridges, utility transmission lines, and pipe lines.

   (f) Other uses similar in nature to uses described in Section 3.2 (1) and 3.2 (2)(a-f) which are consistent with the provisions set forth in Sections 2.1 and 3.3 of this Ordinance.

(3) **Floodway Use Standards.**

   (a) **All Uses.** No structure (temporary or permanent), fill deposit (including fill for roads and levees), obstruction, storage of materials or equipment, or other use may be allowed as a conditional use which, acting alone or in combination with existing or future uses, adversely
affects the capacity of the floodway or increases flood heights to a level greater than that allowed for under Section 2.1 (2)(b). Consideration of the effects of a proposed use shall be based on the provisions of Chapters 2 and 4 and the standards contained in the following paragraphs.

(b) **Fill.** Any fill proposed for deposition in the floodway must be shown to serve some beneficial purpose with the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the applicant. Such plan shall show the uses to which the filled land will be put, the final dimensions of the proposed fill or other materials, and the type of fill to be used. Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

(c) **Structures (temporary or permanent).**

(i) Structures shall not be designed for human habitation.

(ii) Structures shall have a low flood-damage potential.

(iii) Structure(s), if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

(iv) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow;

(v) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and
(vi) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or shall be flood-proofed.

(d) **Storage of Materials and Equipment.**

(i) Storage or processing of materials that are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life in time of flooding are prohibited.

(ii) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area prior to inundation.

SECTION 3.3 **FLOOD FRINGE OVERLAY DISTRICT (FF).**

Determination of the Flood Fringe Overlay District boundaries shall be made on a case-by-case basis by the Commission in accordance with the provisions of Chapter 2 of this Ordinance.

(1) **Permitted Uses.** The following uses shall be permitted within the Flood Fringe Overlay District to the extent that such uses are not prohibited by any other Ordinance. The requirements of this District are in addition to those contained in any other Ordinance. The following uses are permitted in the Flood Fringe Overlay District.

(a) Any use permitted in Section 3.1(1) of this Ordinance.

(b) Structures constructed on fill so that the first floor and basement floor are above the regulatory flood-protection elevation. The fill shall be at a point no lower than one (1) foot below the regulatory flood-
protection elevation for the particular area and shall extend at such
elevation at least fifteen (15) feet beyond the limits of any structure
or building erected thereon. However, no use shall be constructed which
will adversely affect the capacity of channels or floodways of any main
stream tributary, drainage ditch, or any other drainage facility or
system.

(2) **Conditional Uses.** All other uses are conditional uses
which shall be permitted only to the extent that such uses are prohibited
by any other Ordinance. Conditional uses shall be subject to the following
standards:

(a) Where existing streets or utilities are at elevations
which make compliance with Section 3.3 (1)(b) impractical or in other
special circumstances, the Commission may authorize other techniques for
the elevation of residences. Structures other than residences shall
ordinarily be elevated on fill as provided in Section 3.3 (1)(b), but may,
in special circumstances, be otherwise elevated or flood-proofed as provided
in Section 4.1 (4)(e) to a point above the regulatory flood-protection
elevation.

(b) At an elevation below the regulatory flood-protection
elevation, the Commission may authorize uses listed in Section 3.1 (2)
of this Ordinance and other similar uses which will not be subject to
substantial flood damage and which will not cause flood damage to other
lands.

**CHAPTER 4. GENERAL CONDITIONAL USE PERMIT PROVISIONS.**

**SECTION 4.1 GENERAL CONDITIONAL USE PERMIT PROVISIONS.**

(1) **Application.** Any use listed in this Ordinance as requiring a
conditional use permit may be allowed only upon application to the Director
on forms furnished by him and the subsequent issuance of a conditional use
permit by the Commission. Upon receipt of the application, the Director shall process the application in the manner provided for in Article 6 of the Yamhill County Zoning Ordinance No. 29, as amended.

(2) **Procedure for processing conditional use permits.** Upon receiving an application for a conditional use permit involving the use of fill, construction of structures, or storage of materials, and prior to rendering a decision thereon, the Commission shall:

(a) Require the applicant to furnish such of the following information as is deemed necessary by the Commission for determining the suitability of the particular site for the proposed use including:

(i) Plans in triplicate drawn to scale and showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway and the flood protection elevation.

(ii) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

(iii) Plans (surface view) showing elevations or contours of the ground; pertinent structures, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site;
location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information; and information concerning slides and slide hazard areas.

(iv) A profile showing the slope of the bottom of the channel or flow line of the stream.

(v) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

(b) Transmit one copy of the information described in subsection(1) of this section to an expert person or agency for technical assistance, where necessary in evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use; the adequacy of the plans for protection; and other technical matters.

(c) Based upon the technical evaluation the Commission shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

(3) Factors upon which the decision of the Commission shall be based. In passing upon such applications, the Commission shall consider all relevant factors including the following:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
(b) The danger that materials may be swept on to other lands or downstream to cause damage or injury.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the Comprehensive Plan and flood-plain management program for the area.

(j) The safety of access to the property of ordinary and emergency vehicles in times of flood.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) Such other factors as are relevant to the purposes of this Ordinance.

(4) **Conditions attached to development within the Flood Hazard District.** Upon consideration of the factors listed above and the purposes of this Ordinance, the Commission may attach such conditions to the granting of conditional use permits or variances as is deemed necessary to further
the purposes of this Ordinance. Such conditions may include:

(a) Modification of waste disposal and water supply facilities in conformance with applicable Department of Environmental Quality requirements.

(b) Limitations on periods of use and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.

(e) Flood-proofing measures which shall be designed consistent with the required flood-protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Commission shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the regulatory flood-protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required.

(i) Anchorage to resist flotation and lateral movement.

(ii) Installation of watertight doors, bulkheads and shutters, or similar methods of construction.

(iii) Reinforcement of walls to resist water pressures.

(iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.

(v) Addition of mass or weight to structures to resist flotation.

(vi) Installation of pumps to lower water levels in structures.

(f) Any other conditions as the Commission deems necessary to further the purposes of this Ordinance.
(vii) Construction of water supply and waste-treatment systems so as to prevent the entrance of flood waters.

(viii) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.

(ix) Construction to resist rupture or collapse caused by water pressure or floating debris.

(x) Installation of valves or controls on sanitary and storm drains permitting drains to be closed to prevent back-up of sewage and storm waters into buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

(xi) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to or are protected from inundation by the regulatory flood.

(xii) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare at elevations above the height associated with the regulatory protection elevation or construction with adequate flood-proofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.
(xiii) Other such requirements as may be required to serve the purposes of this Ordinance

CHAPTER 5. NONCONFORMING USES.

SECTION 5.1 NONCONFORMING USES.

(1) A structure or the use of a structure or premises lawfully existing before the passage or amendment of this Ordinance but not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

(a) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(b) No structural alteration, addition, or repair to any nonconforming structure shall exceed twenty-five (25%) percent of its assessed value after adoption of this Ordinance, unless the structure is permanently changed to meet the requirements of this Ordinance.

(c) If such use is discontinued for six (6) consecutive months, any future use of the building or premises shall conform to this Ordinance. The Assessor shall notify the Director in writing of nonconforming uses which have been discontinued for a six (6) month period.

(d) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty-one (51%) percent or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this and all other applicable Ordinances.

(e) Uses which are or become nuisances shall not be permitted to continue as nonconforming uses.

(f) Except as provided in Section 5.1 (1)(3), any use which has been permitted variance under the provisions of the Yamhill County Zoning Ordinance No. 29, as amended, shall be considered a conforming use.

(g) Any alteration, addition, or repair to any nonconforming structure which would result in substantially increasing its flood damage
potential shall be protected by measures pursuant to Section 4.1 (4)(a-e) of this Ordinance.

(h) The Director shall prepare a list of those nonconforming uses which have been flood-proofed or otherwise adequately protected in conformity with Section 4.1 (4)(a-e). He shall present such a list to the Commission which may issue certificates to the owners stating that as a result of these corrective measures such uses are in conformity with the provisions of this Ordinance.

CHAPTER 6. ADMINISTRATIVE PROVISIONS

SECTION 6.1 FEES.

The schedule of fees to be charged to defray the costs incurred in the processing of conditional use permit applications pursuant to the provisions of this Ordinance shall be as prescribed in Section 10.040 of the Yamhill County Zoning Ordinance No. 29, as amended.

SECTION 6.2 APPEALS.

All appeals in respect to the provisions of this Ordinance shall be as provided in Section 10.020 of the Yamhill County Zoning Ordinance No. 29, as amended.

SECTION 6.3 PENALTY.

Any person who violates any provision of this Ordinance or amendments thereof shall be subject to the penalties as prescribed in Section 12.010 of the Yamhill County Zoning Ordinance No. 29, as amended.

SECTION 6.4 VALIDITY.

The Yamhill County Board of Commissioners hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is for
any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The repeal of Yamhill County Zoning Ordinance No. 29 as amended shall not affect the validity references made to Yamhill County Zoning Ordinance No. 29 as amended.

SECTION 6.5 REPEAL.

Section 3.700 of the Yamhill County Zoning Ordinance No. 29, as amended is hereby repealed, with the provision that violations of these Ordinances and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this Ordinance.

SECTION 6.6 ENACTMENT.

This Ordinance shall be in force and effect from and after the 9th day of July, 1975.

Dated this 9th day of July, 1975.

YAMHILL COUNTY BOARD OF COMMISSIONERS

[Signatures of Commissioners]

Attest: Wanda Catt
County Clerk

By: Patricia G. Muller
Deputy