

**CITY OF GARIBALDI  
ORDINANCE NO. 322**

**AN ORDINANCE AMENDING TITLE 16 ENVIRONMENT**

The City of Garibaldi ordains as follows:

**Section 1.** Within GMC § 16.05.030 Definitions, the following definitions are to be placed in alphabetical order within the section, and to read as follows:

“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 nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“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.

“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.

**Section 2.** Within GMC § 16.05.030 Definitions, the following definition is amended to read as follows:

“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 a 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 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. 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.

**Section 3.** GMC § 16.05.090 Establishment of building/development permit, is amended to read as follows:

A building permit shall be obtained before construction or development begins within any area of special flood hazard established in GMC 16.05.050. The permit shall be for all structures including manufactured homes 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.
- 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.

**Section 4.** GMC § 16.05.100 Duties and responsibilities, is amended to read as follows:

The duties of the building official 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 adversely affects the flood carrying capacity of the area.

**Section 5.** GMC § 16.05.110 Use of other base flood data, is amended to read as follows:

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 building official City Manager or their designee shall obtain, review, and 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.

**Section 6.** The section title of GMC § 16.05.120 Information to be obtained and maintained by building official, is amended to read as “Information to be obtained and maintained by City Manager or their designee”

**Section 7.** GMC § 16.05.120 Information to be obtained and maintained by City Manager or their designee, is amended to read as follows:

- 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(3).
- C. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- 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.

**Section 8.** Subsection A of GMC § 16.05.130 Alteration of watercourses, is amended to read as follows:

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.

**Section 9.** GMC § 16.05.140 Interpretation of FIRM boundaries, is amended to read as follows:

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 this chapter.

**Section 10.** Subsection C of GMC § 16.05.170 Specific standards, is amended to read as follows:

Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1 – A30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base

flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of GMC 16.05.160(A). Electrical crossover connections shall be a minimum of 12 inches above the Base Flood Elevation. Crossover ducts are allowed below BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components. This may require and engineers certification.

**Section 11.** Subsection 16.05.175 Regulatory floodway, is added to Title 16 of the Garibaldi Municipal Code to read as follows:

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.

**Section 12.** Subsection H of GMC § 16.05.180 Coastal high hazard area, is added to read as follows:

All manufactured homes 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 paragraphs 16.05.180 (A) through (G) of this section. Also the electrical connection shall be a minimum of 12 inches above the Base Flood Elevation.

**Section 13.** Subsection I of GMC § 16.05.180 Coastal high hazard area, is added to read as follows:

Recreational vehicles placed on sites within Zones V1-30, V and VE on the community's 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, 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 Section 16.05.090(Permitting requirements) and paragraphs paragraphs16.05.180 (A) through (H) of this section.

**Section 14.** Subsection I of GMC § 16.05.190 Areas of shallow flooding, is amended to read as follows:

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

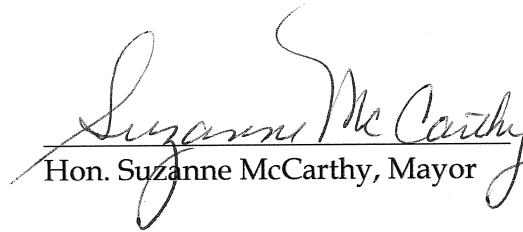
- A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least three feet if no depth number is specified).
- B. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of one foot above the depth number on the FIRM (at least three feet if no depth number is specified) and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. Electrical crossover connections shall be a minimum of 12 inches above the Base Flood Elevation.
- C. New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - 2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 16.05.170(B)(3).
- D. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- E. Recreational vehicles placed on sites within AO Zones on the community's 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, 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 (1) and (3) above and the elevation and anchoring requirements for manufactured homes (Section 16.05.160(A)(2)).

**Section 15.** Subsection 16.05.195 Critical facilities, is added to Title 16 of the Garibaldi Municipal Code to read as follows:

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.

*Section 17 - Effective Date.* This ordinance takes effect 30 days from the date of its adoption.

**Passed by the Common Council and approved by the Mayor of the City of Garibaldi,**  
this 16<sup>th</sup> day of June, 2014.

  
Hon. Suzanne McCarthy, Mayor

ATTEST

  
John O'Leary, City Manager