

1 AN ORDINANCE AMENDING ORDINANCE )  
2 NO. 44.2 AND 45.2 ADOPTING AMEND- )  
3 MENTS TO THE COMPREHENSIVE LAND ) ORDINANCE NO. 45.4  
4 USE PLAN FOR KLAMATH COUNTY, AND )  
5 DECLARING AN EMERGENCY )

6 WHEREAS, on February 16, 1984, Klamath County adopted  
7 Ordinance No. 44.2 relating to the adoption of a Comprehensive  
8 Land Use Plan; and

9 WHEREAS, on February 16, 1984, Klamath County adopted  
10 Ordinance No. 45.2 relating to the adoption of the Klamath  
11 County Land Development Code; and

12 WHEREAS, the Klamath County Board of Commissioners intend  
13 to maintain the National Flood Insurance Program for Klamath  
14 County; and

15 WHEREAS, THE Klamath County Planning Commission has  
16 reviewed and recommended approval to the Board of Commissioners  
17 of the revised maps as constructed by the consulting firm of  
18 CH<sup>2</sup>M Hill and has reviewed and recommended approval of the  
19 revised language of the Land Development Code, specifically  
20 Section 52.005 - Flood Hazard Area, at public hearings having  
21 been held on December 10, 1984, at 9:00 a.m.; and

22 WHEREAS, notice of this meeting was published in the  
23 Herald and News, a newspaper of general circulation, on  
24 November 22 and November 23, 1984;

25 NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR THE  
26 COUNTY OF KLAMATH, STATE OF OREGON, ORDAINS AS FOLLOWS:

27 1. The amendments to the adopted Klamath County  
28 Comprehensive Land Use Plan and the Klamath County Land Develop-  
ment Code which are attached hereto, marked Exhibit "A", "Flood

ORDINANCE NO. 45.4

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1 Insurance Rate Maps and the Flood Boundary and Floodway Maps;  
2 and Exhibit "B", "Section 52.005 - Flood Hazard Area,"  
3 incorporated herein by reference are hereby adopted.  
4 Emergency Clause. This Ordinance, being enacted in the  
5 exercise of the police power of the Board of County Commissioners  
6 and for the purpose of declaring an emergency and being  
7 necessary for the immediate preservation of the public peace,  
8 health, and safety, and general welfare of the citizens of  
9 Klamath County, an emergency is declared to exist, and this  
10 ordinance shall be in effect on December 18, 1984.

11 ENACTED AND ORDAINED by the Board of County Commissioners  
12 of Klamath County, Oregon, this 18<sup>th</sup> day of December, 1984.  
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BOARD OF COUNTY COMMISSIONERS

Roger Hamilton  
Roger Hamilton, Chairman

Carroll Zon Gerhart  
Carroll Zon Gerhart, Commissioner

Neil Kuonen  
Neil Kuonen, Commissioner

21 ATTEST:

22 Dorinda A. Amice  
23 Recording Secretary  
24

25 APPROVED AS TO FORM:

26 Robert D. Boivin  
27 Robert D. Boivin, County Counsel  
28

SECTION 52.005 - FLOOD HAZARD AREA

- A. PURPOSE: The purpose of this overlying zone is to regulate the development of areas that are subject to flooding, erosion or similar hazards, in order to avoid or reduce losses to life and property.
- B. FLOOD HAZARD AREA DEFINED: The flood hazard area is land within the 100-year flood level as shown on the current Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps prepared under the Federal Emergency Management Agency's National Flood Insurance Program. When base flood elevations have not been provided by these maps, the Planning Director and County Engineer shall obtain, review, and reasonably use any base flood elevation data available from a Federal, State, or other source in order to administer Subsection F, below.

If, in the opinion of the applicant, his property is obviously outside the mapped flood plain, he may request the County Engineer to inspect the property to make a site specific determination as to whether the property is, in his opinion, in the flood plain. The County Engineer may then make that determination. If, in his opinion, the property is in the flood plain or close to the flood plain, he may request the applicant to provide detailed information as provided in this section. (Fees to be established by the County at the appropriate County level.)

1. Floodway - The Channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot.
  2. Flood Fringe - The area of the 100-year flood plain lying outside of the floodway but subject to periodic inundation from flooding.
- C. DEVELOPMENT REQUIREMENTS: All proposed development that occurs within the flood hazard area is subject to regular review procedures and in addition shall be referred to the County Engineer or Building Officials as provided below:
1. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis which demonstrates to the satisfaction of the County Engineer that no structure will be located within the floodway. The following information is required in order to determine the precise location of the floodway:
    - a. Plans drawn to an appropriate scale showing the 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 floodway.
    - b. A typical valley cross-section showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections

of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile.

- c. A profile showing the slope of the bottom of the channel or flow line of the stream.
2. Structural Plan - Where the data required by the previous subsection indicates that proposed structures are located outside the floodway but within the flood fringe, a structural plan is to be provided for review and approval by the Building Official. The plan is to demonstrate that proposed structures are designed to withstand partial inundation, and that proposed uses will not subject occupants to undue risk of flooding. Such structural plans are to include, where applicable, specifications for building construction, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.
3. Permit Review and Record Keeping - The Planning Director shall review development proposals to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.

The following information shall be obtained and maintained by the Planning Director for public inspection:

- a. The elevation above mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure has a basement.
  - b. For all new or substantially improved flood-proofed structures, the elevation above mean sea level and the certification of flood proofing as required by Sub-section F(2)(b).
  - c. All records pertaining to the provisions of this Section.
- D. EXEMPTIONS TO FLOOD HAZARD AREA STANDARDS: All uses proposed within a Flood Hazard Overlying Zone are subject to the standards presented herein, except:
1. Temporary Uses - The Planning Department may authorize the construction or placement of a temporary structure or use within a flood hazard area without compliance with these standards, with the approval of the Building Official, provided that the structure or use will not be in place during the period from the beginning of October to the end of May.
  2. Emergency Work - Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer is

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to be notified, and an application filed with the Planning Department in compliance with the provisions of Section 84.003.

3. Existing Uses - The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Code is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Code.

E. SITE DESIGN STANDARDS: The following site design standards shall apply to all land and buildings, except that any lot held under separate ownership or of record on the effective date of this Code, which is substandard in area or dimensions, may be used subject to all other standards:

1. Lot Area, Lot Dimensions, Yards, Building Heights, Distance between Buildings, Signs and Off-Street Parking shall be in accordance with the basic zone requirements.
2. Fences, Hedges and Walls - No fence, hedge, or wall shall be placed to restrict normal or free flow of water or access for maintenance vehicles to the natural water course.
3. Access - Access to area shall be provided as required to permit maintenance of natural resources and shall be subject to the approval of the Public Works Department.

F. CONSTRUCTION STANDARDS:

1. 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 mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
- (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and, 10976

(iv) any additions to the mobile home be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Building Official that this standard has been met.

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.

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. Subdivision Proposals -

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

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e. Review of Building Permits -

Where elevation data is not available, 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.

2. Specific Standards - In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B, Flood Hazard Area defined, the following provisions are required:

a. Residential Construction -

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

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 bouyancy; and
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Subsection C.

c. Mobile Homes -

- (1) Mobile homes shall be anchored in accordance with Subsection F(1) (a) (2).



- (2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
- (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - (ii) adequate surface drainage and access for a hauler are provided; and,
  - (iii) in the instance of elevation on pilings, that:
    - lots are large enough to permit steps,
    - piling foundations are placed in stable soil no more than 10 feet apart, and
    - reinforcement is provided for pilings more than 6 feet above the ground level.
- (3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
3. Floodways - Located within areas of special flood hazard established in Subsection B are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - b. If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection F, Construction Standards.



G. ALTERATION OF WATERCOURSES:

1. Prior to any alteration or relocation of a watercourse, the Planning Director shall notify affected adjacent communities and the State Coordinating Office of the proposed changes. A copy of the notice shall be sent to the Federal Insurance Administration.
2. The altered or relocated portion of any watercourse shall be maintained so that the flood carrying capacity is not diminished.

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STATE OF OREGON: COUNTY OF KLAMATH:ss  
I hereby certify that the within instrument was received and filed for  
record on the 12th day of July A.D., 19 85 at 10:34 o'clock A M.  
and duly recorded in Vol M85, of Deeds on page 10971.

Fee: \$ None

Commissioners Journal

EVELYN BIEHN, COUNTY CLERK

by: Bernetha A. Hetch, Deputy