

ORDINANCE #454

AN ORDINANCE AMENDING SECTION 440.30.010 OF ORDINANCE #440.

WHEREAS: The Town Council of Yacolt, Washington, is in regular session this 16th day of July, 2007; and

WHEREAS: All members of the Town Council have had notice of time, place, and purpose of said meeting; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 440.30.010 of Ordinance #440 shall be amended to read as stated below.

440.30.010 Introduction.

- I. Purpose. It is the purpose of this ordinance to:
 - A. Protect human life and health;
 - B. Minimize expenditure of public money and costly flood control projects;
 - C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - D. Minimize prolonged business interruptions;
 - E. 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. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize future flood blight areas;
 - G. Ensure that potential buyers are notified that property is in a flood area; and
 - H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- II. Applicability.
 - A. Land to Which This Ordinance Applies. This ordinance shall apply to all flood hazard areas within the jurisdiction of the Town of Yacolt.
 - B. Basis for Establishing the Base Flood Elevations. The base flood elevations identified by Gibbs and Olson Inc. in the map entitled "Town of Yacolt Base Flood Elevations" (dated July 11, 2007) and any revisions thereto are adopted by reference and declared to be a part of this ordinance.

- C. Basis for Establishing the Flood Hazard Areas. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Clark County" (effective August 2, 1982 and revised July 19, 2000) and accompanying maps and any revisions thereto are adopted by reference and declared to be a part of this ordinance. The flood insurance study is on file with the Clark County Community Development Department.
- D. Flood Plain Overlay District (FP). A flood plain overlay district (FP) is established and shall be applied to all one hundred (100) year flood plains identified on the flood insurance study maps, which have been adopted by reference under Section 440.30.010(II)(B). The land use and siting provisions of these areas shall be in addition to other zoning provisions applied. Two (2) distinct areas are recognized within the FP district, as follows:
 - 1. Floodway Area. The floodway includes the channel of a river or other watercourse and land areas within one hundred feet (100') that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the flood insurance study maps. In all other areas of special flood hazard, the floodway boundary shall be determined by the use of other base flood data, as described in Section 440.30.030(IV)(B).
 - 2. Floodway Fringe Area. The floodway fringe is the land area between the boundary of the floodway and the limits of the one hundred (100) year flood plain. In those special flood hazard areas where the floodway boundary is not delineated upon flood insurance study maps, the floodway fringe area shall be determined by the use of other base flood data, as described in Section 440.30.030(IV)(B).
- III. Relationship to Other Requirements. Land uses in flood hazard areas shall be subject to all relevant local, state, or federal regulations including those of the underlying zoning district. Where applicable, permit requirements under the Shoreline Management Act (RCW 90.58), or the State Flood Control Zone Act (RCW 86.16) may be substituted for permits required under this ordinance, provided that the standards of this ordinance are applied.
- IV. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.
- V. Abrogation and Greater Restrictions. This ordinance is not intended to repeal or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another code, ordinance, easement, covenant, or deed restriction conflict or overlap, that which imposes the more stringent restrictions shall prevail.

VI. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purpose, and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside flood hazard areas, or uses permitted within such areas, will be free from flooding or flood damages. This ordinance shall not created liability on the part of the Town of Yacolt, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

The Ordinance shall take effect immediately upon adoption and publication according to law.

Passed by the Town Council of the Town of Yacolt, Washington on this 16th day of July, 2007.

AYES Madler, Holyk, Marbut, Weldon, Stewart

NAYES None

ABSENT None

MAYOR [Signature] ATTEST Brenda Finnegan

I hereby certify that this is a true and correct copy of Ordinance #454 as read before the Council and passed on the date herein mentioned and passed according to law.

ATTEST Brenda Finnegan
Brenda Finnegan, Clerk/Treasurer