

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 22, 2006

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment

DLCD File Number 004-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 6, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist Christine Valentine, DLCD Natural Hazards & Floodplains Specialist Tom Schauer, City of Grants Pass

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DLCD NOTICE OF ADOPTION

HEN 17 2006

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF GRANTS PASS	Local File No.:	OG - Act 5 cos 2
Date of Adoption: 11/1/2006 (Must be tilled in)		
Date the Notice of Proposed Amendment was mai	led to DLCD:	7/13/2006
Comprehensive Plan Text Amendment	Comprehensi	ve Plan Map Amendment
✓ Land Use Regulation Amendment	Zoning Map	Amendment
New Land Use Regulation	Other:	(Please Specify Type of Action)
Summarize the adopted amendment. Do not use to	echnical terms. Do no	ot write "See Attached."
AMENDS SECTION 13 200 FLOO HAZE	and DISMICT'	TO ADDRESS REQUIREMENTS
FOR FUBLIC RECORD KEEPNE, NOTIFICATI	an Becom- or	ADE CRAWLSPACES,
MANJERITURED FLORES, AND RECRE	· ·	
"Same." If you did not give notice for the propose "CHANGES FROM SISM BELATED TO GUY FLOW OF FROM BUILDING "CHANGE AND HELTY TO BUILDING AFFILE "CREATED AND HELT TO BUILDING AFFILE "CREATED AND HELD AND	ed amendment, write	MA IN AN EVEUNTED OF
VELICATIES TO DETERMINE WHERE B		
Zone Map Changed from:		
Location:		ved:
Specify Density: Previous:		·
Applicable Statewide Planning Goals:		
Was an Exception Adopted? Yes: No:		,
DLCD File No.: 004-06 (15382)		

Did the Department of Land Conservation and Development receive a notice of Proposed			
Amendment FORTY FIVE (45) days prior to the first evidentiary hearing. Yes: No:			
If no, do the Statewide Planning Goals apply. Yes: No:			
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:			
Affected State or Federal Agencies, Local Governments or Special Districts:			
OLW, FEMA, 150, JOSEPHINE COUNTY			
Local Contact: Tom SCHAUER, CEDE ANALYS Area Code + Phone Number: 541-474-6355			
Address: 101 NW A' street			
City: <u>Grantz</u> fass Zip Code+4: 97526			

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 635 CAPITOL STREET NE, SUITE 150 SALEM, OREGON 97301-2540

- 2. Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.
- 3. <u>Please Note</u>: Adopted materials must be sent to DLCD not later than FIVE (5) working days following the date of the final decision on the amendment.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the "Notice of Adoption" is sent to DLCD.
- 6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- 7. Need More Copies? You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us ATTENTION: PLAN AMENDMENT SPECIALIST.

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revised: 01/01/2000

ORDINANCE NO. 5378

AN ORDINANCE AMENDING ARTICLE 13 OF THE DEVELOPMENT CODE PERTAINING TO THE FLOOD HAZARD DISTRICT

WHEREAS:

- 1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
- 2. The Development Code amendment adopts provisions that ensure the City's standards for the Flood Hazard District continue to meet the requirements of the National Flood Insurance Program; and
- 3. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan; and
- 4. The applicable criteria from the Development Code are satisfied, and the proposed amendment is recommended by the Planning Commission to the City Council.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The amendments to the Development Code as set forth in Exhibit 'A', which is attached to and incorporated in this ordinance, are hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 18th day of October, 2006.

SUBMITTED to and Oregon, this day of October, 2006.	by the Mayor of the City of Grants Pass,
ATTEST:	Len Holzinger, Mayor
Administrative Services Director	Date submitted to Mayor:

EXHIBIT A'

Article 13: Special Purpose Districts

¹13.010 Purpose

The special purpose districts are intended to accommodate development within areas with specific natural, historical, or locational features. The standards herein are intended to mitigate natural hazards, to protect natural or historical features, and/or to mitigate land use conflicts. The special district standards apply in addition to the standards of the underlying zoning district.

²13.020 General Provisions

The Special Purpose Districts shall encompass land areas that:

- (1) have slopes exceeding 15%.
- (2) are located within the boundaries of the 100 year flood plain.
- (3) are located in proximity to hospitals and that are appropriate for medical uses.
- (4) are recognized as historically significant.
- Special Purpose District Overlay Map. There shall be an overlay map to the Zoning Map that depicts boundaries of the special districts shown herein. These maps are incorporated into this Section by reference. The special purpose district maps may be amended as provided in Article 4 of this Code. The maps are general in nature. The applicant for a development shall verify the grades on lands or portions of lands that are the subject of any specific application.

13.200 Flood Hazard District

The provisions of this article shall apply to all lands within the Flood Hazard District designated by the Federal Emergency Management Agency as having a one percent or greater chance of flooding in any given year. Also referred to as the 100 year flood plain. Designation on maps always includes the letters A or V.

- 13.210 Purpose. The purpose of the Flood Hazard District is to designate areas that may be hazardous to development due to flooding. The District provides standards that specify how development will minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money and costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) 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;
 - (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- Designation of Flood Hazard Areas. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon" and "The Flood Insurance Study for the City of Grants Pass", with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, and any revision. These reports and maps are

adopted by reference and declared to be a part of this Code. The flood hazard areas shall also be depicted on the Special Purpose District Overlay Map of this Ordinance. The Flood Insurance Study and Flood Maps are on file at the Department of Community Development, and are available for public review.

- Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Grants Pass, 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 thereunder.
- 13.220 Duties of Director. The duties of the Director shall include, but shall not be limited to, the following:
 - (1) Permit Review.
 - (a) Review all development permits to determine that the permit requirements of this article have been satisfied.
 - (b) Review all development permits to determine 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 to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 13.2356 are met.
 - (2) Use of Other Base Flood Data. When base flood elevation data has not been provided as required by this article, the applicant shall obtain and the Director shall review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this article.
 - (3) <u>Information to be Obtained and Maintained by the Director</u>. Where base flood elevation data is provided

through the flood insurance study or required as in Section B of this Section.

- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contained a basement.
- (b) For all new or substantially improved floodproofed
 structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level), and
 - Maintain the floodproofing certifications required in Section 13.240, and
 - 3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

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

(4) Alteration of Watercourses.

- (a) Notify adjacent communities, and the Oregon Water Resources Department, and the Oregon Department of Land Conservation and Development (the State's NFIP Coordinating Agency) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

13.225 Location of FIRM Boundaries and Elevations.

- (1) Make all information relating to the 100 year flood plain and floodway location and elevations available to the applicant, including the City and County Flood Insurance Studies with flood sections, the Floodway Map and FIRM rate map showing flood elevations and elevation data reference points, and other development flood plain surveys in the immediate vicinity.
- (2) Certify that the location of the floodway and 100 year flood plain, and existing and proposed elevations, have

been made for the applicant by a professional land surveyor registered in Oregon, and that the signature and seal are affixed certifying the accuracy of such determination.

- (3) Certify that the finished floods elevations, and other finished elevations of the proposal affecting the floodway or 100 year flood plain have been constructed or developed to the approved elevations, as certified by a registered professional surveyor over his signature and seal.
- (4) Provide the applicant's lender and insurance agent with the information in items (1) through (3) above.
- (5) Assist the applicant in pursuing a change in flood plain or floodway designation from the Federal Emergency Management Agency.

13.230 Flood Hazard Development Standards

13.231 Construction Materials and Methods.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

⁵13.232 Residential Construction Floor Elevation.

- (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding shall provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Below-Grade Crawlspaces. At-grade crawlspaces are the preferred method of construction within flood hazard areas. However, a below-grade crawlspace is permitted, and is not considered a basement, if all of the following are satisfied. See Figures 13-1, 13-2 and 13-3.
 - 1. Except as provided in this paragraph, the velocity of floodwaters at the site shall not exceed 5 feet per second for any below-grade crawlspace. For velocities in excess of 5 feet per second, other foundation types shall be used, or the design shall be approved and stamped by a professional engineer.

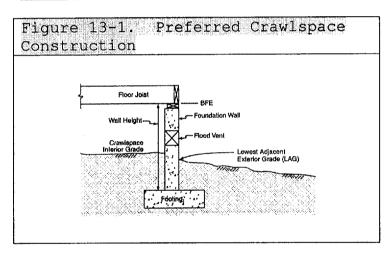
The determination of velocity shall be based on the mean floodway velocity in Table 2 of the City of Grants Pass Flood Insurance Study or Table 2 of the Josephine County Flood Insurance Study, as applicable. In areas where the mean floodway velocity may exceed 5 feet per second and flood velocity information is not available, such as for the floodway fringe, flood velocity at the building site shall be determined by an engineer knowledgeable in hydraulics and hydrology who is qualified to determine flood velocities at the building site, unless the Building Official determines flood velocities at the building site do not exceed 5 feet per second based on accepted practices or presumptive determinations in accordance with NFIP standards.

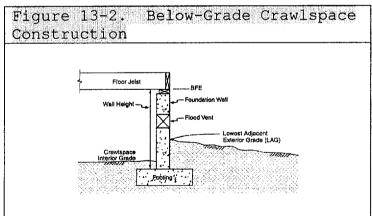
- 2. The interior grade of the below-grade crawlspace below the base flood elevation shall not be more than 2 feet below the lowest adjacent exterior grade as shown in Figure 13-3.
- 3. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed 4 feet at any point as shown in Figure 13-3.
- 4. The drainage system must be designed to remove floodwaters from the interior area of the crawlspace in a maximum time of 72 hours.

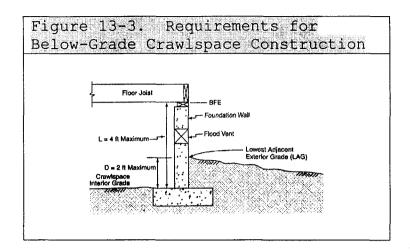
 Options include, but are not limited to, natural drainage through porous, well-drained soils, drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means. The drainage system shall be a system approved by the Building Official or shall be designed and stamped by the applicant's engineer.
- 5. The construction shall meet all other requirements of this Code. All building utility systems within the crawlspace shall be elevated at least one foot above the base flood elevation or designed to floodwaters cannot enter and accumulate within system components during flood conditions. Ductwork in particular shall either be placed at least one foot above the base flood elevation or sealed to prevent the entry of floodwaters.
- 6. Portions of the building less than one-foot above base flood elevation shall be constructed

with materials resistant to flood damage. If flood resistant materials are not used for building elements, those elements shall be elevated at least one foot above base flood elevation. The bottom of joists and insulation shall be at least one foot above base flood elevation. Insulation is not a flood-resistant material.

NOTE: Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction with the interior elevation at or above the lowest adjacent grade, even when the crawlspace meets the requirements of this section and FEMA Technical Bulletin 11-01. Buildings with below-grade crawlspaces currently cannot be rated by an insurance agent using the NFIP Flood Insurance Manual. They must be submitted for a special rating under the "Submit-to-Rate" process by underwriters knowledgeable in this type of construction.







Non-Residential Construction Floor Elevation and Floodproofing.

- (1) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to a level of one foot above the base flood level;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall also provide that the provisions of 13.231 are satisfied.
- (2) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 13.232(b).
- (3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

- 13.234 Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones Al-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or least one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 13.231(2).
- 13.235 Recreational Vehicles. Any recreational vehicle placed on a site within Zones A1-30, AH, AE shall either:
 - (a) be on the site for fewer than 180 consecutive days;
 (b) be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, with no permanently attached additions; or
 - (c) meet the requirements of 12.234 above and the anchoring requirements for manufactured homes; or
 - (d) be stored within a fully enclosed building that is floodproofed or elevated in accordance with the requirements of Section 13.233.

Nothing in the Section is intended to authorize the use of a recreational vehicle in a manner otherwise prohibited by this Code or other laws.

- floodways Development. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (1) Designated Floodways. Encroachment, fill, new construction, substantial improvements or other development shall not occur within a floodway designated by any map of "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in this Code, unless a technical evaluation is carried out to the same standards as the Flood Insurance Studies cited in Section 13.211, and performed and certified by a registered professional engineer, and demonstrates that encroachments, including surrounding properties, shall not result in any increase in flood levels during the occurrence of a base flood discharge.
 - (2) If subsection (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this code.

- (3) Floodways Not Designated. Development shall not occur on any flood plain lands, where a floodway has not been designated for that reach of a stream or river in "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in Section 13.120 of this Code unless:
 - (a) The Director has evidence which in his judgment would indicate the proposed development site is located in an area of shallow flooding and the proposed construction will not divert the flood or cause a rise in the level of the discharge above the base flood elevation; or
 - (b) A technical study is completed which establishes the probable location of the floodway as defined in this Code.
 - (c) If a technical study is completed under the requirements of this section, demonstrating that the encroachment will not increase the flood levels, any permitted construction or substantial improvements shall comply with all other applicable standards of this Code.

13.2367 Utilities and Services.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (4) All development proposals shall be consistent with the need to minimize flood damage;
- (5) All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (6) All development proposals shall have adequate drainage provided to reduce exposure to flood damage; and

- (7) Base flood evaluation data shall be provided for development proposals which have the potential for 5 dwelling units or more, or contain 1 acre or more.
- Subdivision and Partition of Land, PUDs. No proposed subdivision or partition of land or planned unit development plan located in the 100 year flood plain shall be approved without meeting the requirements of this article. All the mapping and certification requirements of this article shall be met at the Tentative Map, Plat or Plan stage of review (See also Article 17, Lots and Creation of Lots, and Article 18, Planned Unit Development.).

13.240 Submittal Requirements

- Development Permit Required. A Development Permit shall be obtained before construction or development begins within the flood hazard district, including construction, manufactured housing placement, landfill and all other development activities. Submittal requirements shall be as follows:
 - (1) Plan drawn to scale showing the nature, location, dimensions and elevations in relation to mean sea level of the area in question;
 - (2) Existing and proposed structures or manufactured housing pads;
 - (3) Existing and proposed roadways;
 - (4) Area location and finish elevations of all fill walls and rip-rap;
 - (5) Location and elevation of stored materials;
 - (6) Location and elevation of drainage facilities;
 - (7) Location and elevation of utilities;
 - (8) Other plan requirements of this Code as applicable;
 - (9) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - (10) Elevation in relation to mean sea level to which any structure has been floodproofed.
- 13.243 <u>Elevation Certification</u>. All required elevations shall be tied into known bench marks shown on the Flood Insurance Rate Map by a registered professional surveyor.

Said surveyor shall attest to the procedure, bench marks used and accuracy of the required elevation over his signature and seal upon the required plan displaying the elevation information.

- Design Certification. Certification is required by a registered professional engineer or architect that the floodproofed methods for any commercial or industrial structure are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces and other factors associated with the base flood.
- 13.245 Review Where Elevation Data Not Available. 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 and other applicable evidence.
- 13.250 Appeals. Appeals to the interpretations of this article shall be undertaken as provided in Article 10.030 of this Code.

¹ Revised 12-4-96

² Revised 3-16-94, 12-4-96

³ Revised 12-4-96, 5-31-97

⁴ Revised 2-22-94

⁵ Revised 2-22-94