



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/23/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Carlton Plan Amendment
DLCD File Number 002-09

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 05, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Suzanne Dufner, City of Carlton
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Chris Shirley, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

FEB 16 2010

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

For Office Use Only

Jurisdiction: **City of Carlton**

Local file number: **LA 09-02**

Date of Adoption: **February 9, 2010**

Date Mailed: **2/12/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/20/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Carlton Development Code was amended to reflect the new Flood Insurance Study and digital Flood Insurance Rate Maps that must be adopted and effective no later than March 2, 2010. Additional amendments based on the State Model Flood Damage Prevention Ordinance were included. Legislative Amendment 09-02 also included amendments to allow vacation rental dwellings in commercial zone districts; establish accessory structure standards for the Agricultural Holding (AH) Zone; and increase the approval period from one (1) year to 18 months for site design review, partition, subdivision variance, conditional use permit and PUD approvals.

Does the Adoption differ from proposal?

The City did not adopt amendments related to site design review applicability or improvement deferral agreement procedures.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-09 (17955) [15987]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

FEMA

Local Contact: Suzanne Dufner, City Planner

Phone: (503) 540-1616 Extension:

Address: 105 High St SE

Fax Number: 503-588-6094

City: Salem

Zip: 97301-3667

E-mail Address: sdufner@mwvcog.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.led.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE #685

AN ORDINANCE AMENDING THE CITY OF CARLTON DEVELOPMENT CODE AND DECLARING AN EMERGENCY

WHEREAS, the City of Carlton deemed it necessary to amend the Carlton Development Code; and

WHEREAS, the Carlton Planning Commission held a public hearing on the proposed amendments to the City of Carlton Development Code on January 4, 2010, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, the Carlton City Council held a public hearing on the proposed amendments to the City of Carlton Development Code on January 11, 2010 and February 8, 2010, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

NOW THEREFORE, The people of the City of Carlton ordain as follows;

SECTION 1. Adoption. The amendment to the City of Carlton Development Code attached hereto and marked Exhibit A is hereby adopted.

SECTION 2. Emergency Clause. The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Carlton that this ordinance take effect at once, and therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by this Council this 8th day of February, 2010, by the following vote:

AYES: ___ Oriet, Berry, VanDeWalle, Williams, Jernstedt, Hardy _____

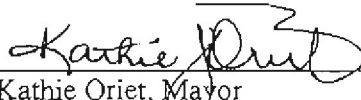
NAYS: _____

ABSTAIN: _____

ABSENT: ___ Rhoads _____

Approved by the Mayor this 8th day of February, 2010.

ATTEST: 
Loreli Wright, City Recorder


Kathie Oriet, Mayor

ORDINANCE 685

EXHIBIT A

Chapter 17.56

FLOODPLAIN MANAGEMENT (FP) OVERLAY ZONE

Sections:

17.56.010	Purpose.
<u>17.56.015</u>	<u>Definitions.</u>
17.56.020	Applicability.
17.56.030	Warning and disclaimer.
17.56.040	Development procedures.
<u>17.56.045</u>	<u>Local administrator.</u>
17.56.050	General standards.
17.56.060	Specific standards.
17.56.070	Other considerations.

17.56.010 Purpose.

The purpose of the floodplain management overlay zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development that may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 619, 2003)

17.56.015 Definitions.

For the purpose of this Overlay Zone, the following terms shall mean:

- A. "APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.
- B. "AREA OF SHALLOW FLOODING" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. "AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- D. "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

E. “BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.

F. “BELOW-GRADE CRAWL SPACE” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point

G. “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.

H. “DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

I. “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.

J. “EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

K. “EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

L. “FLOOD” OR “FLOODING” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

M. “FLOOD INSURANCE RATE MAP (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

N. “FLOOD INSURANCE STUDY” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

O. “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.

P. “LOWEST FLOOR” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 17.56.060.A(2).

Q. “MANUFACTURED HOME” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

R. “MANUFACTURED HOME PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

S. “MEAN SEA LEVEL (MSL)”: means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

T. “NEW CONSTRUCTION” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

U. “NEW MANUFACTURED HOME PARK OR SUBDIVISION” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

V. “RECREATIONAL VEHICLE” means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

W. “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 a basement, footings, piers, or foundations 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.

X. “STATE BUILDING CODE” means the combined specialty codes adopted by the State of Oregon.

Y. “STRUCTURE” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Z. “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.

AA. “SUBSTANTIAL IMPROVEMENT” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

AB. "WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

17.56.020 Applicability.

A. Lands to Which this Ordinance Applies. This chapter shall apply to all areas of special flood hazards identified on the flood insurance study and flood insurance rate maps (FIRM) within the jurisdiction of the city of Carlton, Yamhill County, Oregon, and on file at the office of the city recorder.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas, dated March 2, 2010," with accompanying Flood Insurance Map (FIRM) is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and the FIRM are on file at the City of Carlton City Hall. The best available information for flood hazard area identification as outlined in Section 17.56.070(A) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 17.56.070(A). (Ord. 619, 2003)

17.56.030 Warning and disclaimer.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the city of Carlton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 619, 2003)

17.56.040 Development procedures.

~~Before any start of construction or development shall occur in areas of special flood hazard, a plot plan, drawn to scale, showing the nature, location, dimension, and topographic lines of the area in question, must be submitted to the planning commission for a hearing and approval. The plan shall include as a minimum:~~

~~_____ A. _____ 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 contains a basement.~~

~~_____ B. _____ The elevation (in relation to mean sea level) to which any new or substantially improved structure has been floodproofed.~~

~~_____ C. _____ Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this chapter.~~

~~_____ D. _____ Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development. (Ord. 619, 2003)~~

A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.56.020(B).

B. Review Procedure. A development permit required by this chapter shall be reviewed as a Type I action in accordance with the application procedures found in Section 17.188.010. If staff finds that the facts of the particular application require interpretation, then a public hearing before the planning commission shall be scheduled and notice given in accordance with the procedures for Type II actions.

C. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city manager and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures:

2. Elevation in relation to mean sea level of floodproofing in any structure;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.56.060(B); and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

17.56.045 Local administrator. The city manager or designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

A. Duties and responsibilities of the local administrator shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.

2. 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.

3. 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 17.56.060(E)(1) are met.

B. Information to be Obtained and Maintained.

1. From the developer of the property, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures where elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 17.56.070(A):

a. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level) to which the structure was floodproofed, and

b. Maintain the floodproofing certifications required in Section 17.56.040(C)(3).

3. Maintain for public inspection all records pertaining to the provision of this chapter.

17.56.050 General standards.

In all areas of special flood hazards, the following standards are required:

A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, 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.

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;
3. 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.

C. Utilities.

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 flood waters into the systems and discharge from the systems into floodwaters; 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 and planned unit development proposals.

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. (Ord. 619, 2003)

17.56.060 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

A. Residential Construction.

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

2. 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:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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 walls shall be substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. 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 chapter based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in Section 17.56.045(B).

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 17.56.060(A)(2).

5. Applicants floodproofing nonresidential 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 floodproofed to the base flood level will be rated as one foot below the base flood level).

C. Manufactured Homes.

1. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter on sites:

(a) Outside of a manufactured home park or subdivision,

(b) In a new manufactured home park or subdivision,

(c) In an expansion to an existing manufactured home park or subdivision, or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;
shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of (1) above, be elevated so that either:

(a) The finished floor of the manufactured home is 18 inches (46 cm) above the base flood elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. Recreational Vehicles. Recreational vehicles placed on sites are required to 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 17.56.060(C) above and the elevation and anchoring requirements for manufactured homes.

E. Floodways. 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 that carry debris, potential projectiles and erosion potential, the following provisions apply:

1. 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;

2. If subsection (DE)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section and Section 17.56.050;

3. Prohibit the placement of any manufactured housing, except in an existing mobile home park or existing mobile home subdivision. (Ord. 619, 2003)

17.56.070 Other considerations.

A. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.56.020, the ~~planning commission~~ the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this chapter.

B. Alteration of Watercourses.

1. ~~Adjacent affected communities, the State Department of Land Conservation and Development and the Oregon State Water Resources~~ other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.

2. Maintenance shall be required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

C. Interpretation of FIRM Boundaries. Interpretations where needed, as to 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 interpretation. Such appeals shall be granted consistent with the standards of Section ~~1910.6~~ 60.6 of the ~~R~~rules and ~~R~~regulations of the National Flood Insurance Program (~~24~~ CFR-1900, etc.) (Ord. 619, 2003)

Chapter 17.12

DEFINITIONS

“Floodway” means ~~the normal stream channel of a river or other watercourse and the adjacent land areas that must be reserved in order to convey discharge the waters of a regional flood base flood~~ without cumulatively increasing the water surface elevation more than one foot.

Chapter 17.32

COMMERCIAL BUSINESS (CB) DISTRICT

17.32.020 Permitted uses.

The following uses are permitted outright in the commercial business district, subject to the site design review in accordance with Chapter 17.156:

- A. Residences that are located on the second story above a permitted use commercial building.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services.
- D. Art gallery, artisan's or craftsman's studio, photographic studio, picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- G. Restaurants, delicatessen, taverns, snack shops and other types of eating and drinking establishments.
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- J. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers.
- K. Bed and breakfast.
- L. Place of worship, club lodge, or fraternal organizations.
- M. A single-family vacation rental dwelling unit, when such dwelling is a legal non-conforming use and obtains a vacation rental dwelling permit in accordance with the vacation rental dwelling conditional use standards and procedures set forth in Section 17.125.

Chapter 17.96

ACCESSORY STRUCTURES

Sections:

- 17.96.010 Generally.
- 17.96.020 SR district.
- 17.96.030 AH, MH, MR, CB, CI, and IG districts.
- 17.96.040 Portable accessory structures.

17.96.030 AH, MH, MR, CB, CI, and IG districts.

- A. Location and Number. Except as provided in Section 17.96.040, accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.
- B. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.
- C. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.
- D. Building Size. There is no limitation.

(Ord. 642 § 1, 2005)

Chapter 17.148

VARIANCE

17.148.060 Expiration of approval.

- A. Variance approval shall be effective for a period of ~~one year~~ 18 months from the date of approval. If the variance has not been implemented within the ~~one-year~~ 18-month period, the approval shall expire.
- B. Variance approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the planning commission.
- C. The city manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:
 - 1. No changes are made to the approved variance;
 - 2. The applicant can show intent to implement the variance within the six month extension period; and
 - 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based;
 - 4. The request for extension shall be submitted, in writing, thirty (30) days prior to the expiration of the approval period. (Ord. 622, 2004)

Chapter 17.152

CONDITIONAL USE PERMITS

17.152.040 Expiration of approval.

A. Conditional use permit approval shall be effective for a period of ~~one year~~ 18 months from the date of approval. If the approved use has not been established or substantial construction of buildings associated with the approved use has not begun within the ~~one year~~ 18-month period, the approval shall expire.

B. Conditional use permit approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the planning commission.

C. The city manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved conditional use;
2. The applicant can show intent to establish the use within the six month extension period;
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
4. The request for extension is submitted, in writing, thirty (30) days prior to the expiration of the approval period. (Ord. 622, 2004)

Chapter 17.156

SITE DESIGN REVIEW

17.156.080 Expiration of approval.

A. Site design review approval shall be effective for a period of ~~one year~~ 18 months from the date of approval. If substantial construction of the approved plan has not begun within the ~~one year~~ 18-month period, the approval shall expire.

B. Site design review approval shall be voided immediately if construction on the site is a departure from the approved plan.

C. The city manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved site design plan;
2. The applicant can show intent to initiate construction on the site within the six month extension period;
3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based; and
4. The request for extension is submitted, in writing, thirty (30) days prior to the expiration of the approval period. (Ord. 622, 2004)

Chapter 17.172

PARTITIONS

17.172.050 Final plat approval.

A. Within ~~one year~~ 18 months of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within ~~one year~~ 18 months, the preliminary approval shall lapse. Final plats shall conform to the requirements and shall be reviewed in accordance with Section 17.176.050.

B. The city manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved preliminary plat; and
2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based. (Ord. 619, 2003)

Chapter 17.176

SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

17.176.030 Process.

A. Preliminary plans for subdivisions and PUDs shall be reviewed in accordance with the Type II review procedures.

B. Approvals of any preliminary plans for a subdivision or PUD shall be valid for ~~one year~~ 18 months after the date of the written decision. A final plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs that do not involve the subdivision of property shall show substantial progress toward the construction of the project within the ~~one year~~ 18-month period or the approval shall lapse.

C. The planning commission may extend the approval period for any subdivision or PUD for not more than one additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.

D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the planning commission. The applicant will be subject to all applicable standards currently in effect. (Ord. 619, 2003)

17.176.050 Final plat approval.

A. Within ~~one year~~ 18 months of the final decision approving a preliminary plat, a final plat shall be recorded. If the final plat is not submitted within ~~one year~~ 18 months, the preliminary approval shall lapse.

B. The city manager shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six months provided that:

1. No changes are made to the approved preliminary plat; and

2. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which the original approval was based.

C. After the final plat has been submitted, the city staff shall review and compare it with the approved preliminary plan to ascertain whether the final plat conforms substantially to preliminary plan and to the conditions of approval as were imposed. The chairperson shall signify planning commission approval of the final plat by signing all three reproducible copies of the plat.

D. No final plat shall be approved unless:

1. The plat is in substantial conformance with this title and the provisions of the preliminary plan as approved, including any conditions imposed in connection therewith;

2. The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems, the donation of which is required by this title or was made a condition of the approval of the preliminary plat;

3. Explanations of all common improvements required as conditions of approval of the preliminary plan have been recorded and referenced on the plat;

4. All reserve blocks shown on the preliminary plan or required as conditions of approval have been deeded in fee simple to the city;

5. The city has received adequate assurances that the applicant has agreed to make all public improvements which are required as conditions of approval of the preliminary plan.

The following constitute acceptable adequate assurances:

a. Certification by the city engineer that all required public improvements are completed and approved by the city; or

b. The city engineer certifies that seventy-five (75) percent of the improvements are completed and a performance guarantee as provided by Section 17.216.010.

E. If the city recorder finds that conditions specified in subsection D of this section have not been met, the applicant shall be advised of the changes that must be made and afforded the opportunity to comply. Rejection of a final plat shall not affect the preliminary plan approval.

F. When the city recorder finds that the final plat is in substantial conformity to the approved preliminary plan and is otherwise in lawful form, the city recorder shall sign and date all three reproducible copies of the plat.

G. Following endorsement of the plat by the city recorder, the mayor and the city engineer, the applicant shall:

1. Pay all required review fees;

2. Complete all action required by ORS 92.100;

3. Obtain any other approval signature required by state or county laws, ordinances or regulations;

4. Deliver the approved subdivision plat and accompanying documents to the county clerk for recording;

5. Deliver a signed Mylar copy and three copies of the recorded subdivision plat to the city recorder's office.

H. Effective Date for Final Plat Approval. The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the county clerk. Approved final plats shall become void one year after final city approval if they are not recorded. (Ord. 619, 2003)

