



# Oregon

Theodore R. Kulungoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

9/9/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sweet Home Plan Amendment  
DLCD File Number 001-10

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: Wednesday, September 22, 2010

This amendment was submitted to DLCD for review 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 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: Carol Lewis, City of Sweet Home  
Gloria Gardiner, DLCD Urban Planning Specialist  
Chris Shirley, FEMA Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA





FORM 2

DLCD

# Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

SEP 02 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

Jurisdiction: **City of Sweet Home**

Local file number: **CMA 10-1**

Date of Adoption: September 27, 2010

Date Mailed: **9-1-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4-15-10

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **FEMA Study**

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

The FEMA "The Flood Insurance Study for Linn County, Oregon and Incorporated Areas" has been adopted in the Comprehensive Plan. Two natural resource policies have been added for the implementation of the FIS Study.

Does the Adoption differ from proposal? Please select one

Within Chapter 3 of the Comprehensive Plan, two new policies were added. Policy 4 states that standards for development within mapped floodplains will be implemented through the Building Permit process. Policy 5 states that to ensure public safety, no fill encroachment within a FEMA mapped floodway will be allowed without state and federal permits.

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

DLCD File No. 001-10 (18246) [16315]



If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

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

Local Contact: **Carol Lewis**

Address: **1140 12<sup>th</sup> Avenue**

City: **Sweet Home**

Phone: **(5) 367-8113**

Extension:

Fax Number: **5-367-5113**

Zip: **97386**

E-mail Address: **clewis@ci.sweet-home.or.us**

## **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 ).



ORDINANCE BILL NO. 5 FOR 2010

ORDINANCE NO. 1218

AN ORDINANCE AMENDING THE SWEET HOME COMPREHENSIVE PLAN ADOPTING THE TECHNICAL STUDY KNOWN AS THE FLOOD INSURANCE STUDY FOR LINN COUNTY, OREGON, AND INCORPORATED AREAS FOR THE CITY OF SWEET HOME, OREGON, AS A SUPPORTING DOCUMENT IN APPENDIX "B" OF THE COMPREHENSIVE PLAN AND ADDING NATURAL RESOURCES POLICIES 4 AND 5 TO CHAPTER 3 OF THE COMPREHENSIVE PLAN.

WHEREAS, the Federal Emergency Management Agency (FEMA) has finalized the Flood Insurance Study and the Flood Insurance Rate Maps for Sweet Home; and,

WHEREAS, FEMA requires that the City adopt these studies for residents of Sweet Home to be eligible for participation in the National Flood Insurance Program; and,

WHEREAS, the Department of Land Conservation and Development deems these studies as a Statewide Planning Goal 5 amendment; and,

WHEREAS, the Planning Commission held a public hearing on June 7, 2010 and reviewed and commented on the proposed amendment.

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Purpose: The purpose of this ordinance is to promote the public health, safety, and general welfare of the City of Sweet Home and to assist in implementing the adopted Statewide Planning Goal 5.

Section 2. Comprehensive Plan: The amendment to the Comprehensive Plan, as attached to this Ordinance, are approved, based on the Findings of Fact as presented the staff report and testimony received by the Sweet Home City Council after holding a public hearing on June 22, 2010.

Section 3. Studies and Inventories: The following study is added as a Supporting Document to the Comprehensive Plan, Appendix "B". This study is adopted and incorporated into the Comprehensive Plan by reference and serves as an official document of the specific topic:

The Flood Insurance Study for Linn County, Oregon and Incorporated Areas, effective September 29, 2010.

Section 4. Comprehensive Plan Chapter 3 - Natural Resources Policies: The following policies are added:

- |          |  |
|----------|--|
| Policy 4 | Standards for development within mapped floodplains will be implemented through the Building Permit process.                   |
| Policy 5 | To ensure public safety, no fill encroachment within a FEMA mapped floodway will be allowed without state and federal permits. |

PASSED by the City Council and approved by the Mayor this 27th day of July, 2010.

  
Mayor

ATTEST:

  
City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 6 FOR 2010  
ORDINANCE NO. 1219

AN ORDINANCE AMENDING ORDINANCES 984 and 1171, SWEET HOME MUNICIPAL CODE CHAPTER 15.12, PERTAINING TO THE FLOOD HAZARD AREA REGULATIONS.

WHEREAS, the City of Sweet Home participates in the National Flood Insurance Program, and

WHEREAS, the federal and state regulations governing flood plain management have changed since adoption of Ordinance 984 and 1171, and

WHEREAS, the City of Sweet Home wishes to continue participation in the National Flood Insurance Program.

Now therefore, the City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code 15.12.025 is added:

**15.12.025 METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, the following methods and provisions are included:

A. Restricting or prohibiting 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. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;

E. Coordinating and supplementing the provisions of the State Building Code with local land use and development codes.

Section 2. Sweet Home Municipal Code 15.12.030 is amended by adding the following definitions:

**BELOW GRADE CRAWL SPACE.** 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.

**DEVELOPMENT.** 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.

**FLOOD INSURANCE RATE MAP (FIRM).** 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.

**FLOOD INSURANCE STUDY.** The official report titled *The Flood Insurance Study for Linn County, Oregon and Incorporated Areas* dated September 29, 2010 provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway

map, and the water surface elevation of the base flood.

**FLOODWAY.** 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.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area, including the 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.

**START OF CONSTRUCTION.** 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 or any work beyond the stage of excavation.

**STATE BUILDING CODE.** The codes as adopted by the City in Sweet Home Municipal Code Chapter 15.03.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% 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.

**VARIANCE.** Means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited.

Section 3. Sweet Home Municipal Code 15.12.050 is amended to read as follows:

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled *The Flood Insurance Study for Linn County, Oregon and Incorporated Areas*, effective September 29, 2010 with accompanying Flood Insurance Maps are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Sweet Home City Hall, 1140 12<sup>th</sup> Avenue, Sweet Home, Oregon. The best available information for flood hazard area identification shall be the basis for regulations as set forth in 15.12.090 (B-1)

Section 4. Sweet Home Municipal Code 15.12.060 is amended to add the following:

**Severability.** If any section clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 5. Sweet Home Municipal Code 15.12.070 (C) shall be amended to read as follows;

Deemed neither to limit of repeal any other powers granted under State statutes and rules including state building codes.

Section 6. Sweet Home Municipal Code 15.12.120 (A-1) shall be amended to read as follows:

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

Section 7. Sweet Home Municipal Code 15.12.120 (C-1) shall be amended to read as follows:

Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required as in § 15.12.120B, obtain and record the actual elevation of the lowest floor, including basement and below grade crawl spaces, of all new or substantially improved structures and whether or not the structure contains a basement.

Section 8. Sweet Home Municipal Code 15.12.120 (D-1) shall be amended to read as follows:

Notify adjacent communities, the State Department of Land Conservation and Development, and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

Section 9. Sweet Home Municipal Code 15.12.130 (C-3) shall be amended to read as follows:

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Department of Environmental Quality.

Section 10. Sweet Home Municipal Code 15.12.140 (E) Below Grade Crawl Spaces is added:

Below grade crawl spaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings. Because of hydrodynamic loads, crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of flood waters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
4. Any building utility systems within the crawl space must be elevated above BFE or designed so that flood waters cannot enter or accumulate within the system components during flood conditions. Duct work, in particular, must either be placed above the BFE or sealed from flood waters.
5. The interior grade of a crawl space below the BFE must not be more than two feet below

- the lowest adjacent exterior grade.
6. The height of the below grade crawl space, measured from the interior grade of the crawlspace to the top of the crawl space foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
  7. There must be an adequate drainage system that removes flood waters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
  8. The velocity of flood waters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.
  9. Property owners should be advised that there may be increased insurance costs associated with below grade crawl spaces. There is a charge added to the basic policy premium for a below grade crawl space.

Section 11. Sweet Home Municipal Code 15.12.150 (B) is added:

B-3. Projects for stream habitat restoration may be permitted in the floodway provided:

1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,
2. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
3. No structures would be impacted by a potential rise in flood elevation; and,
4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

Section 12. Sweet Home Municipal Code 15.12.150 (C) Before Regulatory Floodway is added:

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A\_1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section 13. Sweet Home Municipal Code 15.12.150 (D) is added:

New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the



replacement home will not be a threat to life, health, property, or general welfare of the public and it meets the following criteria:

- a. As required by 44 CFR Chapter 1, Subpart 60.3 (d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
- b. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches above the BFE as identified on the Flood Insurance Rate Map;
- c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City.
- d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
- e. The location of a replacement manufactured dwelling is allowed by Sweet Home Municipal Code Title 17; and
- f. Any other requirement deemed necessary by the City.

Section 14. Sweet Home Municipal Code 15.12.170 shall be amended by adding the following:

E. Upon consideration of the factors of Section D the City Council may attach such conditions to the granting of a Variance as it deems necessary to further the purposes of this Chapter.

F. The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

PASSED by the City Council and approved by the Mayor this 27<sup>th</sup> day of July, 2010.

  
Mayor

ATTEST:

  
City Manager - Ex Officio City Recorder



Hasler

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09/01/2010

Mailed From 97386  
US POSTAGE

**CITY OF SWEET HOME**

1140 12th Avenue  
Sweet Home, Oregon 97386

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ATTN:

DLCD  
Plan Amendment Specialist  
635 Capitol St. NE  
Suite 150  
Salem, OR 97301-2584

Do Not Bend