



Oregon

Theodore R. Kubongski, 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



NOTICE OF ADOPTED AMENDMENT

2/12/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Reedsport 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: Thursday, February 25, 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: Melissa Anderson, City of Reedsport
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist

<paa> YA



OROF **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

FEB 05 2010

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Reedsport**

Local file number: **Ord 2010-1099**

Date of Adoption: **2-1-10**

Date Mailed: **2-4-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11-21-09

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 City of Reedsport is updating the floodplain management code, as part of FEMA's map modernization effort. To ensure that the City of Reedsport remains in compliance with the National Flood Insurance Program, amendments are proposed to the existing Reedsport City Code, Article 4, Special Provisions and Regulations, Section 4.010 Flood Hazard Area. These amendments are based on the Oregon State Model Ordinance to bring the City code into compliance with State and Federal standards.

Does the Adoption differ from proposal? No, no explanation is necessary

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
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...Yes

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 (17959) [15974]

DLCD file No. _____

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

FEMA, DLCD (including floodplain/natural hazards section), State Building Codes Division and Douglas County

Local Contact: **Melissa Anderson**

Phone: **(541) 271-3603** Extension:

Address: **451 Winchester Ave.**

Fax Number: **541-271-2809**

City: **Reedsport**

Zip: **97467**

E-mail Address: **manderson@reedsport.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).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE 2010-1099

AN ORDINANCE AMENDING THE REEDSPORT CITY CODE, CHAPTER 10.76 "SPECIAL PROVISIONS AND REGULATIONS," SECTION 10.76.010 "FLOOD HAZARD AREA."

WHEREAS the City identified the need to update the Reedsport Municipal Code, Chapter 10.76 "Special Provisions and Regulations," Section 10.76.010 "Flood Hazard Area" to remain consistent with the National Flood Insurance Program (NFIP);

WHEREAS the proposed code amendments respond to the Federal Emergency Management Agency's (FEMA) map modernization project, which becomes effective February 17, 2010;

WHEREAS notice of the proposed Comprehensive Plan Amendments was sent to the Department of Land Conservation and Development (DLCD) on November 21, 2009 not less than 45 days prior to the first evidentiary hearing of January 14, 2010, as required by State law;

WHEREAS on December 11, 2009 a notice was sent to Douglas County, DLCD, State Coordinator of NFIP, USACOE, Building Dept. LLC, Reedsport/Winchester Bay Chamber of Commerce, Port of Umpqua and the Lower Umpqua Economic Development Forum, notifying these organizations of the proposed amendments and the public hearings with the Planning Commission and City Council;

WHEREAS public notice was mailed on December 21, 2009 directly to property owners whose property is not currently located in the floodplain, but will be when the new floodplain maps become effective;

WHEREAS public notice was posted on the City web site on December 23, 2009 and published in the Umpqua Post on December 30, 2009 as required by State law and City code;

WHEREAS the Planning Commission held a public hearing on January 14, 2010, prior to making a recommendation to the City Council on the code amendments;

WHEREAS the City Council held a public hearing on February 1, 2010, prior to making a final decision to amend the Reedsport Municipal Code; and

WHEREAS the City Council finds the amendments to the Reedsport Municipal Code consistent with the National Flood Insurance Program, applicable criteria in the Reedsport Municipal Code, Comprehensive Plan and Oregon Revised Statutes.

NOW, THEREFORE, THE CITY OF REEDSPORT ORDAINS AS FOLLOWS:

Section 1 Exhibit A is adopted as Findings in support of the amendments to the Reedsport City Code.

§ 10.76.010 of the Reedsport Municipal Code is amended to read as follows:

10.76.010 Flood Hazard Area

A. Purpose: To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health.
2. To minimize expenditure of public money and costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
6. To help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas.
7. To ensure that potential buyers are notified that property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this section includes methods and provisions for:

1. 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.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging and other development which may increase flood damage.

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

5.6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

B. Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

Area of Shallow Flooding: 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.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always include the letters A or V.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as "100 year flood." Designation on maps always includes the letter A or V.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

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.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are no limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

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 located within the area of special flood hazard.

Flood or Flooding: 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.

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 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 basement). An unfinished or floor 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 4.010.

Habitable Floor: Any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Manufactured Home: 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 connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this ordinance codified in this chapter.

New Mobile Home/Manufactured Home Park or Mobile Home/Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this ordinance codified in this chapter.

Recreational Vehicle means a vehicle which is:

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

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 slabs 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 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.

State Building Code means the combined specialty codes adopted by the State of Oregon.

Structure: A walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial damage: 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.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started.
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose 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.

Variance: A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

C. General Provisions:

1. Lands to which this Ordinance Applies: This section shall apply to all areas of special flood hazards within the jurisdiction of the City of Reedsport.
2. 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 the City of Reedsport Douglas County, Oregon, and Incorporated Areas~~" dated ~~April 3, 1984~~ February 17, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at Reedsport City Hall, 451 Winchester Avenue, Reedsport, Oregon.
3. Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.
4. Abrogation and Greater Restrictions: This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this section, Ordinance, and other Ordinance, state building code, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Interpretation: In the interpretation and application of this Ordinance, all provisions shall be:
 - a. Considered as minimum requirements.
 - b. Liberally construed in favor of the governing body.
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.
6. Warning and Disclaimer of Liability: The degree of flood protection required by this section is considered reasonable for regularity purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section 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 section shall not create liability on the part of City of Reedsport, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

D. Administration:

1. Establishment of a Development Permit: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured homes, as set forth in the Section 10.76010(B), and for all other development including fill and other activities, also as set forth in the "definitions". Application for a development permit shall be made on forms furnished by the Planning Department 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 for the foregoing. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level of the lowest floor, (including basement), of all structures.
 - b. Elevation in relation to mean sea level to which any 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 in this section.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Designation of the Administrator: The City Planner~~The Community Development Planner~~ and/or Building Inspector is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
3. Duties and Responsibilities of the Administrator: duties of the Administrator shall include, but are not limited to:
 - a. Review all development permits to determine that the permit requirements of this Ordinance 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 this section are met.
4. Use of other Base Flood Data: When base flood data has not been provided in accordance with this section, the Building Inspector 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 subsections (E)(2)(a), (E)(2)(b) and (D) of this section.

5. Information to be Obtained and Maintained: The Building Inspector shall:
 - a. When base flood elevation data is provided through the Flood Insurance Study or required as in this section, obtain and record the actual elevation, (in relation to mean sea level), of the lowest floor (including basement and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - i. Verify and record the actual elevation, (in relation to mean sea level).
 - ii. Maintain the floodproofing certifications required in this section.
 - c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
6. Alteration of Watercourses: The Community Development Planner shall:
 - a. Notify adjacent communities and the ~~Division of State Lands~~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.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the floor carrying capacity is not diminished.
7. Interpretation of Flood Insurance Rate Map: ~~The Community Development Planner~~The City Planner shall make interpretations where needed as to exact locations of the boundaries of the areas of special flood hazards. (For example, if there appears to be a conflict between a mapped boundary and actual field conditions.)

E. Provisions for Flood Hazard Reduction:

1. General Standards: In all areas of special flood hazards, the following standards are required:
 - a. Anchoring
 - i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - ii. 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).

- b. Construction Materials and Methods
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. 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
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Subdivision Proposals
 - i. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - ii. All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage.
 - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.
- e. Review of Building Permits: Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source

(Section 10.76.010), 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. Failure to elevate the lowest floor at least two feet above grade in these zones may result in higher insurance rates.

2. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection (C)(2) or (C)(4) of this section, the following provisions are required:

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

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:

- i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. 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 at or above the base flood elevation; or, together with a utility and sanitary facilities, shall:

- i. Be floodproofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water.
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- iii. Be certified by a registered professional engineer or architect that the standards of practice for meeting provisions of this subsection are

based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official.

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 10.76.010.
 - v. 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 constructed to the base flood level will be rated as one foot below that level).
- c. All manufactured homes that are to be placed or substantially improved within Zones A1-A30, AH, and AE on Reedsport's FIRM on sites:
- i. Outside of a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. 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 lowest floor of the manufactured home is elevated a minimum of 18 inches (46 cm) one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- d. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on Reedsport's FIRM that are not subject to the manufactured home provisions of subsection (E)(2)(c) of this section be elevated so that either:
- i. The lowest floor of the manufactured home is elevated ~~one foot~~ a minimum of 18 inches (46 cm) above the base flood elevation, or
 - ii. 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 designed foundation system to resist flotation, collapse, and lateral movement.

e. Recreational Vehicles: Recreational vehicles placed on sites are required to either:

- i. Be on the site for fewer than 180 consecutive days.
- ii. 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
- iii. Meet the requirements of subsection (c) above and the elevation and anchoring requirements for manufactured homes.

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

- i. 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 stated in sub-section ii (below). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) 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.
- ii. 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 floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- iii. 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 crawlspace 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.
- iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

- v. The interior grade of a crawlspace below the BFE must no be more than two (2) feet below the lowest adjacent exterior grade.
- vi. The height of the below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) 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.
- vii. There must be an adequate drainage system that removes floodwaters 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.
- viii. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

Before Regulatory Floodway: 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 A1-30 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.

Floodways: Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Except as provided in paragraph (3), Pprohibit 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. 2. If sSection 10.76.010 (1) above 4.040 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection E of this section.
3. Projects for stream habitat restoration may be permitted in the floodway provided:

- a. The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and,
 - b. 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
 - c. No structures would be impacted by a potential rise in flood elevation; and,
 - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
4. 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:
- a. 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
 - b. 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 the general welfare of the public and it meets the following criteria:
 - i. 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 any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - ii. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
 - iii. 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 authority having jurisdiction;
 - iv. The replacement manufactured dwelling, its foundation supports and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that

it causes a rise in water level or diverts water in a manner that causes erosion or damage to other properties;

v. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and

i.vi. Any other requirements deemed necessary by the authority having jurisdiction.

G. Variance Procedure:

1. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of the flood hazard provisions of this division. The Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. Upon consideration of the foregoing factors and the purposes of this division, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
3. The ~~Community Development Planner~~ City Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
4. Conditions for Variances:
 - a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (G)(1) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Place or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.


- e. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense; create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely population residential neighborhoods. As such variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential and comply with other variance criteria.
- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

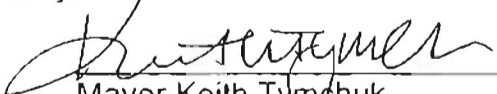
EFFECTIVE DATE OF ORDINANCE: An emergency is hereby declared to exist and, for the immediate preservation of the public health, welfare, and safety, this Ordinance shall take effect immediately upon its adoption by the Council and approval by the Mayor.

PASSED BY THE CITY COUNCIL this 1st day of February, 2010.

AYES 7 NAYS 0

APPROVED BY THE MAYOR this 1st day of February, 2010.

ATTEST: 
Deanna, City Recorder


Mayor Keith Tymchuk

**CITY OF REEDSPORT
CITY COUNCIL FINDINGS
EXHIBIT A**

PUBLIC

HEARING DATE: FEBRUARY 1, 2010

APPLICANT: INITIATED BY THE CITY OF REEDSPORT

**SUBJECT: AMENDMENT TO THE REEDSPORT MUNICIPAL
CODE, CHAPTER 10.76, SECTION 10.76.010 "FLOOD
HAZARD AREA"**

PROPOSAL:

The City of Reedsport proposes to update the City's Floodplain Management Code. Specifically, amendments are proposed to the Reedsport Municipal Code, *Chapter 10.76 Special Provisions and Regulations, Section 10.76.010 Flood Hazard Area*. The proposed code amendments respond to the Federal Emergency Management Agency's map modernization project. These amendments bring the City code into compliance with State and Federal standards, to ensure that the City of Reedsport remains in compliance with the National Flood Insurance Program (NFIP).

The boundaries of the new floodplain maps that become effective February 17, 2010 are similar to the existing map boundaries, with a few variations in the boundaries. Exhibit C illustrates the floodplain map boundaries, both new and old.

The importance of the proposed amendments is highlighted by the letter from Deborah Ingram of the Federal Emergency Management Agency (FEMA) received by the City on January 4, 2010 (see Exhibit D). The letter states that the "City of Reedsport must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements by February 17, 2010, to avoid suspension from the NFIP. If suspended, you community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed."

The proposed amendments to the existing code "Section 10.76.010 Flood Hazard Area" meet the minimum NFIP requirements to ensure the City code remains in compliance with the national program. Staff finds the proposal is consistent with applicable criteria in the Reedsport Municipal Code, Comprehensive Plan, Oregon Revised Statutes and the Federal Regulations of the National Flood Insurance Program and recommends approval. A public hearing on the Planning Commission's recommendation is scheduled for

February 1, 2010 with the City Council.

NOTICE AND REFERRALS:

Public Notice:

Prior to the Planning Commission and City Council public hearings, notice was posted on the City web site on December 23, 2009 and published in the Umpqua Post on December 30, 2009 as required by state law and the City Code. Notice was also mailed on December 21, 2009, directly to property owners who have property that was not located in the floodplain, but will be located within the floodplain with the new maps becoming effective February 17, 2010.

Agency and Organization Referrals:

Notice of the proposed Comprehensive Plan Amendments was sent to the Department of Land Conservation and Development (DLCD) on November 21, 2009 not less than 45 days prior to the first evidentiary hearing of January 14, 2010, as required by State law.

On December 11, 2009, referrals were sent to Douglas County, DLCD, NFIP State Coordinator at DLCD, USACOE, Building Dept. LLC, Reedsport/Winchester Bay Chamber of Commerce, Port of Umpqua and the Lower Umpqua Economic Development Forum, notifying these organizations of the proposed amendments and the public hearings with the Planning Commission and City Council.

As of January 21, 2010, no comments have been received by individual property owners, agencies or organizations.

DECISION CRITERIA AND FINDINGS:

The following is a list of the decision criteria applicable to the proposal to amend the Comprehensive Plan. The findings for each of these criteria are discussed and presented below.

1. **Reedsport Municipal Code**
 - Chapter 10.100 - Amendments
2. **City of Reedsport Comprehensive Plan**
 - Natural Features Element, Areas Subject to Natural Hazards
3. **Oregon Revised Statutes**
 - Oregon Revised Statutes (ORS): ORS 197.610

REEDSPORT MUNICIPAL CODE: CHAPTER 10.100 – AMENDMENTS

Chapter 10.100.020: Standards for Amendments: An amendment may be granted only in the event that the evidence presented to the Planning

Commission satisfies criteria set forth in the following standards:

1. Is there sufficient burden of proof to show the action will be in the public interest?

Finding: The proposed amendments are required to ensure the City code is consistent with NFIP. It is in the public interest to maintain compliance with NFIP, which directly reflects the ability of property owners to obtain flood insurance through the national program. Therefore, this criterion is met.

2. Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

Finding: This criterion does not apply because the proposed text amendments are required to ensure the City code is consistent with NFIP.

3. Is the proposed amendment in conflict with the adopted Comprehensive Plan for the area?

Finding: The proposed amendment is consistent with the Comprehensive Plan as addressed in the applicable policy listed below.

**CITY OF REEDSPORT COMPREHENSIVE PLAN
Chapter III: Natural Features – Areas Subject to Natural Hazards**

Goal: To protect life and property within the urbanizable area from the potential natural disasters and hazards most commonly associated with the area.

Policy 1: The City shall adopt and implement the National Flood Insurance Program as administered by the Federal Emergency Management Agency.

Finding: The City of Reedsport has existing code provisions to implement NFIP, which is adopted as *Chapter 10, Special Provisions and Regulations, Section 10.76.010 Flood Hazard Area*. The proposed code amendments respond to the Federal Emergency Management Agency's map modernization project. These amendments bring the City code into compliance with state and federal standards, to ensure that the City of Reedsport remains in compliance with the National Flood Insurance Program (NFIP). Therefore, the proposed amendments are consistent with this policy.

4. Will the proposed amendment adversely affect the public health, safety and general welfare?

Finding: The proposed amendment positively affects the public health, safety

or welfare by ensuring the City code is consistent with state and federal regulations. It is in the public interest to maintain compliance with NFIP, which directly reflects the ability of property owners to obtain flood insurance through the national program. Therefore, this criterion is met.

5. What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

Finding: This criterion does not apply because the proposed text amendments are required to ensure the City code is consistent with NFIP; the proposed text amendments will not affect the existing developed land use pattern and compatibility.

OREGON REVISED STATUTES (ORS)

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

197.610(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with this criterion because notice to DLCD was sent on November 21, 2009 at least 45 days prior to the January 14, 2010 (first) joint public hearing and the notice contained the information required in this statute.

CONCLUSION:

The amendments to Chapter 10.76, "Special Provisions and Regulations," Section 10.76.010 "Flood Hazard Area" is consistent with applicable criteria in the Reedsport Municipal Code, Comprehensive Plan, Oregon Revised Statutes and the Federal Regulations of the National Flood Insurance Program.

City of Reedsport
451 Winchester Avenue
Reedsport, OR 97467-1597



ATTN: PLAN AMENDMENT SPECIALIST
Dept. of Land Conservation and Dev.
535 Capitol Street NE, Suite 150
Salem, OR 97301-2540