



Oregon

Theodore R. Kulongoski, 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

9/18/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 003-09

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, October 01, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Patty Evernden, Coos County
Doug White, DLCD Community Services Specialist /Jon Jinings
Chris Shirley, FEMA Specialist
Dave Perry, DLCD Regional Representative

Stephen Lucker, DLCD Map Mod
Denise Atkinson, FEMA

<paa> YA

2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

SEP 11 2009

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Coos County**

Local file number: **AM-09-04**

Date of Adoption: **9/9/09**

Date Mailed: **9/10/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: July 13, 2009

☒ 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".

Legislative amendments to Chapter 2, Article 2.1 Definitions pertaining to floodplain regulations.
Amendments to and new provisions to Article 4.6 to address new and changed floodplain regulations.
Amendments to Plan Policy 5.11 (change the date). These amendments are to conform with FEMA regulations.

Amendments and new language added to Article 5.8 Appeals of Discretionary Decision. These amendments are to add clarity to the process.

Does the Adoption differ from proposal? The proposal is the same but there were some edits to the language.

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. 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. _____

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

Local Contact: **Patty Evernden, Planning Director**

Phone: (541) 396-3121 Extension: 210

Address: **250 N. Baxter St.**

Fax Number: **541-756-8630**

City: **Coquille**

Zip: **97423**

E-mail Address: **planhelp@co.coos.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

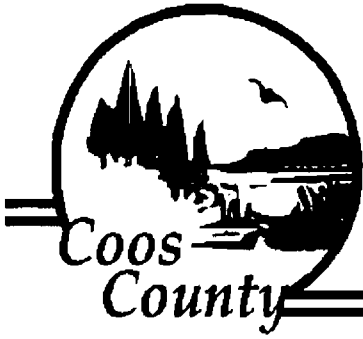
This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax



Coos County Planning Department

Coos County Annex, 225 North Adams Street, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 756-8630 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 70070220000007613115

September 10, 2009

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

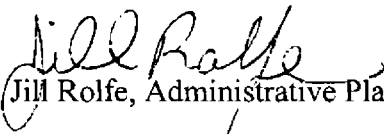
RE: Form 2, DLCD Notice of Adoption for AM-09-04, Legislative Amendment

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted Ordinance 09-07-003PL.

If you have any questions, or we can be of further service, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT


Jill Rolfe, Administrative Planner

ec: file

BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

IN THE MATTER OF AMENDING THE COOS)
COUNTY ZONING & LAND DEVELOPMENT) FINAL DECISION AND
ORDINANCE AND COMPREHENSIVE PLAN) ORDINANCE 09-07-003PL
(FLOODPLAIN PROVISIONS AND)
HOUSEKEEPING AMENDMENTS))

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 8th of September, 2009, concerning amendments to the Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan.

WHEREAS, the Coos County Board of Commissioners initiated a legislative amendment to consider amendments to the CCZLDO to amend the floodplain provisions of Article 4.6, associated definitions in Article 2.1 and Plan Policy 5.11. The Board also initiated housekeeping amendments to Section 5.8.223 Appeal of Hearings Body Decision to Board of Commissioners and Section 5.8.800 Review of Remanded Decisions.

WHEREAS, the proposed amendments were considered by the Planning Commission at public hearing on September 3, 2009, and following deliberation, the Planning Commission recommended the Board of Commissioners approve the proposal with some edits;

WHEREAS, Coos County Zoning and Land Development Ordinance Article 1.2 specifies the process to approve a change in the text of said Ordinance.

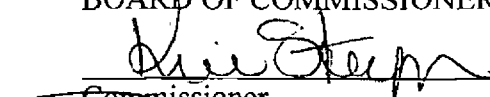
WHEREAS, the Board considered the recommendation of approval from the Coos County Planning Commission as well as testimony from interested parties; and,

WHEREAS, the Board has received the Planning Department staff report, the Planning Commission recommendation and reviewed the materials submitted and the facts of the proposal at the public hearings on September 8, 2009,

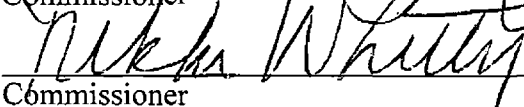
WHEREAS, the Board approved the proposed amendments at the conclusion of the September 8th hearing.

ADOPTED this 8th day of September, 2009.

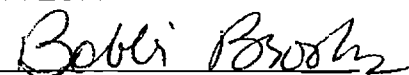
BOARD OF COMMISSIONERS


Commissioner

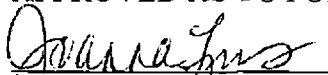

Commissioner


Commissioner

ATTEST:


Recording Secretary

APPROVED AS TO FORM:


Office of County Counsel

ATTACHMENT A

ARTICLE 2.1. DEFINITIONS

SECTION 2.1.100. General Definitions. For the purposes of this Ordinance, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined.

SECTION 2.1.200. Specific Definitions.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year designated with the letters "A" or "V" on the implemented maps.

BASE FLOOD (ONE-HUNDRED YEAR FLOOD): The flood having a 1% chance of being equaled or exceeded in any given year designated with the letters "A" or "V" on the implemented maps.

BASEMENT: means 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 crawl space to the top of the crawl space foundation, does not exceed 4 feet at any point.

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along the open ocean and any other area subject to high velocity wave action from storm or seismic sources. This area is designated on the FIRM as Zone V1-V30, VE or V.

CRITICAL FACILITY: means a facility for which even a slight change 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.

DEVELOPMENT USE: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING: means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

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FLOODWAY: The channel or a river or other watercourse and the adjacent land areas that may be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

RECREATIONAL VEHICLE (OAR 918-650-0005): A vehicle which is a) built on a single chassis; b) 400 square feet or less when measure at the largest horizontal projection; c) designed to be self propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use. The basic entities are:

- i. travel trailer -- vehicular unit which has a roof, floor and sides and is mounted on wheels, but it is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- ii. camping trailer -- vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- iii. truck camper -- portable unit which has a roof, floor and sides and is designed to be loaded on an off the bed of a truck or pick-up truck, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- iv. motor home -- vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- v. park trailer -- vehicle built-on single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities or operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

[OR 01-02-004PL 6/13/01]

STRUCTURE: Walled and roofed building including a gas or liquid storage tank that is principally above ground.

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ARTICLE 4.6 OVERLAY ZONES

SECTION 4.6.100. Purpose. Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.

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OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.6.200. Purpose. It is the purpose of this ordinance 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 designated:

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 and gas mains, 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 special 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; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 4.6.201. Warning and Disclaimer of Liability. The degree of flood protection from this Ordinance 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 Ordinance 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 ordinance shall not create liability on the part of Coos County, any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.6.202. Manufactured Home and Manufactured Home Park or Subdivision within Designated Flood Areas. The following definitions shall only apply to those provisions and requirements contained within Sections 4.6.200 to 4.6.290, inclusive:

“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 connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, recreational vehicles, and

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other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, recreational vehicles, and other similar vehicles.

“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.

SECTION 4.6.205. Designation of Flood Areas.

- a. The area of Coos County that is within a special flood hazard area identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Coos County, Oregon and Incorporated Areas”, dated September 25, 2009, 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 Coos County Planning Department.
- b. Whenever sufficient data for a portion of a watercourse have been provided to permit the designation of a regulatory floodway, Coos County shall adopt boundaries for a regulatory floodway. The floodway shall be designed to carry the waters of a base flood without increasing water surface elevation at any point more than one foot above the established base flood elevation. The area of Coos County within an adopted regulatory floodway shall be subject to the additional requirements of this Ordinance for the prevention of flood damage.
- c. When base flood elevation data has not been provided in accordance with a. above, Coos County shall require a property development applicant to obtain base flood elevation data; Coos County shall use this “other” data to administer this Ordinance. This data may be obtained from a Federal, State or other source, including the U.S. Army Corps of Engineers, Soil Conservation Service, or Engineers. In the absence of an up-to-date engineering study, local newspapers, Regional Planning Groups and informed local witnesses can be a source of historical flooding data.
- d. The base contour maps (Flood Insurance Rate Maps and Flood Boundary—Floodway maps) showing areas of special flood hazard are not detailed enough to reflect all site conditions. Where the map information clearly does not reflect actual site conditions, the Planning Director, Hearings Body or Board of Commissioners may interpret the exact location of the special Flood Hazard Boundary and Floodway Boundary. This determination is subject to appeal subject to Article 5.8.

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SECTION 4.6.210. Permitted Uses. In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP FLOATING ZONE, subject to the provisions of this article.

SECTION 4.6.215. Conditional Uses. In a district with which the /FP is combined, those uses subject to the provisions of Article 5.2 (Conditional Uses) may be permitted in the /FP FLOATING ZONE, subject to the provisions of this article.

SECTION 4.6.220. Identification of Flood Hazard on Verification Letter. The verification letter pursuant to SECTION 1.3.200 issued by the Coos County Planning Department shall identify whether the parcel of land for which a building permit is required is within any area of Special Flood Hazard established by Section 4.6.205.

SECTION 4.6.225. Flood Elevation Data. For the purpose of determining applicable flood insurance risk premium rates Coos County shall:

1. Obtain, or require the applicant to furnish the following:
 - a. the elevation (in relation to mean sea level) of the lowest habitable floor (including basement and below-grade crawl spaces) of all new or substantially improved structures, and whether or not such structures contain a basement. The Base Floodplain Elevation (BFE) determination must be based on information from the FIS study and the FEMA maps;
 - b. if a structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure will be floodproofed shall be provided;
2. Maintaining floodproofing certifications for public inspections pertaining to provisions of the FP zone.

SECTION 4.6.230. Procedural Requirements for Development within Special Flood Hazard Areas. The following procedure and application requirements shall pertain to the following types of development:

1. Structures. Prior to issuance of a zoning clearance letter (verification letter) pursuant to Section 3.1.200, a proposal for construction of a new structure or substantial improvement of an existing structure within a Special Flood Hazard Area shall be submitted with an "APPLICATION FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS."

As provided in this section, an applicant must submit with the development proposal an "Application for Development in Special Flood Hazard Areas." This application must provide a plan drawn to scale showing the nature, location, dimensions, and elevations of the area in

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question; existing and proposed structures, fill, storage of materials, drainage facilities, and the location of 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 of floodproofing in any structure;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any non residential structure meet the floodproofing criteria.
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

If the county determines that the application complies with zoning ordinance (including the FP zone), the county issues a "conditional zoning compliance letter" which enables the applicant to obtain building permits from the State Building Codes Agency.

Upon completion of construction, the applicant must submit a "post-construction elevation certification/floodproofing certificate" to the Coos County Planning Department.

Upon verification of compliance with all requirements in the FP zone, Coos County shall issue to the applicant a "flood hazard compliance letter."

The applicant shall present the "flood hazard compliance letter" to the State Building Codes Agency in order to obtain an "occupancy permit" or "Certificate of Inspection."

2. **Water Systems.** Coos County recognizes the State Water Resources Department as the sole permit issuing agency pertaining to individual private wells supplying water to one or two residences except as may be established in new subdivisions or planned unit developments [see Section 4.6.260(2)].
3. **Sanitary Sewage Systems.** Prior to a new installation or repair of an on-site septic system, the applicant shall request from the county a "Zoning Clearance Letter" (zoning verification). Coos County shall recognize the Department of Environmental Quality installation and repair standards as sufficient to avoid impairment to the system or contamination from the system during flooding. Prior to new installation or replacement of an existing sanitary sewage system, the applicant shall request from the county a zoning clearance letter. Coos County shall recognize the Department of Environmental Quality installation and replacement

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standards as sufficient to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.

4. Other Development. "Other development" includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County's determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before "other development" may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer's certification that the "other development" shall not:

- a. result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,
 - b. result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.
5. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 4.6.235. Sites within Special Flood Hazard Areas.

1. If a proposed building site is in a special flood hazard area, all new construction and substantial improvements (including placement of prefabricated buildings and mobile homes), otherwise permitted by this Ordinance, shall:

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- a. be designed (or modified) and adequately 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 "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques);
 - b. be constructed with materials and utility equipment resistant to flood damage;
 - c. be constructed by methods and practices that minimize flood damage; and
 - d. 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.
2. All new construction and substantial improvements of residential structures shall have the lowest habitable floor (including basement and below-grade crawl spaces) elevated a minimum of one foot above the known base flood level.

Fully enclosed areas below the lowest floor that are subject to flooding shall be prohibited; or, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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 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.
- d. 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

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or accumulating within the components during conditions of flooding.

Accessory structures to a residential structure (e.g., sheds, detached garages) do not represent significant investments and therefore may be treated differently in regard to the application of flood plain management measures outside a delineated floodway. In lieu of the elevation standard above, accessory structures may be permitted provided:

- i. Accessory structures shall not be used for human habitation.
- ii. Accessory structures shall be designed to have low flood damage potential.
- iii. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
- iv. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- v. Service facilities such as electrical and heating equipment shall be elevated above the base flood elevation or floodproofed.

Construction under the provisions of (i) through (v) above will result in increased flood insurance premium rates, which may be prohibitive.

3. All new construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated ~~to the level of the~~ *one foot above the* base flood elevation; or together with attendant utility and sanitary facilities, shall:
 - a. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied; and

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- d. meet the same standards for space below the lowest floor as described in Section 4.6.235(2) if the structure is elevated but not floodproofed.
- e. 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.

Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (i.e. a building floodproofed to the base flood level will be rated as one foot below).

- 4. All new construction and substantial improvements of any agricultural structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation; meet the floodproofing requirements of (3) above; or together with attendant utility and sanitary facilities shall:
 - a. have a low potential for structural flood damage; and
 - b. be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage; and
 - c. ensure that all electrical and mechanical equipment subject to floodwater damage and permanently affixed to the structure be elevated above the base flood elevation; and
 - d. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Construction under the provisions of (a) through (d) above will result in increased flood insurance premium rates which may be prohibitive.

SECTION 4.6.240. Manufactured Homes. All manufactured homes to be placed, or substantially improved, within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~at or~~ one foot above the base flood elevation and 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 “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).

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SECTION 4.6.245. Recreational Vehicles. All recreational vehicles placed, within the A1-A30, AH, and AE zones shall be elevated on permanent foundation such that the lowest floor of the recreational vehicle is one foot above the base flood elevation and installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors.

SECTION 4.6.250. Reserved.

SECTION 4.6.255. Reserved.

SECTION 4.6.260. Review of Land Subdivision Applications. Coos County shall be responsible for receiving applications and examining plans for land divisions. Coos County shall require certification by a registered civil engineer that land subdivision proposals shall be reasonably safe from flooding. If a subdivision proposal is in a special flood hazard area, the proposal and engineer's certification shall be reviewed to assure that:

1. The proposal is consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; and
4. Where base flood elevation has not been provided or is not available from another alternative source, it shall be generated for subdivision proposals.

SECTION 4.6.265. Evaluation of Variance Applications.

1. In lieu of the findings required by Article 5.3, an application for a variance to the standards of this floating zone may be approved only if the following findings are made:
 - a. materials which may be swept onto other lands would not pose a threat of undue danger or injury to others;
 - b. the proposed development will not pose a danger to life or property due to flooding or erosion damage;
 - c. failure to grant the variance would result in exceptional hardship to the applicant;
 - d. granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or create nuisances; and

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- e. the variance is the minimum necessary to afford relief.
- 2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 3. A variance for historic preservation may be granted without consideration of the factors set forth above for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, or as otherwise identified in the Coos County Comprehensive Plan.

SECTION 4.6.270. Floodways. Located within special flood hazard areas established in Section 4.6.205 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. Encroachment, including fill, new construction, substantial improvements and other developments shall be prohibited, unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. If (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article (Article 4.6).
- 3. Projects for stream habitat restoration may be permitted in the floodway provided:
 - i. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
 - ii. 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
 - iii. No structures would be impacted by any potential rise in flood elevation; and
 - iv. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

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4. Manufactured dwellings may only be located in floodways according to one of the following conditions:
 - i. 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
 - ii. A new manufactured dwelling has replaced 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:
 1. As required, it must be demonstrated through hydrologic and hydraulic analysis 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.
 2. The replacement of the manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46cm) above the BFE as defined on the Flood Insurance Rate Map.
 3. 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.
 4. 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 the water level or diverts water in a manner that causes erosion or damage to other properties;
 5. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinance; and
 6. Any other requirements deemed necessary by the authority having jurisdiction.

SECTION 4.6.275. Alteration of Water Courses. If a development application proposes a stream, creek or other water body relocation or alteration, Coos County shall:

1. Notify affected cities and the State Coordinating Agency (Department of Land Conservation and Development – DLCD) and other appropriate state and federal agencies prior to any alteration or relocation of a water course,

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and shall submit evidence of such notification to the Federal Insurance Administration at the following address (or if the office moves, at any subsequent address):

Federal Insurance Administration
500 C Street SW
Washington, DC 20472

2. Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

SECTION 4.6.280. Shallow Flooding Areas. Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes with AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - i. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - ii. together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 4.6.235.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

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4. Where hazardous velocities were noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

SECTION 4.6.281. Coastal High Hazard Area. Coastal high hazard areas (V zone) appear on FIRM's. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

1. All buildings or structure shall be located landward of the reach of the mean high tide.
2. All new construction and substantial improvements of existing development or manufactured homes in zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - i. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
 - ii. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (i) and (ii) of this Section.

3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
4. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM, have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section,

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a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- i. breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - ii the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).
5. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
6. Prohibit the use of fill for structural support of buildings.
7. Prohibit man-made alteration of sand dunes which would increase potential flood damage.
8. All manufactured homes to be placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites:
 - i. Outside of 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;
 - iv. In an existing manufacture home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; and
 - v. Meets the standards of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements.
9. Recreational vehicles placed or sited within Zones V1-30, V, and VE on the community's FIRM either:
 - i. Be on the site for fewer than 180 consecutive days;

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- 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 Sections 1 through 7 above.

SECTION 4.6.285. Coordination. If a permit applicant needs a local permit before obtaining permits from other agencies, the County may issue a permit on the condition that all applicable local permits are or will be obtained.

SECTION 4.6.290. Restrictiveness. Where the conditions imposed by a provision of the /FP zone are more restrictive or contrary to the primary zone, the provisions of the /FP zone shall govern.

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ARTICLE 5.8 APPEALS OF DISCRETIONARY DECISIONS.

SECTION 5.8.223 Appeal of Hearings Body Decision to Board of Commissioners.

1. The review of the decision of the Hearings Body by the Board of Commissioners shall include:
 - a. All materials, pleading, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Hearings Body as evidence;
 - b. All materials submitted by the Planning Department with respect to the application;
 - c. Minutes of the public hearing of the Hearings Body;
 - d. The findings and action of the Hearings Body and the notice of decision;
 - e. [OR 04 12 013PL 2/09/05 REPEALED September 9, 2009] OR 09-07-003 September 9, 2009
2. A Notice of Appeal (NOA) shall be filed with the Department on the NOA form provided by the County along with any required filing fee.
3. The Planning Staff shall notify the Board of Commissioners of the Notice of Appeal and within ten days of receipt. Then planning staff shall provide the record to the Board of Commissioners for review. Provided there has been an initial evidentiary hearing, the Board of Commissioners may:
 - a. Decline to hear the matter and enter an order affirming the lower decision; or
 - b. Accept the appeal and:
 - (1) Make a decision on the record without argument;
 - (2) Make a decision on the record with argument
 - (3) Conduct a hearing de novo; or
 - (4) Conduct a hearing limited to specific issues.

In the decision, the Board may affirm, modify, or reverse the lower decision, and accept any or all of the findings and conditions in the Hearings Body decision, or modify or adopt new findings and conditions on a permit.

4. If the Board allows argument only on the record, no new evidence may be submitted.
5. Any legal issues not specifically raised are considered waived for purposes of further appeal.

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6. Where a hearing is limited to specific issues, any evidence or argument submitted must be related to the specific issue.¹ Any evidence or argument submitted must be related to those specific issues.
7. All items to be submitted to the County must actually be received by the County Planning Department no later than 5:00 p.m. on the deadline date. If the deadline date falls on a weekend or County holiday, then the item must actually be received by the County Planning Department no later than 12:00 p.m. on the next County business day following the deadline date. All items to be mailed to another party must be postmarked no later than the deadline date.
8. The decision of the board shall not be final until reduced to writing and signed by the Board.

SECTION 5.8.800. Review of Remanded Decisions. When LUBA remands a decision and orders the County to pay the cost of the filing fee to the petitioner, the applicant must provide to the County proof of payment before the remanded application will be considered. If the applicant does not pay the fee within 45 days from the date of the LUBA remand, the application shall be deemed withdrawn by the applicant.

Any request for hearing on remand shall be subject to the appropriate fee.

1. Decisions remanded by the Land Use Board of Appeals will be scheduled for hearing only if the applicant files a written request that the governing body take up the remand within 45 days from the date of the final LUBA order¹, the request must be accompanied by the appropriate fee;
2. Within 30 days of receiving the request a hearing will be scheduled before the Board of Commissioners.
3. If no written request is submitted to take up the remand, the application shall be deemed to be withdrawn and action will be taken to void the implementing Ordinance.
4. (OR 98-01-002PL 5/4/98 REPEALED September 9, 2009) OR 09-07-003 September 9, 2009
5. Hearings on remanded decisions may be, in the sole discretion of the Board, either:
 - a. Based on the record without argument. The remand will be based solely on the existing evidentiary record. No new testimony, evidence or argument will be considered. The scope of the hearing

¹ Subsequent appeals could change the date of the final LUBA order.

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will be limited to the remand issues LUBA identified in its final opinion.

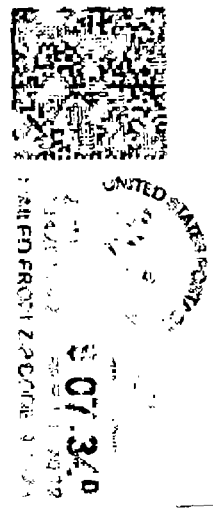
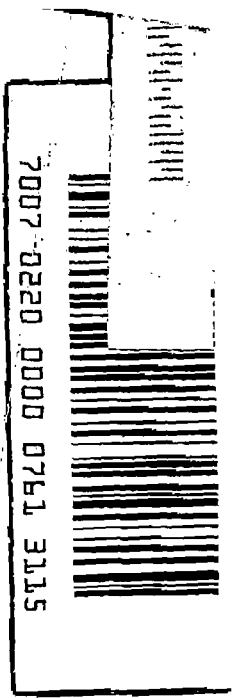
- b. Based on the record with argument:
 - (1) In written form with no oral argument. Written argument shall be submitted to the Planning Department at least 10 days prior to the hearing in order to be considered. No further written argument will be accepted after the 10 day deadline or at the hearing.
 - (2) In written form with oral argument. Written argument shall be submitted to the Planning department at least 10 days prior to the hearing in order to be considered. No further written argument will be accepted after the 10 day deadline or at the hearing.
 - (3) Written and oral argument that will be accepted prior to and at the hearing.
 - c. Limited to the issues identified by LUBA in its decision. New evidence and testimony may be presented solely on the issues remanded by LUBA in its decision.
 - d. De novo allowing new evidence and testimony.
- 6. The Board of Commissioners solely in its discretion may further limit the scope of any hearing on remand.
 - 7. At the direction of the Board the party prevailing at the remand hearing shall prepare the findings of fact necessary to support the decision.
 - 8. The decision of the Board shall not be final until reduced to writing and signed by the Board

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5.11 NATURAL HAZARDS

Plan Implementation Strategies

- 2a. The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County" dated September 25, 2009, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps is hereby adopted by reference and declared to be a part of the Coos County Comprehensive Plan Inventory.



DEPT OF

SEP 11 2009

LAND CONSERVATION
AND DEVELOPMENT

Coos County Planning Department
250 N. Baxter Street
Coquille, OR 97423



Barbara French, Plan Amendment Specialist
Dept. of Land Conservation & Development
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