



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/19/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Myrtle Point Plan Amendment
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 05, 2014

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: Darin Nicholson, City of Myrtle Point
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-13 (20144)
[17763]
Received: 2/12/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Myrtle Point

Local file no.:

Date of adoption: 2/3/2014

Date sent: 2/12/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Yes 12/19/2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Upon recommendation of the M.P. Planning Commission two additional text corrections to the Development Code were included. See Ordinance No. 1271 for explanation.

Local contact (name and title): Darin Nicholson, City Manager

Phone: (541) 572-2626

E-mail: manager@ci.myrtlepoint.or.usStreet address: 424 5th Street

City: Myrtle Point

Zip: 97458-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Development Code Amendments:

1. Section 1.4.030 - Renumber as Section 1.4.040 to eliminate duplicate number.
2. Section 2.3.060-D.4 - Delete erroneous external reference.
3. Section 2.3.060-D.6 - Delete erroneous internal reference.
4. Section 2.3.060-D.7b - Delete erroneous internal reference.
5. Section 2.4.030-E - Update reference to Flood Insurance Study and Maps with March 17, 2014 effective date.
6. Section 2.4.030-F thru L - Reletter to eliminate duplication.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: FEMA, US Army Corps of Engineers, US Fish & Wildlife Service, Oregon Department of Fish & Wildlife

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 1271

AN ORDINANCE AMENDING ORDINANCE NO. 1267 CITY OF MYRTLE POINT DEVELOPMENT CODE, SECTION 1.4.030 NON-CONFORMING LOT, SECTION 2.3.060-D HOME OCCUPATION GOOD NEIGHBOR STANDARDS, SECTION 2.4.030-E BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, AND STATING AN EFFECTIVE DATE.

WHEREAS, the Federal Emergency Management Agency (FEMA) has recently updated the Flood Insurance Study and associated Flood Insurance Rate Maps for Coos County, Oregon and Incorporated Areas; and

WHEREAS, the City of Myrtle Point Development Code relies on the FEMA Flood Insurance Study and associated Flood Insurance Rate Maps as the basis for determining areas of special flood hazard; and

WHEREAS, in order to participate in the National Flood Insurance Program (NFIP) the City of Myrtle Point is required to adopt a floodplain management ordinance that meets or exceeds the minimum NFIP requirements by the effective date of March 17, 2014; and

WHEREAS, the City of Myrtle Point performs periodic review of the Development Code in order to correct textual or reference errors; and

WHEREAS, the proposed Development Code text amendments are determined to be consistent with the City's Comprehensive Plan, Statewide planning goals, and State administrative rules; and

WHEREAS, the Planning Commission, upon consideration of the staff report recommends that the City Council approve the proposed amendments;

NOW THEREFORE, THE CITY OF MYRTLE POINT ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENTS

The following sections of Ordinance No. 1267, City of Myrtle Point Development Code, shall be amended in order to correct textual errors and eliminate or update erroneous references:

1. **Section 1.4.030 – Non-Conforming Lot:** Renumber as Section 1.4.040 in order to eliminate duplicate section numbers.
2. **Section 2.3.060-D – Home Occupation Good Neighbor Standards:**
 - a. **Subsection 4 – Advertising and Signs:** Delete the second sentence of this subsection which states, “See also Municipal Code Section ____ Signs.”
 - b. **Subsection 6 – Business Hours:** Amend this subsection to read, “There shall be no restrictions on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m. Monday through Friday.”
 - c. **Subsection 7b – Prohibited Home Occupation Uses:** Delete the phrase “subject to A-F above” from the end of this subsection. The reference is erroneous.

3. **Section 2.4.030 – Floodplain (/FP) Overlay Zone:**

- a. **Subsection E – Basis for Establishing the Areas of Special Flood Hazard:** Amend the first sentence of this section to read, “The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, ‘Flood Insurance Study, Coos County, Oregon and Incorporated Areas’ dated March 17, 2014, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this flood provision.”
- b. **Subsections F – L:** Renumber Subsections F – L (p. 2-33 – p. 2-37) as Subsections H – N in order to maintain consistency with lettering of prior subsections.

SECTION 2. EFFECTIVE DATE

This ordinance shall become effective immediately upon its final passage by a unanimous vote of the Council members present and voting.

First read to the Council this 6th day of January 2014.

Signed by the Mayor this 3rd day of February 2014.

ATTEST:



Barbara A. Carter, Mayor
City of Myrtle Point



Darin Nicholson, City Manager
City of Myrtle Point

access) may be required to bring the non-conforming access into conformance with the standards of the Oregon Department of Transportation, notwithstanding the provisions of this Chapter.

- D. **Relocation or Removal.** Should a non-conforming structure or development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.
- E. **Existing Uses Granted Special Status (Allowed) in Industrial Zones.** Notwithstanding the restrictions of any other section of the Myrtle Point Development Code, all Single-Family, Two-Family (Duplex), or Accessory Residential Dwellings and Manufactured Homes built before February 3, 2012, on industrially zoned properties shall be deemed conforming to the base zoning district. This status extends to existing dwellings used as Group Care Homes, Group Care Facilities, Day Care Facilities, Family Daycare, and Home Occupations. Any expansion of an existing structure or development shall not exceed twenty percent (20%) of the original subject building area or development. If any building on these properties is destroyed, as defined in Myrtle Point Development Code 1.4.030(B), it may be rebuilt not in excess of twenty percent (20%) greater than the original subject building area or development as it existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Chapter 2.

[Paragraph Added – Ord. 1268, 3/18/2013]

1.4.040 Non-conforming Lot

[Renumbered - Ord. 1271, 2/3/2014]

If a lot situated within a subdivision which has been duly platted, approved and recorded in the office of the County Clerk at the time of the passage of this ordinance, or if any other lot or aggregate of other lots held in a single ownership, as so recorded at such time, have an area or dimensions which do not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to other requirements of the zone; provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling.

- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
- 4. Advertising and Signs: Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. [Amended – Ord. 1271, 2/3/2014]
- 5. Vehicles, Parking and Traffic:
 - a. Not more than two (2) commercially licensed vehicles associated with the home occupation are allowed at the home occupation site. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
 - b. There shall be no commercial vehicle deliveries during 9:00 p.m. to 7:00 a.m.
- 6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m. Monday through Friday. [Amended – Ord. 1271, 2/3/2014]
- 7. Prohibited Home Occupation Uses:
 - a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
 - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed. [Amended – Ord. 1271, 2/3/2014]
 - c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting; and
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

2.4.030 Floodplain (/FP) Overlay Zone

A. Purpose and Intent. It is the purpose of the Floodplain Overlay is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions. Specifically the requirements of this section are designed to:

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

B. Methods of Reducing Flood Losses. In order to accomplish its purposes, these flood provisions include 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 increase in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities that 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 that may increase flood damage;
5. Preventing or regulating the construction of flood barriers that would unnaturally divert flood waters or increase flood hazards in other areas.

6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

C. Definitions. Unless specifically defined below, words or phrases used in the flood provisions shall be interpreted so as to give them the meaning they have in common usage and to give the flood provisions its most reasonable application. Where there is no definition in this section, the definitions Article 5 apply. The definitions in this section apply within the context of applying Flood Provisions. However, where this section and another city ordinance or another section of this Code conflict or overlap whichever imposes the more stringent restrictions shall prevail.

1. "AREA OF SHALLOW FLOODING" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet. The path of flooding is unpredictable and indeterminate; and, velocity flow may be evident, also known as sheet flow. AO is characterized as sheet flow and AH indicates ponding.
2. "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letter A.
3. "BASEMENT" means any area of the building having its floor sub grade (below ground level) on all sides.
4. "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 grader of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point
5. "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
6. "MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE" includes but is not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
7. "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.
8. "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the

pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

9. "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. "FLOOD" OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry lands areas from:
 - (a) The overflow of inland or tidal waters and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
11. "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
13. "FLOOD PREVENTION VARIANCE" means a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.
14. "FLOODPLAIN" See "AREA OF SPECIAL FLOOD HAZARD"
15. "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
16. "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable 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 this Code.
17. "NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of the flood provisions.
18. "RECREATIONAL VEHICLE" means a vehicle that 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
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living

quarters for recreational, camping, travel, or seasonal use.

19. "REQUEST FOR REVIEW" means a request for a review of the interpretation of any of the flood provisions or a request for a variance or waiver.

20. "STATE BUILDING CODE" means the combined specialty codes.

21. "SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

D. Applicability. This flood provision shall apply to all areas of special flood hazards within the jurisdiction of Myrtle Point, Coos County.

E. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, Coos County, Oregon and Incorporated Areas" dated March 17, 2014, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this flood provision. The Flood Insurance Study is on file at Myrtle Point City Hall, 424 5th Street. The best available information for flood hazard area identification as described by this Code shall be the basis for regulation until a new FIRM is issued which incorporates the data required by this Code.

[Amended – Ord. 1271, 2/3/2014]

F. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the flood provision and other applicable regulations. Violations of the provisions of the flood provision by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of the zoning ordinance. Any person who violates this flood provision or fails to comply with any of its requirements shall upon conviction thereof be fined up to \$500/day, and in addition shall pay all costs and expenses involved. Nothing herein contained shall prevent the city of Myrtle Point from taking such other action as is necessary to prevent or remedy any violation.

G. Warning and Disclaimer of Liability. The degree of flood protection required by this flood provision 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 flood provision 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 flood provision shall not create liability on the part of Myrtle Point, Coos County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this flood provision or any administrative decision lawfully made hereunder.

H. City Administration of Zoning Clearance Permits and Maintenance of Records.

1. **Zoning Clearance Permit Required.** A zoning clearance permit shall be obtained before construction or development begins within any area of special flood hazard established in this Code. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including grading, filling, storage of materials, and other activities, also as set forth in the "DEFINITIONS."
2. **General Procedure.** The City Engineer:
 - (a) Reviews all zoning permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.4.030(L) are met.
 - (b) Reviews all zoning permits to determine that the permit requirements have been satisfied. The Planning Department will maintain the flood proofing certifications required by this Code, which shall be provided to the city by the applicant's engineer.
3. **Application for Zoning Clearance Permit.** Applicants of properties located in flood areas shall furnish to the City of Myrtle Point, an Engineer's Report. This report will then be given to the City's Engineer for approval, pursuant with subsection 4, below.
4. **Requirements for Applicant's Engineer Report.** Application for a zoning clearance permit shall be prepared by the applicant's engineer to the specifications of the Myrtle Point 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, grading, filling, 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 flood proofing in any structure;
 - (c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section = 2.4.030(L), and
 - (d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
 - (e) Address all applicable permits and indicate the status of all applications from those Federal, State, and local government agencies from which prior approval is required.
 - (f) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (g) For all new or substantially improved flood proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM:
 - (i) Verify and record the actual elevation (in relation to mean sea level), and
 - (ii) Provide the flood proofing certifications as required by this Code;

- (h) Provide to the city, analysis and findings pertaining to the provisions of this Code, and specifically subsections 2.4.030(K) and 2.4.030(L)..
- (i) Elevation certificates shall be issued to the City of Myrtle Point.

The City of Myrtle Point will maintain the flood proofing certifications required by this Code and all documentation provided by the Applicant's Engineer for the permanent record.

I. Conditions for Flood Prevention Variances. Applications for flood prevention variances shall conform to all of the conditions in 1-9 below:

1. Generally, the only condition under which a flood prevention 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. As the lot size increases the technical justification required for issuing the flood prevention variance increases.
2. Flood Prevention Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Flood Prevention Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Flood Prevention Variances shall only be issued upon a determination that the flood prevention variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Flood Prevention Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the flood prevention variance would result in exceptional hardship to the applicant;
 - (c) A determination that the granting of a flood prevention 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.
6. Flood Prevention Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or 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 populated residential neighborhoods. As such, flood prevention variances from the flood elevations should be quite rare.
7. Flood Prevention Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood

proofing, where it can be determined that such action will have low damage potential, complies with all other flood prevention variance criteria except those subject to variance, and otherwise complies with subsections 2.4.030(K) and 2.4.030(L).

8. Any applicant to whom a flood prevention 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.
9. The applicant's engineer, in requesting a variance from the flood prevention requirements of this Code, shall address all of the following conditions. The City Engineer shall consider the conditions in taking action on the variance request.
 - (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 that 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 floodplain 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 governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges.

J. Review of Building Permits. All applications in the floodway are required to provide a no-rise engineered certificate. Where elevation data is not available whether through the Flood Insurance Study or FIRM, the applicant's engineer shall show another authoritative source. Applications for zoning clearance permits shall include engineer's analysis sufficient to assure that proposed construction will be reasonably safe from flooding. The test or 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.

K. Alteration of Watercourses. Prior to alteration or relocation of any watercourse, the owner shall notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, and submit evidence of such notification to the Federal Insurance Administration. The owner is required to provide maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

L. Interpretation of “FIRM” Boundaries. The City Engineer may make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to request for review the interpretation as provided by this Code.

M. Provisions for Flood Hazard Reduction – General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (b) 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).

2. Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) 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.

3. Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

4. Subdivision Proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

- (d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

N. Provisions for Flood Hazard Reduction – Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth subsection 2.4.030(E), or Use of Other Base Flood Data (in A Zone), the following provisions are required:

1. Residential Construction.

- (a) New Construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (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.

2. Nonresidential Construction.

- (a) 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 attendant utility and sanitary facilities, shall:
- (b) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth by this Code;
- (e) Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as described in subsection 2.4.030(L)(5);
- (f) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below).

3. **Manufactured Homes.** All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm)² above the base flood elevation and is securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.
4. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:
 - (a) be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (c) Meet the requirements of subsection 2.4.030(L)(3), above, and the elevation and anchoring requirements for manufactured homes.
5. **Below-Grade Crawl Spaces (Administered by State Building Codes).** Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspaces Construction for Buildings Located in Special Flood Hazard Areas. For more detailed information refer to FEMA Technical Bulletin 11-01.
 - (a) 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 Section B 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.
 - (b) The crawlspace 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.
 - (c) 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.
 - (d) 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.
 - (e) The interior grade of a crawlspace below the BFE must not be more than two(2) feet below the lowest adjacent exterior grade.
 - (f) The height of the below-grade crawlspace, 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.

- (g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. 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.
- (h) The velocity of floodwaters at the site should not exceed five (5) feet per second, other foundation types should be used.

6. In Absence of Regulatory Floodway Designation. 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.

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

- (a) Except as provided in paragraph (c), prohibit encroachments, including fill, new construction, substantial improvements, and other development 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.
- (b) All new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of subsections 2.4.030(K) and 2.4.030(L).
- (c) 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 a 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.
- (d) 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:
 - (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 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:
 - (1) 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;
 - (2) 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.
 - (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 ordinances; and
 - (6) Any other requirements deemed necessary by the authority having jurisdiction.

8. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground 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:

- (a) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (b) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more 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 flood proofed 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 pursuant to this Code.

- (c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (d) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - (i) Be on the site for fewer than 180 consecutive days, and
 - (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 elevation and anchoring requirements of this Code for manufactured homes.

9. **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 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. Flood proofing 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 should be provided to all critical facilities to the extent possible.

- Notice of Hearing -

The Myrtle Point City Council will hold a Public Hearing regarding a proposal to amend the Development Code to correct several textual errors and to adopt the FEMA Flood Insurance Study and Maps with the revision date of March 17, 2014 as the Basis for Establishing the Areas of Special Flood Hazard within the city. The Hearing will be held at the regular City Council Meeting on Monday, February 3, 2014 beginning at 7:30 p.m. in the Flora M. Laird Memorial Library meeting room located at 435 5th Street, Myrtle Point. The purpose of the hearing is to provide the public opportunity to comment on the proposed amendments in accordance with the requirements of ORS 660-025-0080.

The Myrtle Point City Council will consider Ordinance No. 1271 which proposes to amend the Development Code to correct errors and adopt the indicated FEMA Flood Insurance Study and Maps. There are no proposed changes to zoning or land use as a part of the proposed text amendments. A copy of the proposed Ordinance can be reviewed at City Hall during regular business hours (8:00 a.m. - 4:30 p.m.) Persons wishing to comment on the proposal may do so in person at the meeting or by providing written comment to the City Manager by 4:00 p.m. on February 3, 2014. City Hall is located at 424 5th Street, Myrtle Point, OR 97458. For more information call (541) 572-2626.

Notice given this 14th day of January 2014.
Darin Nicholson, City Manager

Publish: January 22, 2014

Affidavit of Publication

STATE OF OREGON

COUNTY OF COOS } ss

I, _____

being first duly sworn, depose and say that I am the *Publisher*

of the Myrtle Point Herald, a newspaper of general circulation, as defined by sections

193.010 and 193.020 O.R.S.; and published at

Myrtle Point in the aforesaid county and state;

Legal and Public Notice of

Hearing - Myrtle Point City Council

a copy of which is here annexed, was published in the following issues of said newspaper for one (1) week(s) in the following issue(s):

January 22 2014

Signed *James Lee Lillie*

By _____

Subscribed and sworn to before me this

28th day of January, 2014

Cindy Lee Lillie

Notary Public of Oregon

(My Commission expires 10/18/16)



**CITY OF MYRTLE POINT
CITY COUNCIL MEETING MINUTES
Regular Meeting
Monday, February 3rd, 2014 - 7:30 p.m.,
Flora M. Laird Memorial Library Meeting Room
435 Fifth Street, Myrtle Point**

Councilors Present:

Barbara Carter
Daniel Martin
Jamie Myers
Phyllis Wilson
Doug Veysey

Councilors Absent:

Beau Allen
Alden Hamlin

Others Present:

Darin Nicholson, City Manager
Jessica Ortiz, RARE
Ryan Hall, Myrtle Point Herald
Donald Marinello

Dan Gardner, Fire Chief
Randy Whobrey, Public Works Director
Barbara Caffey, Library Director
John Rieth

CALL TO ORDER

Mayor Carter called the City Council meeting to order at 7:30 p.m. and led those present in the pledge of allegiance.

CONSENT ITEMS

- A. City Council Meeting Minutes of the January 6, 2014 Regular Meeting – Mayor Carter announced the consent item. Councilor Martin moved approval of the Minutes from the January 6, 2014 meeting as written. Councilor Myers seconded the motion which passed unanimously.

ACTION/DISCUSSION ITEMS

- A. Ordinance No. 1271 – AN ORDINANCE AMENDING THE CITY OF MYRTLE POINT DEVELOPMENT CODE – Second Reading. Mayor Carter announced the ordinance and Manager Nicholson explained that the ordinance had gone before the Planning Commission in January. Manager Nicholson noted that the Planning Commission had identified two additional textual corrections that should be made to the Development Code. The first occurs in Subsection 7b of Section 2.3.060-D Home Occupation Good Neighbor Standards. This should be amended to remove the phrase “subject to A-F above” from the end of the subsection as subsections A-F do not exist. The second correction occurs in Section 2.4.030 Floodplain (/FP) Overlay Zone. Under this Section, Subsections F – L on pages 2-33 – 2-37 should be renumbered as Subsections H – N in order to maintain consistency. Manager Nicholson also identified that the Development Code does not require that text corrections be made by ordinance, but because we have a proposed ordinance with other text corrections and an amendment to the section referencing the Flood Insurance Rate Maps, the Planning Commission recommended that the additional text corrections be included. He then indicated that a Public Hearing is required for amendments to the Development Code and primarily at this time adoption of the Flood Insurance Rate Maps with an effective date of March 17, 2014.

Mayor Carter then closed the Regular Meeting (at 7:34 p.m.) and opened a Public Hearing regarding ORDINANCE NO. 1271 – AN ORDINANCE AMENDING THE CITY OF MYRTLE POINT DEVELOPMENT CODE. Hearing no public comment, Mayor Carter closed the Public Hearing and reopened the Regular Meeting.

Mayor Carter requested that Ordinance No. 1271 be read by title only and Manager Nicholson did so. Councilor Veysey then made a motion to approve Ordinance No. 1271 and Councilor Martin seconded. Mayor Carter called for discussion and hearing none called for a vote. The motion passed by unanimous vote.

- B. Ordinance No. 1272 – AN ORDINANCE REPEALING ORDINANCE NO. 1242 AND ORDINANCE NO. 1255 AND STATING AN EFFECTIVE DATE. Mayor Carter announced the ordinance and read it by title only. Manager Nicholson explained that this ordinance was suggested by the City's Planner, Crystal Shoji. She had noted that Ordinance No. 1242 and Ordinance No. 1255, which were part of the old planning regulations used prior to adoption of the City of Myrtle Point Development Code (Ordinance No. 1267), had not been repealed with the other ordinances that made up those regulations. She recommended repealing these two ordinances to complete the process. Mayor Carter asked Manager Nicholson to read the ordinance by title only. Manager Nicholson did so and indicated during reading that the title may need to be amended as follows: "Ordinance No. 1272 – AN ORDINANCE OF THE CITY OF MYRTLE POINT REPEALING ORDINANCE NO. 1242 AND ORDINANCE NO. 1255 AND STATING AN EFFECTIVE DATE." There was some discussion regarding the necessity of the suggested title amendment. Following the discussion, Councilor Wilson made a motion to approve Ordinance No. 1272 - AN ORDINANCE OF THE CITY OF MYRTLE POINT REPEALING ORDINANCE NO. 1242 AND ORDINANCE NO. 1255 AND STATING AN EFFECTIVE DATE. Councilor Veysey seconded the motion which passed unanimously.
- C. Funding of USGS River Level Gauges on North and South Fork Coquille River – Mayor Carter announced the item and Manager Nicholson provided an explanation of how he found out that the County was considering discontinuing funding of the gauges and what he had learned to date. A memo provided in the Council packets summarized the situation. Mayor Carter stated that she had spoken with Commissioner Main after an Oregon Main Street meeting the previous Wednesday evening. Commissioner Main had told her that the County had approved a one-year funding agreement with USGS for the gauges for \$18,000. There was some discussion regarding the history of and need for the gauges. Fire Chief Gardner commented that he regularly uses the online report of river levels to determine which routes around the area likely to be impassible due to high water. Also, because he lives at a location that gets cut off during high water, he uses the gauges to determine if he needs to stay in town when the river is projected to flood. Several others indicated that the river gauges are important to public safety. Manager Nicholson asked if City Council feels strongly enough on the issue that he should contact the County Commissioners to encourage them to keep the gauges funded. Councilor Martin stated that he personally feels that the Myrtle Point and Coquille gauges are pertinent to public safety. Mayor Carter questioned whether the \$18,000 figure she was told by Commissioner Main was likely to pay for more than one of the gauges. Manager Nicholson pointed out that \$18,000 is nearly one fifth of \$102,000 which was the proposed amount for a five-year contract between USGS and Coos County. He speculated that \$18,000 may be the current annual cost which was continued one additional year while negotiations continue regarding future funding of the gauges. Councilor Veysey expressed the desire to have Manager Nicholson address the situation with the County Commissioners. Councilor Martin recommended that the situation at least be clarified. Councilor Myers expressed concern over budgetary resources if the County asks for City participation in funding the gauges. Councilor Wilson echoed the budgetary concerns but reiterated that there is a public safety issue.

After some additional discussion, Manager Nicholson agreed to contact the County Commissioners regarding their plans for the gauges.

PETITIONS FROM THE AUDIENCE

(There were none.)

UPCOMING MEETINGS AND EVENTS

- A. Myrtle Point Public Library Foundation Meeting – February 4, 2014, 7:00 p.m.
- B. Flora M. Laird Memorial Library Board Meeting – February 11, 2014, 6:30 p.m.
- C. League of Oregon Cities meeting – February 19, 2014, 11:00 a.m. – 1:00 p.m.

INFORMATION ITEMS

- A. Flora M. Laird Memorial Library Board Meeting Agenda – January 14, 2014
- B. Flora M. Laird Memorial Library Board Meeting Minutes – December 10, 2013
- C. Myrtle Point Public Library Foundation Meeting Agenda – February 4, 2014
- D. Myrtle Point Public Library Foundation Meeting Minutes – January 7, 2014
- E. Myrtle Point Public Library Foundation Annual Meeting Agenda – March 4, 2014
- F. Myrtle Point Public Library Foundation Annual Meeting Minutes – March 3, 2013
- G. City of Myrtle Point Safety Committee Meeting Minutes – January 16, 2014

OTHER COMMUNICATIONS

- A. City Manager Nicholson reported on the following:
 - 1. LOC Small Cities Meeting – Myrtle Point will be hosting the next LOC Small Cities meeting on Wednesday, February 19, 2014 from 11:00 a.m. to 1:00 p.m. in the OSU Extension Service meeting room. As was mentioned last month, we expect approximately 40 people in attendance based on recent LOC meetings. Following last Council meeting I began coordinating with Spruce Street Bar & Grill to provide a portion of the food for the event. In the meantime it was determined that the BBQ which was initially being considered for the main course did not have a food vendor's certificate. We have therefore negotiated with Spruce Street Bar & Grill to provide the entire meal. We expect the meal to be within the budget determined at last meeting. All Councilors are invited to attend the meeting if you are available.
 - 2. Broadband Strategic Plan – The first facilitated discussion meetings for the Myrtle Point Broadband Strategic Plan took place on January 21, 2014. Both sector meetings were well attended and all attendees participated in the discussion. A plenary meeting is scheduled February 6, 2014 from 1:30 to 4:30 p.m. in the OSU Extension Service meeting room. The Draft Strategic Plan will be reviewed at the plenary meeting and comments will be incorporated into the final plan.
 - 3. Wastewater Treatment Plant – The Wastewater Treatment Plant received final approval from DEQ and USDA in January. The project will be advertised for bid beginning on February 5th and bids are scheduled to be opened on April 1st. It is planned that a recommendation of award will be made by the engineer at the City Council meeting on April 7, 2014.
 - 4. Manager Nicholson also reported that there are two vacancies on the Budget Committee. He encouraged Councilors to sign the cards for the Budget Committee members whose terms have expired. He also encouraged Councilors to think of other community members who might be willing to serve on the committee.
- B. Public Works Director Whobrey reported on street lights on Spruce Street. He stated that Public Works cleans the globes annually, inside and out, and also whenever there is a bulb burned out. He stated that the lamps use 75 Watt bulbs. He will investigate whether or not other bulbs are available for the lamps.
- C. Fire Chief Gardner had nothing to report.

- D. RARE Jessica Ortiz reported on the following:
1. She organized two meetings regarding Oregon Main Street last Wednesday. Karen Auburn from the Port Orford Downtown Association attended the first meeting and shared her perspective on the Main Street program. Harvey Schwartz attended the second meeting to share Bandon's experience with the program. Miss Ortiz noted that the first step, about which many are enthusiastic, would be a clean-up day in downtown Myrtle Point. Miss Ortiz thanked Public Works Director Whobrey for the information on the street lights as that was a topic of concern for many at the meetings. Mayor Carter and Councilor Veysey commended Miss Ortiz for her work on Main Street.
 2. Miss Ortiz also noted that she spent the day at a Local Food Connection Conference in Eugene. One workshop she attended was on commercial kitchens. This topic is pertinent to the Community Center Feasibility Study as that is one of the elements under consideration for a Community Center.
- E. Library Director Caffey reported that the library will be closed Monday and Tuesday for staff training for the new ILS (Integrated Library System) catalogue software. She also reported that there will be a Library Foundation Soup Lunch on February 14th.
- F. Council Concerns and Comments (continued)
1. Councilor Myers reported that Valley Christian Center is in the process of having their kitchen certified as a commercial kitchen.
 2. Councilor Veysey reported that on January 18th Myrtle Point hosted SWOYA basketball for 3rd through 6th grade. Councilor Veysey enlisted the help of local teens to referee the games during the day. He read the following names of those who helped: Cooper Stateler, Tristian Mussatti, Carli Pride, Lyndzi Robbins, Greg Vincent, Madi McNeely, Cherise Kirkpatrick, Thomas Nathan, Taylor Fischer, Grace Hermann, and Alena Sturgill. He also noted that Bernie Kirkpatrick was involved throughout the day. He said it was a really good weekend.
 3. Councilor Wilson reported that she had read about problems that the City of Cottage Grove has been having related to water rights on the Row River. She was pleased that when she called Manager Nicholson to inquire about the issue that he already knew about it and was able to explain to her that Myrtle Point is not in danger at this time for similar litigation.
- G. Mayor Carter reported that the Library Foundation had earned \$786 at the book sale on Friday and Saturday. She also announced there would be a soup lunch on February 14th and that Glenn Olsen will be there for a book signing.

ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Carter adjourned the Regular Meeting at 8:08 p.m.

03/03/2014

Barbara A. Carter, Mayor
City of Myrtle Point