



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

8/11/2010

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

FROM: Plan Amendment Program Specialist

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

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Tuesday, August 24, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carol Parker, City of Warrenton
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative
Chris Shirley, FEMA Specialist

<paa> YA

2 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

DEPT OF

AUG 4 2010

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: Warrenton Local file number: CPA-10-1 & DCR-10-1

Date of Adoption: July 27, 2010 Date Mailed: August 3, 2010

Date original Notice of Proposed Amendment was mailed to DLCD: April 20, 2010

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: Flood Hazard Map

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

FEMA's revised flood hazard regulations & mapping required the city to revise
our Comprehensive Plan Flood Element, Development Code definitions and flood
flood hazard section and the flood hazard map.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, & 7

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 001-10 (18255) [16259]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

FEMA and DLCD

Local Contact

CAROL PARKER

Phone: (503) 861-0920

Extension:

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Address:

PO Box 250

City: Warrenton

Zip Code + 4:

97146

Email Address:

cparker@ci.warrenton.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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE No. 1149-A
Introduced by Commissioner: Terry Ferguson

Amending the City of Warrenton's Comprehensive Plan, Article 4, Section 4.320 (Flood Hazard); Warrenton's Development Code Chapters 1 (Section 1.3-Definitions) and 2 (Section 2.17-Flood Hazards Overlay District); and the Flood Map. Revised language in the Comprehensive Plan is attached as Exhibit "A", revised Flood Map is attached as Exhibit "B", and revised language in the Development Code is attached as Exhibit "C".

WHEREAS, certain changes are necessary to revise, update and amend Warrenton's Comprehensive Plan, Flood Map, and Development Code in order to comply with revised Federal Emergency Management Agency (FEMA) regulations, Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on July 13, 2010 and closed the public hearing on July 13, 2010; and

WHEREAS, the Warrenton City Commission has determined to approve adopting the revisions to the Comprehensive Plan, Flood Map, and Development Code as described in Exhibit "A, B, and C" which will amend the afore-mentioned sections of the Comprehensive Plan, Flood Map, and Development Code.

NOW, THEREFORE, The City of Warrenton ordains as follows:

Section 1: The City of Warrenton's Comprehensive Plan (Exhibit "A") is amended as described in the attached exhibits.

Section 2: The City of Warrenton's Flood Map (Exhibit "B") is amended as described in the attached exhibit.

Section 3: The City of Warrenton's Development Code (Exhibit "C") is amended as described in the attached exhibit.

Section 4: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 5: This ordinance shall become effective thirty (30) days from the date of its adoption.

Section 6: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

First and Second Readings: July 27, 2010

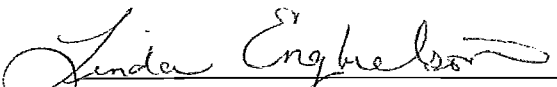
ADOPTED by the City Commission of the City of Warrenton, Oregon, this 27th day of July, 2010.

APPROVED



Mark Kujala, Vice-chair

ATTEST:



Linda Engbretson, City Recorder

Date the City mailed the Notice of Decision to parties with standing and to the Department of Land Conservation and Development on the required form:

COMPREHENSIVE PLAN

these areas.

Section 4.320 Flood Hazards

- (1) Public and private losses due to flood conditions shall be reduced by requiring buildings in flood hazard areas to be properly elevated or flood-proofed and by undertaking other measures necessary to avoid hazardous situations.
- (2) A flood hazard permit will be required for all types of development, including dredging and filling, in areas of special flood hazards identified by Federal Emergency Management Agency's (FEMA) Federal Insurance Rate Maps (FIRM). The FIRM maps were originally dated May 15, 1978 (as amended) and have been updated in March 2010 by FEMA.
- (3) Standards will be used in special flood hazard areas, which assure that:
 - (a) all building construction is elevated or floodproofed to the base flood level;
 - (b) all new construction and substantial improvements shall be anchored;
 - (c) all new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
 - (d) new or replacement of utility systems are designed to preclude flood loss; and
 - (e) other measures necessary to avoid flood hazards are undertaken.
- (4) The City will work to maintain and improve the system of dikes, which help prevent flooding in Warrenton, including possible construction of new pump stations and more efficient tidegates.

Section 4.330 Drainage and Erosion

- (1) Runoff and water erosion shall be controlled by requiring sound management practices in proposed subdivisions and large-scale commercial developments and by preparing and implementing a comprehensive stormwater drainage study.
- (2) The City will continue to improve its storm drainage system.
- (3) All proposed subdivisions and large-scale commercial developments must submit an engineered stormwater plan with construction plans. The plan shall meet the stormwater requirements in Chapter 3.6 of the City's Development Code.

FLOOD

MAPS

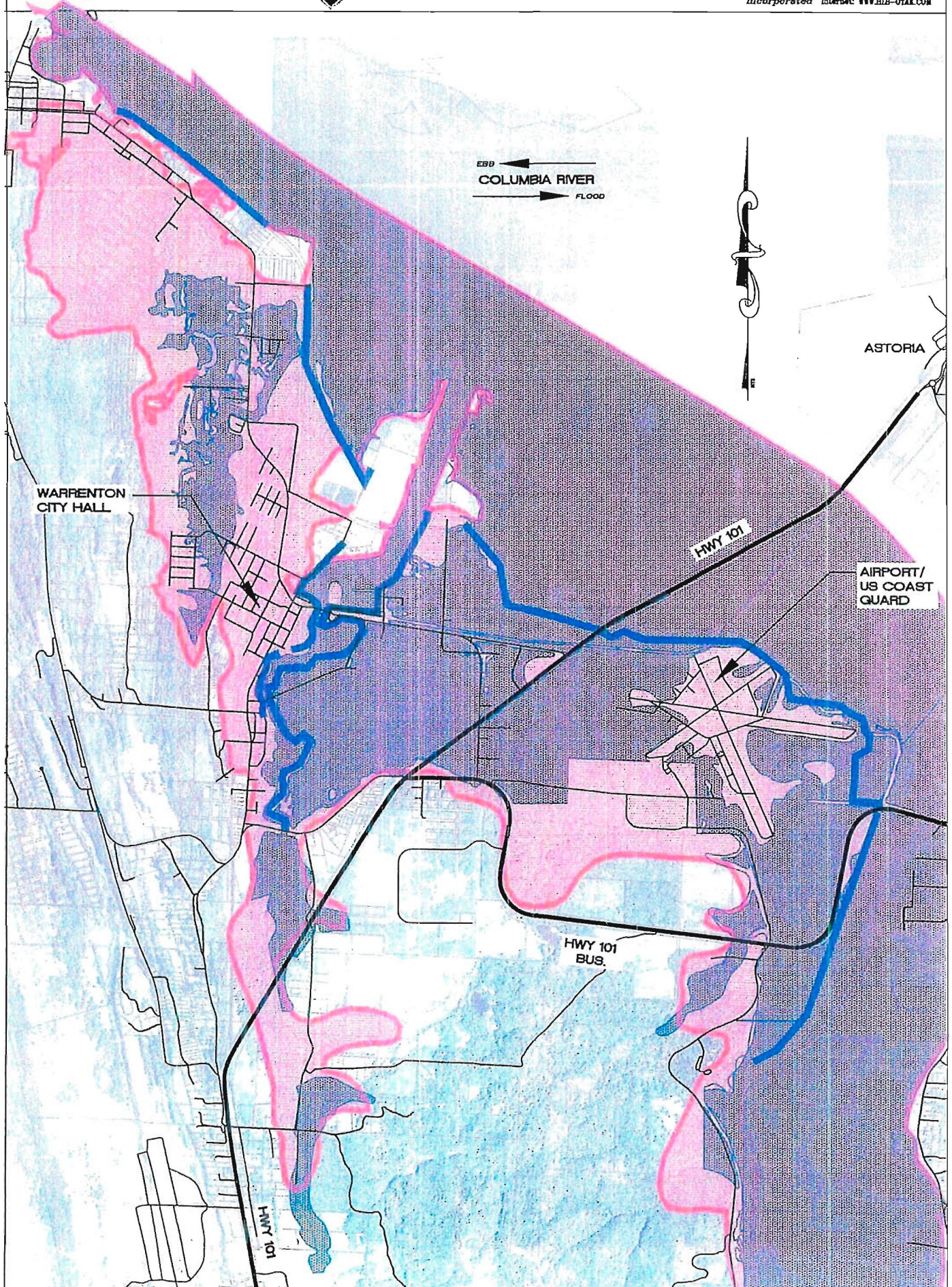
APPROX. NEW FLOOD
BOUNDARY
APPROX. EXISTING
FLOOD BOUNDARY



warrenton
Oregon



4253-A HWY 101 N.
GEARHART, OREGON 97138
Phone: (503) 738-3425
FAX: (503) 738-7455
Internet: WWW.OTAK.COM



X FLOODED ACCESS
CITY LEVEES
(APPROX. LOCATION)



Warrenton Oregon



625-1 8TH ST. S.
CLATSOP, OREGON 97130
Phone: (503) 738-1462
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Website: WWW.HLB-OLAK.COM

EBB
COLUMBIA RIVER

BRIDGE TO THE
STATE OF
WASHINGTON

ASTORIA

WARRENTON
CITY HALL

AIRPORT/
COAST
GUARD

HWY 101

HWY 101
BUS.

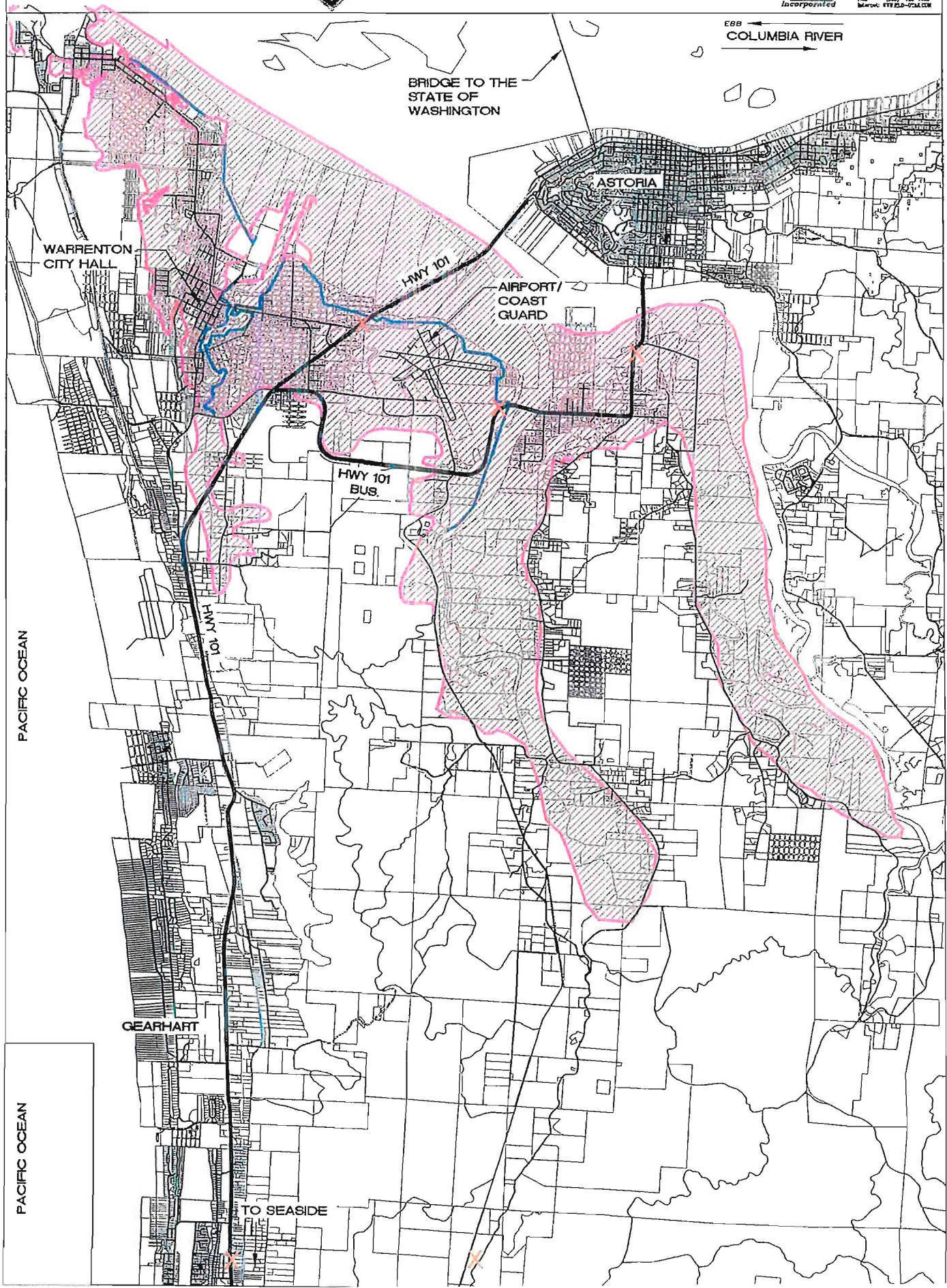
HWY 101

PACIFIC OCEAN

GEARHART

PACIFIC OCEAN

TO SEASIDE



DEVELOPMENT

CODE

- **Utility Runway:** A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Alley - A street that affords only a secondary means of access to the property. *See WDC Section 3.1.2.F.*

Ambient - Something that surrounds, as in the level of light, dust or noise.

Apartment - A portion of a building which is occupied or which is intended or designed to be occupied as an independent dwelling unit and contains separate housekeeping facilities for living, sleeping, cooking, and eating. As used in this Code, apartment refers to a secondary and accessory use of a portion of an otherwise non-residential building although apartment, as it is commonly used, may refer to an individual unit within a multi-family dwelling.

Appeal - means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Aquaculture - The raising, feeding, planting and harvesting of fish, shellfish, aquatic plants, or other aquatic organisms, including associated facilities necessary to engage in the use.

Aquatic Area - In the Columbia River Estuary, the tidal waters, including subtidal areas and wetlands, and the land underlying these waters. The upper limit of aquatic areas is the upper limit of aquatic vegetation or, where vegetation does not exist, Mean Higher High Water.

Arcade - An arched or covered passageway; often along building fronts or between streets.

Area of Shallow Flooding - A designated AO, or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly-defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicated ponding.

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. Areas so designated on Flood Insurance Rate Maps (FIRM) always include the letters A or V.

Arterial - A street or road of considerable continuity which is primarily a traffic artery for intercommunication among large areas. *See WDC Chapter 3.5.1.*

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Arts and Crafts Establishment - The sales, teaching, practice, production, and repair of articles in the arts and crafts field, providing that such establishments shall be limited to those requiring special artistic skills or manual skills of a handicraft nature.

Automobile

- **Oriented Uses** – “Automobile-oriented uses” means automobiles and/or other motor vehicles which are an integral part of the use; includes drive-up, drive-through, vehicle sales, service, or repair, and similar uses. These uses may be restricted when they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.
- **Repair** - a business which repairs all aspects of a vehicle, including painting.
- **Sales or Service Establishment** - A business engaged in the storage, sales or servicing of automobiles, trucks, recreation vehicles, or other vehicles. Gasoline service stations are not included in this definition.
- **Service Station** - A business primarily engaged in the retail sale and dispensing of internal combustion fuels and lubricating oils for use in automobiles, light trucks, and recreation vehicles. A gasoline service station may also service vehicles (tune-up, brake work, lubrication, engine repair, electrical system work, etc.) if such work is conducted in an enclosed structure built especially for that purpose.

Avulsion - A tearing away or separation by the force of water. Land, which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Bankline Alteration – Realignment of a stream bank or the entire stream, either within or outside of its normal high water boundaries.

Base Flood - 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 Flood Insurance Rate Maps (FIRM) always includes the letters A or V.

Base Zone – The underlying (or base) zoning district for a particular lot or land area. *WDC Chapters 2.1 – 2.17* lists all of the city’s base zones. Not included in this definition are “overlay zones” which are listed in *WDC Chapters 2.18 – 2.23*.

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

Beach - Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

Beach Nourishment - Placement of sand material on actively eroding beach sites identified in the Dredged Material Management Plan to maintain the historic beach profile. Beach nourishment does not include creation of new land area or beaches and must provide for the protection of estuarine resources (including habitat, nutrient, fish, wildlife, and aesthetic resources). Dredged material may be used for beach nourishment.

Bed and breakfast inn - An owner- or operator-occupied dwelling where no more than five rooms are available for transient lodging and where a morning meal is provided.

Below-grade crawl space - an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Berm - A small rise or hill in a landscape, which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Block - A parcel of land or group of lots bounded by intersecting streets. See also, Chapter 3.1.

Boarding, lodging or rooming house - A residential type of building or portion thereof, other than a hotel or motel, where lodging with or without meals is provided for not less than two persons nor more than ten persons, not including members of the owner- or tenant-occupied family.

Boat House - A floating or pile-supported structure used for the protection and storage of a boat or boats.

wall of the building is not more than ten (10) feet above that lowest grade. (See also definition of “Grade”.)

b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (See also definition of “Grade”.)

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Bulkhead - A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

Business Service Establishment - Businesses primarily engaged in rendering services to other business establishments. These services include, but are not limited to employment services, advertising services, consumer credit and reporting services, collection services, mailing services, and building maintenance services. Not included in this definition are repair, professional, educational or contract construction services.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Care Facility - see definition “Residential Facility”

Cellular Tower – See “Wireless Communication Facility”.

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center - Provides care and supervision of four (4) or more, not to exceed 12 minor children for periods of less than 24 hours. See also, ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Coastal high hazard area - an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Critical Facility - 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.

Curb cut - A driveway opening where a curb is provided along a street.

Day Care - The residence of the day care provider which receives no more than three (3) children for the purpose of providing care (excludes children's relatives).

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Department Store - A store that carries several lines of merchandise and is organized into separate departments for the purpose of promotion, service, accounting and control.

Designated water-dependent shoreland site - an estuarine shoreland area designated in a comprehensive plan and land use regulation to comply with Coastal Shoreland Uses Requirement 2 of Goal 17, Coastal Shorelands [OAR 660-015-0010(2)].

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

Dike, Dredged Material Disposal - A structure consisting of sediments, rock, or other material designed to contain the dredged material and allow for settling of solids in a specific area while it is being deposited and after deposition has occurred.

Dike, Flood Protection – A structure designed and built to prevent inundation of a parcel of land by water.

Discontinued – With regard to residential structures in the general commercial (C-1) zoning district, a discontinued building is one that can be classified as a dangerous building and/or can no longer be used for habitation purposes, as determined by the building official. For general regulatory purposes, discontinue means: To interrupt the continuance of; to put an end to; to cause to cease; to cease using, to stop; to leave off. See *WDC Sections 2.6.110 and 2.7.110*. See also *WDC Chapter 5.2, Non-Conforming Uses and Developments*.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Dividing Land - The process of separating a parcel of land or a lot into a number of lots or parcels by partitioning or subdividing. The dividing has occurred when an approved plat or map has been filed. See *WDC Chapter 4.3, Land Divisions and Lot Line Adjustments*.

Dock - A pier or secured float for vessel moorage, fishing, or other water use.

Dolphin - A structure consisting of two or more wood, concrete or steel piling, usually fastened together by means of cable, and driven into the bottom of an aquatic area.

Double Frontage Lot –A lot having frontage on two parallel (or near parallel) streets other than alleys. See “Lot, Through”.

Dredged Material - Sediments, gravel, and other solids removed from an aquatic area.

Dredged Material Disposal – The deposition of dredged materials in aquatic or land areas. Methods include land disposal (deposition in specific land areas or on the tops and landward side of flood protection dikes) and in-

including dissolved and suspended materials, which flows from a dredged material disposal site.

Elevated Building - 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.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Emergency - With respect to permit requirements in the Columbia River Estuary, emergency conditions are limited to: (a) severe bankline or dike erosion during a storm event or a high tide that threatens property or public safety; or (b) oil or hazardous waste spills subject to U.S. Coast Guard Captain of the Port (COTP) authority; or (c) a 100 year (or more severe) flood event; or (d) flooding caused by a tsunami; or (e) extreme sedimentation, such as that caused by the eruption of Mt. St. Helens.

Environmentally sensitive areas - See “sensitive lands”.

Estuarine Enhancement - An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

Estuarine Open -Water Dredged Material Disposal - All types of in-water dredged material disposal within the estuary which do not fall into the classifications of flow lane disposal, beach nourishment, sump disposal, agitation dredging and disposal to provide fill material for an approved aquatic area fill project.

Estuary - A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: estuarine water, inter-tidal areas, and submerged lands.

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Existing manufactured home park or subdivision - see “manufactured home park”.

Expansion to an existing “manufactured home park or subdivision” - see “manufactured home park”.

Family – One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding employees) all or part of whom are not related by blood, marriage legal adoption or guardianship, living together as a single housekeeping unit in a dwelling unit. For purposes of “accessory dwellings”, family members shall include only those persons related by blood, marriage, legal adoption, or guardianship. “Household” may be used interchangeably with “Family”.

Family day care - See “child care facilities”.

Fence - An accessory structure designed and intended to serve as a barrier or as a means of enclosing a yard or other area or other structure; or to serve as a boundary feature separating two or more properties.

Fence, Sight-obscuring - A fence designed to obstruct vision.

Fill - The placement by man of sand, sediment, or other material to create new uplands or raise the elevation of land.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters and/or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Hazard Boundary-Floodway map, and the water surface elevation of the base flood.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Condominium”. Unless otherwise permitted by this code (i.e., master planned developments), single family dwellings are not permitted in multi-family housing developments. See WDC Chapter 3.18 for multi-family housing design standards.

Multi-use pathway - See *WDC Section 3.1.3*.

Municipal Support Structure - City-owned buildings used for the purpose of fire protection, police, administration, municipal court, public works, recycling, and similar uses.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Navigation Aid - Beacons, buoys, lights, range markers and other objects providing directional assistance for air or water navigation.

Navigational Structures - Jetties, groins, pile dikes, breakwaters and other in-water structures designed to change or moderate hydraulic characteristics for the purpose of improving navigation.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

New Construction - Structures for which the “start of construction” commenced on or after the effective date of this Development Code.

New Dredging - Dredging in an area that has not been dredged before; or deepening an existing dredged channel, basin, or other facility beyond its previously authorized or approved depth; or dredging a channel, basin, or other facility that has not been in use or operation in the past five years.

New manufactured home park or subdivision - see “manufactured home park or subdivision”.

Nonconforming Structure or Use - A lawful, existing structure or use at the time this Development Code or any amendment thereto becomes

Sign - An identification, description, illustration or device which is affixed to, or represented directly or indirectly upon, a building, structure or land and which directs attention to a product, place, activity, person, institution or business. See Chapter 3.7.

Significant Trees, Significant Vegetation – Individual trees with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. See *WDC Section 3.2.2*. See also Chapter 3.10, Protection of Wetland Areas and Riparian Vegetation, for additional protection measures for riparian and wetland vegetation.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site design review, development review - See *WDC Chapter 4.2*.

Specific Area Plan - See *WDC Chapter 2.5*.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Start of Construction - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Building Codes - the combined specialty codes.

Steep slopes - Slopes of greater than 25 percent.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out.

Structural Alteration - A change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams girders or any structural change in the roof or in the exterior walls.

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

Substantial Damage - Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its original condition before damaged would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:

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

The term does not include:

- c. any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- d. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Subdivide Land – To divide land into four or more lots within a calendar year.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Transportation facilities - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex - A building with three attached housing units located on one lot or parcel designed for occupancy by three families.

Upland - Those areas that are not inundated or saturated by surface or ground water at frequency or duration sufficient to support, and that under normal circumstances do not support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Use - The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this development code. See *WDC Chapter 5.1*.

Vision clearance area - A triangular area of clear vision maintained at the intersection of two streets or a street and a railroad to provide a clear view of streets to motorists, pedestrians, and bicyclists. See *WDC Figure 3.1.2*.

Warehouse - A structure used exclusively or principally for the storage of commercial goods, machinery, equipment, fishing gear or other items of a commercial or industrial nature.

Water Area - The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

Water-Dependent - A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. In addition, the following definitions apply:

Chapter 2.17 — Flood Hazard Overlay (FHO) District

Sections:

2.17.100 Purpose

2.17.110 General Provisions

2.17.120 Administration

2.17.130 Standards for Flood Hazard Reduction

2.17.100 Purpose - The purpose of the FH Overlay District is to regulate the use of those areas that are subject to periodic flooding in order to promote the public health, safety, general welfare, and to minimize public and private losses due to flood conditions. FEMA's FIRM map shows the flood areas in Warrenton being in the FIRM category "A and AE" in specific areas by provisions designed:

- A. To combine with other zoning requirements, certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City;
- B. To protect human life and health;
- C. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;
- D. To minimize expenditure of public money and costly flood control projects;
- E. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard as to minimize future flood blight areas;
- G. To minimize prolonged business interruptions;
- H. 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;
- I. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

- J. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2.17.110 General Provisions

- A. Areas Affected by FH Overlay District: This district shall apply to all areas of special flood hazards within the jurisdiction of Warrenton. Since the FH Overlay District is an overlay zone, one or more other zoning districts will also regulate the use of land in areas of special flood hazards.
- B. Basis for Establishing the Areas of Special Flood Hazards: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study" for the City of Warrenton, dated 15 May 1978, and for the Town of Hammond, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary Maps and accepted revisions made by FEMA on March 17, 2010 provides the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 2.17.120. The Flood Insurance Study is on file at the Warrenton City Hall.
- C. Prohibited Uses: In an FH Overlay District it shall be unlawful to erect, alter, maintain or establish, in an FH Overlay District, any building, use, or occupancy not permitted by the provisions of this or any other applicable zoning district except existing non-conforming uses and structures, which may continue as specified in Section 5.2.
- D. Warning and Disclaimer of Liability: The degree of flood protection required by 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 the City of Warrenton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- E. Penalties for Non-Compliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or

fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1000 for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Planning Director from taking such other lawful action as is necessary to prevent or remedy any violation.

- F. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, state building codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- G. Severability: If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.
- H. Interpretation: In the interpretation and application of this ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and,
 - 3. Deemed neither to limit or repeal any other powers granted under State statutes, and rules including state building codes.
- I. Encroachments: The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1 ft.) at any point.

2.17.120 Administration

- A. Establishment of Floodplain Development Permit: A Floodplain Development Permit, in addition to any regular building permit and/or grading permit that may be required, shall be obtained before construction or development begins in any area of special flood hazard established in Section 2.17.100. The permit shall be for all structures including manufactured homes, as set forth in the “definitions”, and for all development including fill and other activities.
- B. Application for a development permit shall be made on forms furnished by the Planning & Building Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the

location of the foregoing. Specifically, the following information is required:

1. Description of proposed development;
2. Size and location of proposed development (site plan required);
3. Base flood elevation at the site;
4. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
5. Elevation to which flood-proofing has occurred (if any);
6. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 2.17.130.
7. Elevation in relation to mean sea level of flood-proofing in any structure;
8. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
9. FEMA/NFIP Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by law to certify elevation information (for all new structures and substantial improvements unless otherwise exempt from this requirement by state or federal law).

C. Duties and Responsibilities: The duties of the Planning Director or designee shall include, but not be limited to:

1. Review all building permits to determine that the permit requirements and conditions of this Ordinance have been satisfied.
2. Review all development permits to require that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
3. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

D. Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 2.17.110, the Planning

Director or designee shall obtain, review, and reasonably utilize any base flood elevation floodway data available from a Federal, State, or other source, in order to administer Section 2.17.120.

E. Information to be Obtained and Maintained by Planning and Building Department.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 2.17.120, the Building Official shall verify, obtain and record the actual elevation (in relation to mean sea level) of the lowest flood (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 2.17.120:
 - i. verify and record the actual elevation (in relation to mean sea level), and
 - ii. Maintain the flood-proofing certifications required in Section 2.17.120.
 - iii. Maintain for public inspection all records pertaining to the provisions of this ordinance.
3. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
4. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters.

F. Interpretation of FIRM Boundaries: Interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (i.e., 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 reasonable opportunity to appeal the interpretation to the Planning Commission.

G. Alteration of Watercourses:

1. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

H. Variance Procedures:

1. Variances shall be issued or denied in accordance with Chapter 5.1 of this Ordinance.
2. Conditions for Variances
 - i. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
 - ii. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - iii. Variances shall not be issued within a designated floodway, if any increase in flood levels during the base flood discharge, would result.
 - iv. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - v. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;

- (b) A determination that the failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- vi. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- vii. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- viii. Variances may be issued for non-residential building(s) 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 variance criteria and otherwise complies with General Standards.
- 3. Any applicant to whom a variance is granted (complies with Section 4.1.3 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.

I. Appeals:

- 1. Appeals will be conducted in accordance with Section 4.1.4. of this Code, and
 - i. The Hearings Body as established by Section 4.1.4 of this Development Code, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

- ii. The Hearings Body shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the governing body in the enforcement or administration of this ordinance.
 - iii. Those aggrieved by the decision of the governing body, may appeal such decision to the appropriate hearings body, as provided in Section 4.1.4 of this Development Code.
2. In passing upon such applications, the hearings body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. 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,

- xi. 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 streets and bridges.
- 3. Upon consideration of the factors and the purposes of this ordinance, the Hearings Body may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 4. The Planning and Building Department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2.17.130 Standards for Flood Hazard Reduction - In all areas of special Flood Hazard Overlay Zone (FHO Zone), the following standards are required:

A. Anchoring:

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- 2. All manufactured homes shall 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 and frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)
- 3. A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

B. Construction Materials and Methods:

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities:

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

D. Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
4. 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 five (5) acres (whichever is less).

E. Alteration of Watercourses:

1. No watercourse shall be altered until a maintenance plan is provided which assures that the flood-carrying capacity of altered or relocated portions of the watercourse is not diminished.
2. The Planning Director shall notify the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least (2) two feet above grade in these zones may result in higher insurance rates.
- G. Specific Standards, Residential and Non Residential Construction: In all areas of special flood hazards (FH Overlay District) where base flood elevation data has been provided as set forth in Section 2.17.110, Basis for Establishing the Areas of Special Flood Hazard, the following provisions shall apply unless a variance is granted in accordance with Section 2.17.120 and Chapter 5.1.
1. Residential Construction:
 - i. 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.
 - ii. 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 be either, certified by a registered professional engineer, 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 (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) 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.

2. Non-residential Construction.

- i. New Construction and substantial improvement of any commercial, industrial, or other non-residential 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:
 - (a) Be flood-proofed 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;
 - (c) 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, specification and plans. Such certifications shall be provided to the building official as set forth in Section 4.10;
 - (d) Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 2.17.130;
 - (e) Applicants flood-proofing non-residential buildings shall be notified that the 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).
- ii. 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 (3) 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. 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 shall be provided to all critical facilities to the extent possible.

H. Manufactured Homes/Dwellings:

1. All manufactured homes to be placed or substantially improved on sites:
 - i. outside of a manufactured home park or subdivision,
 - ii. in a new manufactured home park or subdivision,
 - iii. in an expansion to an existing manufactured home park or subdivision, or
 - iv. in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 in. (46 cm)¹ above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - i. the lowest floor of the manufactured home is elevated to a minimum of 18 in. (46 cm) above the base flood elevation, or
 - ii. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

¹ See 2002 Oregon Manufactured Dwelling & Parks Specialty Code, Chapter 3. The code also requires that the top of the dwelling stand be at least 12 inches above BFE.

I. Specific Standards, Manufactured Dwelling Parks or Subdivisions:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. 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).

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

1. be on the site for fewer than 180 consecutive days,
2. be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the requirements in Subsection 2.17.B.9, and the elevation and anchoring requirements for manufactured homes.

K. Review of Flood Hazard Permits: Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2 ft) above grade in these zones may result in higher insurance rates.

L. Flood Hazard, Park and Open Space Dedications. Where fill and/or development is allowed within or adjacent to the 100-year floodplain outside the zero-foot rise floodplain, and the Comprehensive Plan designates the subject floodplain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the floodplain. When practicable, this area shall include portions at a suitable elevation for the construction of a

pedestrian/bicycle pathway within the floodplain in accordance with the City's adopted TSP for trails, pedestrian, and bikeway, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact and shall be consistent with Chapter 3.5, Section 3.5.2.

- M. Temporary encroachments in the floodway for the purposes of bridge construction and repair:
- i. This use shall comply with Development Code Sections 2.17 (Flood Hazard Overlay District), 4.1.4 (Type II procedure), and 4.9 (Temporary Uses and Structures) prior to issuance of any permits.
 - ii. The temporary permit shall state the number of days the structure or other development will be on the site. If a longer period is required, a new permit shall be issued.
 - iii. A flood warning system for the project should be in place to allow equipment to be evacuated from the site and placed outside the floodplain.
 - iv. Placement of equipment in the floodway should be restricted to only equipment which is absolutely necessary for the purposes of the project. All other accessory equipment and temporary structures (ie., construction trailers) should be restricted from the floodway. Structures should be placed on site so that flood damages are minimized. Anchoring the construction trailers in case evacuation is not practical.

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