



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 3, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scio Plan Amendment
DLCD File Number 001-06

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: July 17, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator
Cathy Martin, City of Scio

<paa> ya/email

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197-610, OAR Chapter 660 – Division 18

DEPT OF

(See reverse side for submittal requirements)

JUN 27 2007**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Scio Local File No.: None
(If no number, use none)

Date of Adoption: June 25, 2007 Date Mailed: June 26, 2007
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 5, 2007

☐ Comprehensive Plan Text Amendment ☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment ☐ Zoning Map Amendment
☐ New Land Use Regulation ☒ Other: Flood Ordinance Amendment
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
This was a comprehensive amendment package for the Scio Flood Ordinance. Most changes were of a housekeeping nature. Other changes included: eliminating the duties of the City Recorder; establishing a Floodplain Manager; providing specific construction requirements for "Fill and Excavation"; requiring first flood elevation to be 2 feet above the base flood elevation; and establishing the use of other base flood data.

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."
The adopted amendment clarified the date that fill in the floodplain is cumulative from. The automatic adoption of all future amendments to the Flood Insurance Rate Maps was eliminated.

Plan Map Changed from: XXX to _____

Zone Map Changed from: XXX to _____

Location: XXX Acres Involved: XXX

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

Applicable State Wide Planning Goals: 1,2,7

Was an Exception Adopted? Yes: ☐ No: ☒

DLCD File No.: 001-06 (15566)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.**

Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply.

Yes: ☐ No: ☐

If no, did The Emergency Circumstances Require immediate adoption.

Yes: ☐ No: ☐

Affected State or Federal Agencies, Local Governments or Special Districts: Scio School District, Scio Rural Fire Protection District, Linn County

Local Contact: Cathy Martin

Area Code + Phone Number:

503-394-3342

Address: 38957 NW 1st Avenue, PO Box 37

City: Scio

Zip Code + 4: 97374-0037

Email Address:

scio@smt-net.com

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, OR 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adoption 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 Mara.Ulloa@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

Ordinance No. 563
SCIO Flood Ordinance
June 25, 2007

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ORDINANCE NO. 563

AN ORDINANCE ESTABLISHING SPECIAL FLOOD HAZARD AREAS, PROVIDING FOR REGULATION WITHIN SUCH AREAS AND DECLARING AN EMERGENCY.

The City of Scio does ordain as follows:

SECTION 1. TITLE: This ordinance shall be known as the "Flood Hazard Ordinance" of the City of Scio, Oregon.

SECTION 2. STATEMENT OF PURPOSE: It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

METHODS OF REDUCING FLOOD LOSSES

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

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 3. DEFINITIONS: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. ACCESSORY STRUCTURE: shall mean a building not over 200 square feet in area and not more than 10 feet in height measured to highest point. For the purposes of this ordinance, accessory structures are "new construction."
2. AREA OF SHALLOW FLOODING: means a designated AO 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.
3. AREA OF SPECIAL FLOOD HAZARD: shall mean the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.
4. BASE FLOOD: shall mean 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.
5. BASEMENT: shall mean any area of the building having its floor sub-grade (below ground level) on all sides and over 4 feet in depth.
6. BUILDING OFFICIAL: shall mean the person or his duly authorized representative; licensed by the State of Oregon and charged with the responsibility to administer and enforce the provisions of the State Building Code.
7. BUILDING PERMIT: shall mean a permit issued by the Building Official to allow the commencement of construction or siting of a building or structure subsequent to review for conformance with the Uniform Building Code. "Building Permit" shall include manufactured home location permit.
8. CERTIFICATION: shall mean an original document, legally authenticated, which provides written testimony as to the truth of any fact.
9. CITY ENGINEER: shall mean a fully qualified registered professional engineer designated by the City Council to fulfill the responsibilities of the City Engineer as specified in the Ordinance.
10. CRAWL SPACE: shall mean a shallow uninhabitable area, usually between the soil and the first floor of the home. The minimum clearance must be 18" in height between the interior grade and the floor joists and no more than 4' in height between the interior grade and the first habitable floor.
11. CRITICAL FACILITY: shall mean a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, Scio City Hall, schools, nursing homes, hospitals, electrical substations, police, fire and emergency

response installations, installations which produce or store hazardous materials or hazardous waste.

12. DEVELOPMENT: shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within a special flood hazard area.
13. DEVELOPMENT PERMIT: shall mean a permit authorized at the discretion of Flood Plain Administrator to allow any "development" as defined in Section 3 of this Ordinance within a special flood hazard area.
14. ELEVATED BUILDING: shall mean for insurance purposes, a non-basement building which has its lowest floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
15. ELEVATION CERTIFICATE: shall mean the Federal Emergency Management Agency National Flood Insurance Program Elevation Certificate.
16. FLOOD OR FLOODING: shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, and the unusual and rapid accumulation of runoff of surface waters from any source.
17. FLOOD INSURANCE RATE MAP (FIRM): shall mean the official map on which the Federal Insurance Administration has delineated both special flood hazard areas and the risk premium zones applicable to the City of Scio, Oregon.
18. FLOOD INSURANCE STUDY: shall mean the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map and the water surface elevation of the base flood.
19. FLOOD PLAIN: shall mean any land area susceptible to flooding from any source, the areas of which are delineated on the Flood Insurance Rate Maps applicable to the City of Scio.
20. FLOOD PROOFING: shall mean any combination of structural or nonstructural additions, changes or adjustments to structures or facilities, including the contents thereof, which reduce or eliminate flood damage to improved or unimproved real estate, water and sanitary facilities, structures and their contents.
21. FLOODWAY: shall mean 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.
22. FLOW THROUGH FOUNDATION: shall mean foundations which are designed to automatically equalize hydrostatic 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 meet or exceed the following minimum

criteria: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

23. HABITABLE FLOOR: shall mean any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used solely for storage purposes is not a habitable floor.
24. LOWEST FLOOR: shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 10.2.
25. MANUFACTURED HOME: shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
26. MEAN SEA LEVEL: shall mean the average height of the sea at all stages of the tide.
27. NEW CONSTRUCTION: shall mean structures, additions to pre-FIRM structures, appurtenant systems, and equipment for which the "start of construction" commenced on or after May 26, 1987.
28. NEW MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: shall mean a parcel or contiguous parcels of land divided into three (3) or more manufactured home spaces or lots for rent or sale for which the construction of facilities for servicing the manufactured home (including the installation of utilities, final site grading or pouring of the concrete pad, or the construction of streets) is completed on or after the effective date of this Ordinance.
29. RECREATIONAL VEHICLE: shall mean a vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently tow-able by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. – For a more comprehensive definition see Scio Zoning Ordinance No. 561, Section 1.030.
30. START OF CONSTRUCTION: includes substantial improvement, and shall mean 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. 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 external dimensions of the building.

31. STRUCTURE: shall mean a walled and roofed building including a gas or liquid storage tank that is principally above ground.
32. SUBSTANTIAL DAMAGE: shall mean 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.
33. SUBSTANTIAL IMPROVEMENT: shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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 commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. 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
 - b. Any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
34. VARIANCE: shall mean a permit acted upon by the Planning Commission, with provisions for appeal to the City Council pursuant to Section 11 of this Ordinance to allow a means of alleviating such practical difficulties or unnecessary hardship which might result from a strict or literal interpretation and enforcement of the regulations of this Ordinance. A variance is not intended to subvert the intent of this Ordinance.

SECTION 4. GENERAL PROVISIONS:

1. LANDS TO WHICH THIS ORDINANCE APPLIES:

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Scio, Oregon.

2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Scio, Oregon" dated August 1, 1984, with accompanying Flood Insurance Rate Maps, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Scio City Hall.

3. USE OF OTHER BASE FLOOD DATA:

The Floodplain Administrator shall obtain, review and reasonably use base flood and flood data from other sources, i.e., Federal, State, County or historical resources, to establish the Base Flood Elevation.

4. PENALTIES FOR NONCOMPLIANCE:

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. 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 or fails to comply with any provision of this ordinance shall upon conviction thereof, be deemed guilty of an infraction and shall be punished by a fine of not less than \$50.00 and not more than \$1,000, as determined by the Scio Municipal Court. It shall be the responsibility of the person violating this ordinance to abate the violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

5. 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, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. INTERPRETATION:

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and,
- c. Deemed neither to limit or repeal any other powers granted under State statutes.

7. 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 Scio, 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.

SECTION 5. FLOODPLAIN ADMINISTRATOR:

1. APPOINTMENT OF THE FLOODPLAIN ADMINISTRATOR. The City Manager/Recorder is hereby appointed as the Floodplain Administrator. The duties of the administrator in general, are to administer and enforce this ordinance.
2. DUTIES OF THE FLOODPLAIN ADMINISTRATOR. The specific duties of the Floodplain Administrator shall include, but not be limited to, the following:
 - a. Permit review and inspections:
 - i. To review all development applications to determine whether the permit requirements of this ordinance have been satisfied;
 - ii. To review all development permits to determine that all necessary permits have been obtained from the federal, state, or local government agencies from which prior approval is required;
 - iii. To review all development permits to determine if the proposed development is located in a Special Flood Hazard Area (SFHA). If located in a SFHA, assure that all of the standards of this ordinance are met;
 - iv. To conduct inspections and determine compliance with this ordinance.
 - b. Information to be obtained and maintained:
 - i. Where base flood elevation data is provided through the Flood Insurance Study, to obtain and to record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and record whether or not the structure contains a basement;
 - ii. For all new or substantially improved structures which are flood-proofed:
 1. To verify and record the actual floor and flood level elevations (in relation to mean sea level); and
 2. To maintain the flood-proofing certifications required by this code.
 - iii. To notify the Department of Land Conservation and Development and all other affected federal, state and county agencies prior to any alteration or relocation of a watercourse and to submit copies of such notification to the Federal Insurance Administrator.
 - iv. To maintain records of all actions taken pursuant to this ordinance.
 - c. Interpretation of FIRM boundaries: To make interpretations as to the exact locations of SFHA boundaries and where necessary to make inspections to determine the exact location of the boundaries.
 - d. Interpretation of base flood elevations: To determine the base flood elevation at a development site.

- e. Assure the flood carrying capacity: To assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 6. DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER: The Scio City Engineer shall be charged with the following duties and responsibilities:

1. The City Engineer shall assist the Floodplain Administrator in completion of the duties and responsibilities assigned in Section 5 above and in particular shall assist in the review of applications for development permits, the interpretation of the FIRM boundaries and in researching for flood elevation data not available pursuant to Section 4.
2. The City Engineer shall review and report to the Planning Commission on all variances requested pursuant to Section 11 and all appeals of an administrative determination filed pursuant to Section 12 of this Ordinance and shall assess and report the degree to which such applications comply with the intent and provisions of this Ordinance.
3. The City Engineer shall review comprehensive plan and/or zone amendments, conditional use, subdivision, partition and variance requests proposed to be located within a Special Flood Hazard Area and shall report to the Scio Planning Commission concerning the advisability of approving or denying the proposal given the severity of the flood hazard.

SECTION 7. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL: The Building Official is hereby authorized to issue building permits in accordance with the state building code for construction in a Special Flood Hazard Area only if the applicant has obtained a development permit from the City of Scio, issued pursuant to the provisions of Section 9 of this Ordinance.

SECTION 8. USE OF OTHER BASE FLOOD DATA:

1. When base flood elevation data has not been provided in accordance with Section 4.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 10.
2. 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 the 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 above grade in these zones may result in higher insurance rates.

SECTION 9. DEVELOPMENT PERMITS:

1. Development Permit Required

The application for a building permit shall also be the application for a development permit. When it is determined that the building permit request applies to land situated within the SFHA area as shown on the Flood Insurance Rate Map (FIRM), the development permit shall be reviewed and acted upon prior to approval of the building permit. A permit shall be obtained for all structures including manufactured homes, accessory structures and for all development including fill and other activities, defined by this ordinance.

2. Application for Development Permit

When it is determined that a development permit is required, the applicant shall submit the following information to supplement the application: 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:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been flood proofed;
- 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 10.5 and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

3. A Development Permit issued by the Flood Plain Administrator shall be obtained prior to issuance of any federal, state, county or local permit regulating "development" as defined in Section 3 of this Ordinance. Failure of the applicant to obtain a development permit prior to the start of construction shall stay any permits issued by any federal, state, county or local governmental entity.

4. The Flood Plain Administrator, pursuant to Section 5 of this Ordinance, shall review all applications for development permit and shall require that the standards in Section 10 of this Ordinance which are applicable to the proposed use are satisfied prior to issuance of such permit.

SECTION 10. DEVELOPMENT STANDARDS:

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 techniques).

2. CRAWLSPACE CONSTRUCTION. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Area*:
 - 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 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 analysis 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 tiles or gravel or crushed stone drainage by gravity or mechanical means.
 - h. The velocity of flood waters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

3. RESIDENTIAL CONSTRUCTION INCLUDING MANUFACTURED HOMES.

- a. New construction or substantial improvement of any residential structure shall have the lowest habitable floor, including basement, elevated a minimum of two (2) feet above the base flood elevation.
- b. All manufactured homes to be placed or substantially improved within the Special Flood Hazard Area shall be elevated on a permanent foundation.
- c. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters, as per Federal Emergency Management Agency (FEMA) Technical Bulletin 1-93 and Technical Bulletin 11-01. 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.
- d. Proposed building sites shall be reasonably safe from flooding. If a proposed building site lies within a Special Flood Hazard Area, all new construction and substantial improvement shall be;
 - i Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
 - ii Constructed with materials and utility equipment resistant to flood damage; and
 - iii Constructed using methods and practices that minimize flood damage.
 - iv 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.
- e. In any proposed residential construction project, the flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

4. RECREATIONAL VEHICLES.

- a. Recreational vehicles placed on sites within Special Flood Hazard Area on the community's FIRM must either:
 - i Be on the site for fewer than 180 consecutive days,

- ii Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, has no permanently attached additions and no permanent address; or
- iii Meet the requirements of Section 10.3 above and the elevation and anchoring requirements for manufactured homes.

5. NON-RESIDENTIAL CONSTRUCTION.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement elevated a minimum of two (2) feet above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i Be flood proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - ii Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii Be certified by a registered professional engineer or architect that the 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 in Section 5.2.
 - iv Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 10.3.c.
 - v Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood proofed level (e.g., a building constructed to the base flood level will be rates as one foot below that level).
- b. Materials, supplies and equipment which are stored on any site within a Special Flood Hazard Area shall either be stored within an enclosed building or shall be located or anchored in such a way that their movement will not represent a potential obstruction to the natural flow of flood waters or a potential danger to the public safety.

6. SUBDIVISION AND PARTITION PROPOSALS. All subdivisions and partition proposals shall be consistent with the need to minimize flood damage and shall incorporate the following design requirements into the proposed plat.

- a. Public utilities and facilities such as sewer, gas, water and electrical systems shall be located and constructed to minimize flood damage; and
- b. Adequate drainage provided to reduce exposure to flood damage; and
- c. Base flood elevation data shall be provided for all proposals which contain at least 4 lots or 1 acre, whichever is less.

7. UTILITIES CONSTRUCTION.

- 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 from flood waters into the systems 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.

8. STREET CONSTRUCTION. All new streets or improvements to existing streets located in a Special Flood Hazard Area shall be constructed as to not be rendered impassible to either private or emergency vehicles during periodic flooding. Street design and construction shall be in accordance with the City of Scio, Standards for Public Improvement.

9. ENCROACHMENTS. Encroachments of any kind, including fills and excavations that would reduce the water carrying capacity of any drainage way or water course within the Special Flood Hazard Area shall be prohibited. 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.

10. 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.

11. SPECIFIC CONSTRUCTION REQUIREMENTS; "FILL AND EXCAVATION":

- a. All fill placed at or below the base flood elevation shall be balanced with at least an equal amount of material removed either on site or from an approved nearby area at or below the base flood elevation in the same drainage basin or provide certification by an engineer as per Section 10.11.a.v. below. In addition to the requirements of Section 10.9 above and Ordinance No. 537, the City of Scio Fill and Excavation Ordinance, when approved by the floodplain administrator fill may be placed in an area of special flood hazard when:
 - i A development permit is obtained;
 - ii The net effect of fill and excavation operations (onsite) constitutes no positive change in fill volume;
 - iii The proposed fill or excavation will not change the direction or velocity of flood water flow;

- iv The proposed fill or excavation will not cause a compounding of flood hazards; or
- v A registered professional engineer shall certify that the proposed project will not cause a rise in the base flood elevation during a one hundred year flood event or create conditions that would be detrimental to adjacent or neighboring properties. The certification shall be provided with the development permit application.
- b. All fill is cumulative from July 14, 1998, the date of the adoption of Ordinance No. 537, the City of Scio Fill & Excavation Ordinance. All fill in place prior to this date is grandfathered in.

12. 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 including manufactured homes within AO zones shall have the lowest habitable floor (including basement) elevated above the highest adjacent grade of the building site, two (2) feet or more 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 habitable floor (including basement) elevated above the highest adjacent grade of the building site, two (2) feet 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 to resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 10.5.a.iii.
- 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,
 - 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, has no permanently attached additions and no permanent address; or
- iii Meet the requirements of Section 10.12.a above and the elevation and anchoring requirements for manufactured homes.

SECTION 11. VARIANCE PROVISIONS: Application for a variance to the provisions of this Ordinance shall be filed with the City Recorder and shall be reviewed by the Planning Commission with staff assistance provided by the City Engineer.

1. Notice of the hearing shall be posed on the property, at City Hall and at the Post Office at least one week prior to the hearing.
2. A hearing shall be held within 63 days after the completed application for a variance is received.
3. When reviewing an application for a variance to the provisions of this Ordinance, the Planning Commission shall consider the following factors in relation to the particular 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 which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for private and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of the 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, electricity, water systems, streets and bridges.
4. A variance may be granted by the Planning Commission only upon finding that:
 - a. The variance is the minimum, considering the flood hazard, to afford relief; and

- b. Failure to grant the request will result in exceptional hardship for the applicant; and
 - c. A determination that granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public as identified in Section 11.3 or conflict with state or local laws or ordinances.
5. The Planning Commission may place any conditions or stipulations on the granting of a variance request as are deemed necessary to further the purposes of this Ordinance.
- a. Generally the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 11.3 have been fully considered. As the lot size increases the technical justification for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued upon;
 - i A showing of good and sufficient cause;
 - ii A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances.
 - e. 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.
 - f. 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 variance criteria and otherwise complies with Section 10.1 and 10.9.
 - g. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the adopted standard and that the cost of flood insurance will be

commensurate with the increased risk resulting from the reduced lowest floor elevation.

6. Upon the Planning Commission authorization approving a variance, the Floodplain Administrator shall be authorized to approve the issuance of a building permit by the Building Official.
7. The decision of the Planning Commission on a variance request may be appealed by the applicant or other affected party to the city Council within 14 days of the date of the decision. When taking action on a variance appeal, the City Council shall use the same requirements, standards and hearing procedures as required in this Ordinance for the Planning Commission.

SECTION 12. APPEALS PROVISIONS:

1. The Scio Planning Commission shall be designated the authorized body to review all appeals filed by a property owner of affected citizen in reference to the following:
 - a. A determination by the Floodplain Administrator as to the exact location of the boundaries of the Flood Insurance Rate Maps or other Base Flood Elevation data;
 - b. A determination by the Floodplain Administrator not to issue a development permit pursuant to the provisions of Section 9 & 10 of this Ordinance.
 - c. Any other determination by the Floodplain Administrator as to the provisions of this Ordinance.
2. Notice shall be posted at City Hall and at the Post Office and published in a newspaper of general circulation in the city not less than one week prior to the public hearing.
3. The Commission shall hold a public hearing within 63 days after a completed application is received.
4. The Planning Commission may approve an appeal of a determination made by the Floodplain Administrator only if the following findings are made;
 - a. That the Floodplain Administrator has erred in the interpretation of the Flood Insurance Rate Map boundaries or in the interpretation of the provisions of this Ordinance; or
 - b. That the applicant has submitted engineering, hydrological or other studies which substantiate that the elevations found on the Flood Insurance Rate Maps are in error.
5. A determination of the Planning Commission may be appealed by a property owner or affected citizen to the City Council within 14 days of the date of decision.

6. Procedure for appeal of the Planning Commission decision to the City Council is as follows:
 - a. An appeal filed relating to any decision rendered by the Planning Commission shall be scheduled before the Scio City Council for a public hearing.
 - b. The City Council shall hold a minimum of one (1) public hearing on the matter appealed, in order to obtain testimony on the matter.
 - c. The City Council shall render a final determination on the matter within 35 days of concluding the public hearing. A decision on the matter may be tabled in order to obtain additional information for up to 35 days additional with the consent of the applicant.
7. An appeal shall stay all proceedings and furtherance of the action appealed unless the City Recorder certifies to the City Council after notice of appeal has been filed, that by reasons of facts stated in the certification, that a stay would cause imminent peril to life or property. In such cases, the proceedings and furtherance of action shall not be stayed otherwise than by order which may be granted by the City Council or by a court of competent jurisdiction.

SECTION 13. RECORDS OF APPEALS & VARIANCES: The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION 14. SEVERABILITY: If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION 15. FEE STRUCTURE:

1. The City Council shall set by resolution or ordinance: fees for a Development Permit, a Flood Hazard Variance, a Flood Hazard Appeal and other similar actions.
2. If the cost of processing the application by the City exceeds the fee required for a Variance or Appeal, the applicant shall be assessed for the additional amount, such additional fee to be paid to the City Recorder prior to issuance of the Development Permit or Variance.

SECTION 16. IMPACT ON FLOOD INSURANCE: Any applicant who obtains a variance or who is successful in obtaining an appeal 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.

SECTION 17. EMERGENCY: Inasmuch as it is necessary for the immediate preservation of the public health, safety and welfare of the residents of the City of Scio, an emergency is hereby declared to exist and the provisions of this Ordinance shall be in full force and effect from the date of adoption forward.

Passed by the Council, this 25 day of June, 2007.

Approved by the Mayor, this 25 day of June, 2007.


Sandra Baggett, Mayor
City of Scio

ATTEST:


Joyce Morse, Recorder
City of Scio