



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 20, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 016-06



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: May 9, 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: Gloria Gardiner, DLCD Urban Planning Specialist
Christine Shirley, DLCD Natural Hazards & Floodplains Specialist
Skip Baker, City of St. Helens

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DEPT OF

NOTICE OF ADOPTION

APR 19 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of St. Helens

Local File No. FEMAZA

Date of Adoption: April 4, 2007

Date Mailed: April 18, 2007

Date of Notice of Proposed Amendment was mailed to DLCD: Dec. 29, 2006

<input type="checkbox"/> Comp Plan Text Amendment	<input type="checkbox"/> Comp Plan Map Amendment
yes <input type="checkbox"/> Land Use Regulation Amendment	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> New Land Use Regulation	<input type="checkbox"/> Other _____

Summary of the adopted amendment: Zone Text Amendment

Describe how the adopted amendment differs from the proposed amendment.(If same, write same; if not applicable write, N/A). same

Plan Map Changed from: _no change _to _no change

Zone Map Changed from: _no change

Location: _n/a Acres involved _____

Specify density: Previous _____ New: _____

Applicable Goals: _1,2,9,10,11,12,&14_____ Was an Exception Adopted? ___no___

Did the DLCD receive notice of Proposed Amendment 45 days prior to final hearing?

Yes ___X___ NO _____ ___yes_ The Statewide Planning Goals do not apply.

_____ The Emer. Circumstances Req'd Expedited

Review.

Affected State or Federal Agencies, Governments or Special Districts: ODOT, Columbia County, and St. Helens Rural Fire District.

Local contact: Skip Baker

Phone No. 503-397-6272

Address: P.O.Box 278

City: St. Helens, OR

Zip code: 97051

Mail to: Plan Amendment Specialist, DLCD, 635 Capitol St. NE., Ste. 150, Salem, OR. 97301

DLCD # 016-06 (15649)

FILE COPY

ORDINANCE NO. 3031

**AN ORDINANCE TO AMEND THE ST. HELENS
COMMUNITY DEVELOPMENT CODE TO ADD A NEW
SECTION ON FLOOD DAMAGE PREVENTION
AND AMEND OTHER SECTIONS ACCORDINGLY**

WHEREAS, the Federal Emergency Management Agency (FEMA) has changed some of their rules and has requested that all member agencies of the National Flood Insurance Program amend their regulations to comply with FEMA's rules; and

WHEREAS, the State of Oregon has adopted a model ordinance for Flood Damage Prevention; and

WHEREAS, the St. Helens Planning Commission has conducted a public hearing after giving proper notice as required by ORS 197 and ORS 227 to the local newspaper of record and to all property owners listed in the Columbia County Tax Assessor records and has made a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing and considered all the information submitted to the Planning Commission for the record and has considered all the information submitted into the record since the Planning Commission public hearings; and

WHEREAS, the City of St. Helens City Council has authority and obligation to amend the Community Development Code when applicable and has deliberated and found based upon the information in the record and the applicable criteria that the St. Helens Community Development Code should be amended.

**NOW, THEREFORE, THE CITY OF ST. HELENS CITY COUNCIL DOES
ORDAIN AS FOLLOWS:**

1. The City Council adopts the attached revisions/amendments to Ordinance No. 2875, the St. Helens Community Development Code (Attachment A)
2. In support of the above zone map amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law (Ref: Attachment B).
3. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

3031

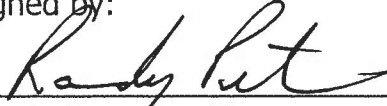
Read the first time:	March 21, 2007
Read the second time:	March 21, 2007
Read the third time:	April 4, 2007
Approved by the Mayor:	April 4, 2007

Attested by:



Brian D. Little, City Administrator

Signed by:



Randy Peterson, Mayor

The proposed amendments to this Chapter and the addition of Chapter 1.093 will result with the adoption of the FEMA submitted Oregon Model Flood Damage Prevention Ordinance:

(Strike throughs represent those sections to be deleted and italics with underlines represent those sections to be added/inserted)

Chapter 1.092 SENSITIVE LANDS.

Sections:

- 1.092.010 Purpose.
- 1.092.015 Applicability of Uses: Permitted, Prohibited, and Nonconforming.
- 1.092.020 Administration and Approval Process.
- 1.092.025 Maintenance of Records.
- 1.092.026 General Provisions for Floodplain Areas.
- 1.092.028 General Provisions for Wetlands.
- 1.092.030 Expiration of Approval: Standards for Extension of Time.
- 1.092.040 Approval Standards.
- 1.092.045 Exception for Development.
- 1.092.050 Application Submission Requirements.
- 1.092.060 Additional Information Required and Waiver of Requirements.
- 1.092.070 Site Conditions.
- 1.092.080 The Site Plan.
- 1.092.090 Grading Plan.
- 1.092.100 Landscape Plan.

1.092.010 Purpose.

- A. Sensitive lands are lands potentially unsuitable for development because of their location within:
 - 1. The 100-year floodplain per the Federal Emergency Management Agency (FEMA) map;
 - 2. Natural drainageways;
 - 3. Wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, and/or are designated as significant wetland on the St. Helens Comprehensive Plan Floodplain and Local Wetlands Inventory Maps;

4. Steep slopes of 25 percent or greater and unstable ground;
 5. Fish and Wildlife Habitats as listed in acknowledged Comprehensive Plan;
 6. Archaeologically designated sites or culturally designated sites as listed in acknowledged Comprehensive Plan;
 7. State and Federal Threatened/Endangered species habitats as listed by the applicable authority; and
 8. Open Space/Open Space Design Review areas shown on the Comprehensive Plan Map.
- B. Sensitive land areas are designated as such to protect the public health, safety, and welfare of the community through the regulation of these sensitive land areas.
- C. Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in St. Helens by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.
- D. The regulations of this chapter are intended to implement the comprehensive plan and the city's flood plain management program as required by the National Flood Insurance Program, and help to preserve natural sensitive land areas from encroaching use.

ALL DEVELOPMENT WITHIN A FLOOD PLAIN OR FLOODWAY OR THAT MAY DIRECTLY IMPACT A FLOOD PLAIN OR FLOODWAY SHALL FOLLOW THE RULES AS STATED IN CHAPTER 1.093.

1.092.015 Permitted and Conditional Use - Permit Requirements.

- A. All uses are conditioned on obtaining a permit except:

The following listed uses are outright permitted uses within the 100-year floodplain, drainage ways, slopes that are 25 percent or greater, and unstable ground when the use does not involve paving. No permit is required for permitted use. For the purposes of this chapter, the word "structure" shall exclude: children's play equipment, picnic tables, sand boxes, grills, basketball hoops and similar recreational equipment.

1. Public and private conservation areas for water, soil, open space, forest, and wildlife resources;

2. Removal of invasive/exotic/non-native vegetation (e.g. poison oak, tansy ragwort, blackberry) as determined by the Director; and
3. ~~Maintenance of floodway excluding rechanneling.~~

B. Administrative Sensitive Lands Permit

1. Administrative sensitive lands permits in ~~the 100-year floodplain~~, drainageway, slopes that are 25 percent or greater, and unstable ground shall be obtained from the appropriate authority for the following:
 - a. The City Engineer shall review the installation of public support facilities such as underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights, and driveway aprons;
 - b. The City Engineer shall review minimal ground disturbance(s) or landform alterations involving 0 to 50 cubic yards of material; ~~except in the floodway area~~, for land that is within public easements and rights of way;
 - c. The Director shall review minimal ground disturbance(s) or landform alterations involving 0 to 50 cubic yards of material; ~~except in the floodway area~~;
 - d. The Director shall review the repair, reconstruction, or improvement of an existing structure or utility in Sensitive Lands, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction ~~provided no development occurs in the floodway~~;
 - e. The Director shall review all building permits for any construction in Sensitive Lands; ~~except in the floodway area~~; see Chapter 1.152, Temporary Uses; and
 - f. The Director shall review applications for paving on private property in Sensitive Lands; ~~except in the floodway area~~.
2. The responsible authority shall approve, approve with conditions, or deny an application for a development permit, as described above in Subsection 1., based on the standards set forth in Sections 1.092.026 and 1.092.040.

C. Jurisdictional Wetlands. See Section 1.091.

D. Sensitive Lands Permits Issued by the Director

1. The Director shall have the authority to issue a sensitive lands permit in the following areas:
 - a. Drainageways;
 - b. Slopes that are 25 percent or greater or unstable ground; and
 - c. Wetland areas.
2. Sensitive lands permits shall be required for the areas in Subsection D.1 above when any of the following circumstances apply:
 - a. Ground disturbance(s) or landform alterations;
 - b. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction;
 - c. Residential and non-residential structures intended for human habitation; and
 - d. Accessory structures outside of floodways.
3. Cultural sites.

E. Sensitive Lands Permits Issued by the Planning Commission

- ~~1. The Planning Commission shall have the authority to issue a sensitive lands permit in the 100-year floodplain.~~
- ~~2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:~~
 - ~~a. Ground disturbance(s) or landform alterations in all floodway areas;~~
 - ~~b. Ground disturbance(s) or landform alterations in floodway fringe locations, including disturbances or alterations in or near protected species habitats;~~
 - ~~c. Repair, reconstruction, or improvement of an existing structure or utility; the cost of which equals or exceeds 50 percent of the market value of the~~

~~structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;~~

~~d. Structures intended for human habitation, and~~

~~e. Accessory structures outside of floodway areas.~~

3. Fish and wildlife habitats as listed.

4. State and Federal Threatened/Endangered Species Habitats as listed.

5. Open Space Design Review.

F. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on sensitive land areas.

G. A use established prior to the adoption of this code, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 1.142.

H. Threatened and endangered species habitats and areas also need permission of appropriate agency(ies).

1.092.020 Administration and Approval Process.

A. The applicant for a sensitive lands permit shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. A pre-application conference with City staff is required. (See Section 1.070.040.) If uncertainty exists in regards to the location or configuration of wetland areas, staff shall make an on-site inspection prior to an application being initiated to review the nature and extent of the resource. If necessary, assistance from state and federal agencies shall be sought to provide the applicant additional information.

C. Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the pre-application conference is valid for not more than 6 months:

1. Another pre-application conference is required if any variance application is submitted more than 6 months after the pre-application conference; and

2. Failure of the Director to provide any of the information required by this chapter

shall not constitute a waiver of the standard, criteria or requirements of the application.

- D. The appropriate authority shall approve, approve with conditions, or deny an application for an administrative sensitive lands permit within the 100-year floodplain, drainageways, slopes that are 25 percent or greater, and unstable ground as set forth in Subsection 1.092.015.B.
- E. The Director shall approve, approve with conditions, or deny an application for a sensitive lands permit as set forth in Subsection 1.092.015.D. The decision made by the Director may be appealed to the Planning Commission as provided by Section 1.070.310.
- ~~F. The Planning Commission shall approve, approve with conditions, or deny an application for a sensitive lands permit within the 100-year floodplain as set forth in Subsection 1.092.015.E. The Planning Commission's decision may be reviewed by the Council as provided by Section 1.070.310.~~
- G. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.
- ~~H. The Director shall notify land owners adjacent to the affected area and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.~~
- ~~I. The Director shall require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.~~
- J. The appropriate approval authority shall apply the standards set forth in Sections 1.092.026, 1.092.040, and 1.092.045 when reviewing an application for a sensitive lands permit.
- ~~K. The appropriate approval authority shall require that the elevations and floodproofing certification required in Section 1.092.025 be provided prior to occupancy or final approval of all new or substantially improved structures.~~
- L. The Director shall give notice of applications to be heard by the Planning Commission as provided by Section 1.070.130.
- M. The Director shall mail notice of sensitive lands application decisions in Subsections 1.092.015.D and E to the persons entitled to notice under Section 1.070.120.

1.092.025 Maintenance of Records.

- A. ~~Where base flood elevation data is provided through the Flood Insurance Study, the Director shall require the owner to supply certified actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.~~
- B. ~~For all new or substantially improved floodproofed structures, the Director shall:~~
 - ~~1. Require certified actual elevation (in relation to mean sea level); and~~
 - ~~2. Maintain the floodproofing certifications required in this chapter.~~
- C. The Director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

~~1.092.026 General Provisions for Floodplain Areas:~~

- A. ~~The appropriate approval authority shall review all permit applications to determine whether proposed building sites will be safe from flooding.~~
- B. ~~The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study of the City of St. Helens," dated August 16, 1988, with accompanying Flood Insurance Maps (updated August 16, 1988) is hereby adopted by reference and declared to be a part of this chapter. This Flood Insurance Study is on file at the St. Helens City Hall.~~
- C. ~~When base flood elevation data has not been provided in accordance with Subsection 1.092.026.B., the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsections 1.092.026.M and N.~~
- D. ~~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 2 feet above grade in these sensitive land areas may result in higher insurance rates.~~
- E. ~~All new construction and substantial improvements, including manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.~~
- F. ~~All new construction and substantial improvements, including manufactured homes, shall be constructed using methods and practices that minimize flood damage.~~

~~G. 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.~~

~~H. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.~~

~~I. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~

~~J. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~K. Residential Construction:~~

~~1. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated at least 1 foot above base flood elevation.~~

~~2. 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 floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:~~

~~a. A minimum of 2 openings having a total net area of not less than 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 1 foot above grade, and~~

~~c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.~~

~~3. Manufactured homes shall be securely anchored to an adequately anchored permanent foundation system. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.~~

~~L. Nonresidential Construction:~~

~~New construction and substantial improvement of any commercial, industrial, or other~~

~~nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:~~

- ~~1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~
- ~~3. 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 Building Official as set forth in Subsection 1.092.025.B; and~~
- ~~4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 1.092.026.K.2. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as 1 foot below that level).~~

~~M. Subdivisions and partitions in the 100-year floodplain shall meet the following criteria:~~

- ~~1. The design shall minimize the potential for flood damage;~~
- ~~2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed so as to minimize flood damage;~~
- ~~3. Adequate drainage shall be provided to reduce exposure to flood damage; and~~
- ~~4. For subdivisions or partitions which contain 50 or more lots or 5 acres and where base flood elevation data is not available from FEMA or another authoritative source, the applicant shall generate base flood elevation data to be reviewed as part of the application.~~

1.092.028 General Provisions for Wetlands. See Section 1.091.

1.092.030 Expiration of Approval: Standards for Extension of Time.

A. Approval of a sensitive lands permit shall be void if:

1. Substantial construction of the approved plan has not begun within a 1½- year period; or
 2. Construction on the site is a departure from the approved plan.
- B. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed 1 year, provided that:
1. No changes are made on the original plan as approved by the approval authority;
 2. The applicant can show intent of initiating construction of the site within the 1-year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 1.070.310.

1.092.040 Approval Standards.

- ~~A. The appropriate approval authority shall approve or approve with conditions an application request within the 100-year floodplain in Subsections 1.092.015.B. and E. based upon findings that all of the following criteria have been satisfied:~~
- ~~1. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the no-rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;~~
 - ~~a. Section 60.3 (d)(3) of the National Flood Insurance Program (NFIP) regulations states that a community shall "prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base (100-year) flood discharge."~~
 - ~~b. The engineering or no-rise certification must be supported by technical data. The supporting technical data should be based upon two separate~~

~~analyses: a step-back water analysis and a conveyance compensation analysis. The standard step-backwater computer model is utilized to develop the 100-year floodway shown on the community's effective Flood Insurance Rate Map or Flood Boundary and Floodway Map (FBFM) and the results tabulated in the community's Flood Insurance Study (FIS). The conveyance compensation analysis is necessary because it is the Federal Emergency Management Agency's position that any blockage to flow in the floodway will result in a rise to the one-hundred-year flood profile, regardless of the tabular results comparing BFE's in pre- and post-development conditions in the backwater analysis.~~

- ~~2. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 1.040 of this Code shall be allowed in areas designated residential subject to applicable zoning standards;~~
- ~~3. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood; and~~
- ~~4. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained.~~

B. The appropriate approval authority shall approve or approve with conditions an application request for a sensitive lands permit on slopes of 25 percent or greater or unstable ground in Subsections 1.092.015.B. and D. based upon findings that all of the following criteria have been satisfied:

1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and
4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be

replanted to prevent erosion in accordance with Chapter 1.108.

- C. The appropriate approval authority shall approve or approve with conditions an application request for a sensitive lands permit within drainageways in Subsections 1.092.015.B and D. based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to the extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The water flow capacity of the drainageway is not decreased;
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 1.108;
 5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1999 Master Drainage Plan; and
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained.
- D. See Section 1.091.
- E. The Director shall approve or approve with conditions an application request for a sensitive lands permit within Fish and Wildlife Habitats in Subsection 1.092.015.E. based upon findings that all of the following criteria have been satisfied:
1. The proposed landform alteration or development is not within Fish and Wildlife Habitats as listed;
 2. The extent and nature of the proposed landform alteration or development will not create site disturbances to an extent greater than the minimum required for the use; and
 3. All other Sensitive lands requirements of this chapter have been met.
- F. The Director shall approve or approve with conditions an application request for a sensitive lands permit within Cultural areas and sites in Subsection 1.090.015.A. based

upon findings that all of the following criteria have been satisfied:

1. Applicable State regulations/permits; and
 2. All requirements of a full Site Development Review have been met.
- G. The Director shall within State and Federal ESA habitats require the applicant to obtain permission of State and Federal authorities to grant permission to disturb this area.
- H. The Director shall require a Site Development Review for any alterations or development requests on lands designated as OS/SR or UOS.

1.092.050 Application Submission Requirements.

- A. All applications for uses and activities identified in Subsections 1.092.015.B through E shall be made on forms provided by the Director and shall be accompanied by:
1. Copies of the sensitive lands permit proposal and necessary data or narrative which explains how the proposal conforms to the standards, (number to be determined at the pre-application conference) and:
 - a. The scale for the site plan(s) shall be a standard engineering scale; and
 - b. All drawings or structure elevations or floor plans shall be a standard architectural scale, being 1/4 inch by 1/8 inch to the foot.
 2. The required fee.
- B. The required information may be combined on 1 map.
- C. The site plan(s), data and narrative shall include the following:
1. An existing site conditions analysis, Section 1.092.070;
 2. A site plan, Section 1.092.080;
 3. A grading plan, Section 1.092.090; and
 4. A landscaping plan, Section 1.092.100.

1.092.060 Additional Information Required and Waiver of Requirements.

- A. The Director may require information in addition to that required by this chapter in accordance with Section 1.070.080.
- B. The Director may waive a specific requirement for information in accordance with Subsections 1.070.080.B. and C.

1.092.070 Site Conditions.

- A. The site analysis drawings shall include:
 - 1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, and utility locations;
 - 2. The site size and its dimensions;
 - 3. Contour lines at 2-foot intervals for grades zero to 10 percent and 5-foot intervals for grades over 10 percent;
 - 4. The location of drainage patterns and drainage courses;
 - 5. The location of natural hazard areas including:
 - a. Floodplain areas (100-year floodplain and floodway);
 - b. Slopes in excess of 25 percent;
 - c. Unstable ground (areas subject to slumping, earth slides or movement);
 - d. Areas having a high seasonal water table within 24 inches of the surface for 3 or more weeks of the year;
 - e. Areas having a severe soil erosion potential, or as defined by the Soil Conservation Service; and
 - f. Areas having severe weak foundation soils;
 - 6. The location of resource areas as shown on the comprehensive plan inventory map and as required in Section 1.092.035 including:
 - a. Wildlife habitat; and
 - b. Wetlands.

7. The location of site features including:
 - a. Rock outcroppings; and
 - b. Trees with 6 inches caliper or greater measured 4 feet from ground level.
8. The location of existing structures on the site and proposed use of those structures.

1.092.080 The Site Plan.

- A. The proposed site development plan shall be at the same scale as the site analysis plan and shall include the following information:
 1. The proposed site and surrounding properties;
 2. Contour line intervals (see Subsection 1.092.070.A.3);
 3. The location, dimensions, and names of all:
 - a. Existing and platted streets and other public ways and easements on the site and on adjoining properties; and
 - b. Proposed streets or other public ways and easements on the site.
 4. The location and dimension of:
 - a. Entrances and exits on the site;
 - b. Parking and traffic circulation areas;
 - c. Loading and services areas;
 - d. Pedestrian and bicycle facilities;
 - e. Outdoor common areas; and
 - f. Utilities.
 5. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements, and utilities which are located on adjacent property and are permanent in nature; and

- b. Proposed structures, improvements, and utilities on the site.
- 6. The location of areas to be landscaped;
- 7. The concept locations of proposed utility lines; and
- 8. The method for mitigating any adverse impacts upon wetland, riparian, or wildfire habitat areas.

1.092.090 Grading Plan.

- A. The site plan shall include a grading plan which contains the following information:
 - 1. Requirements in Sections 1.092.070 and 1.092.080;
 - 2. The identification and location of the benchmark and corresponding datum;
 - 3. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals; and
 - 4. A statement from a registered engineer supported by factual data substantiating:
 - a. The validity of the slope stabilization proposals;
 - b. That other off-site impacts will not be created;
 - c. Stream flow calculations;
 - d. Cut and fill calculations; and
 - e. Channelization measures proposed.

1.092.100 Landscape Plan.

- A. The landscape plan shall be drawn at the same scale as the site analysis plan, or a larger scale if necessary, and shall indicate:
 - 1. Location and height of fences, buffers, and screenings;
 - 2. Location of terraces, decks, shelters, play areas, and common open spaces where applicable; and

3. Location, type, and size of existing and proposed plant materials.
- B. The landscape plan shall include a narrative which addresses:
1. Soil conditions; and
 2. Erosion control measures that will be used.

Chapter 1.093 Flood plains and Floodways

Chapter 1.093 FLOODPLAINS AND FLOODWAYS.

Sections:

- 1.093.010 Purpose.**
- 1.093.020 Definitions.**
- 1.093.030 General Provisions.**
- 1.093.040 Administration.**
- 1.093.050 Provisions for Flood Hazard Reduction.**

1.093.010 Purpose.

- A. It is the purpose of this chapter 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.
- B. In order to accomplish its purposes, this chapter 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 filing, 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.

1.093.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, to give this chapter its most reasonable application, and shall apply only to requirements of this chapter and Chapter 1.092.

1. Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year. Designation on maps always includes the letter "A."
2. Base Flood: The flood having a once percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letter "A."
3. Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
4. 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 installation, installations which produce, use or store hazardous materials or hazardous waste.
5. 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.
6. Elevated Building: For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
7. 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 of runoff of surface waters from any source.
8. 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.

9. Flood Insurance Study: The official report provided by the Federal Insurance Administration the includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
10. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
11. Lowest Floor: 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 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 chapter.
12. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreation vehicle."
13. New Construction: Structures for which the "start of construction" commenced on or after the effective date of this chapter.
14. Recreational Vehicle: A vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanent towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
15. 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.

16. Structure: A walled and roofed building including a gas or liquid storage tank that is principally above ground.
17. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
18. Substantial Improvement: 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 structures.

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 alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

19. Variance: A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter and shall follow the requirements as established in Chapter 1.144.
20. Water Dependent: A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

1.093.030 General Provisions.

A. Lands to Which this Chapter Applies

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of St. Helens.

B. 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 Columbia County, Oregon and Incorporated Areas," dated August 16, 1988, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at City Hall. The best available information for flood hazard area identification as outlined in 1.093.040.C.2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 1.03.040.C.2.

C. Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more restrictions shall prevail.

D. Interpretation

In the interpretation and application of this chapter, 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.

E. Warning and Disclaimer of Liability

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the City of St. Helens, an officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

1.093.040 Administration.

A. Establishment of Development Permit

1. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1.093.030.B. 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, also as set forth in the "Definitions."

2. Application for Development Permit

Application for a development permit shall be made on forms furnished by the Planning Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location 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 floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1.093.050.B.2; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Planning Director

The Planning Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the Planning Director

Duties of the Planning Director shall include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 1.093.050.D.1 are met.

2. Use of Other Base Flood Data (In A Zones)

When base flood elevation data has not been provided (A Zones) in accordance with section 1.093.030.B , Basis for Establishing the Areas of Special Flood Hazard, the Planning 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 Sections 1.093.050.B, Specific Standards, and 1.093.050.D Floodways.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 1.093.040.C.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 1.093.040.C.2:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (2) Maintain the floodproofing certifications required in Section 1.093.040.A.2.c.

- c. Maintain for public inspection all records pertaining to the provisions of this chapter.
- 4. Alteration of Watercourses
 - a. Notify adjacent communities and the 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.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

1.093.050 Provisions for Flood Hazard Reduction.

A. General Standards

In all areas of special flood hazards, the following standards are required:

- 1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the 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 the during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 1.093.040.C.2) applications for building permits shall be reviewed to assure that proposed construction will be reasonable safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30 and AE) as set forth in Section 1.093.030.B, Basis for Establishing the Areas of Special Flood Hazard or Section 1.093.040.C.2, Use of Other Base Flood Data (In A Zones), the following provisions are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have lowest floor, including basement, elevated one foot or more above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all opening shall be no higher than one foot above grade.
 - (3) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 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, specifications and plans. Such certifications shall be provided to the official as set forth in Section 1.093.040.C.3.b;
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 1.093.050.B.1.b;
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes

- a. All manufactured homes to be placed or substantially improved in sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or

- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30 and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - (1) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
 - (2) 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.

4. Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of 1.093.050.B.3 above and the elevation and anchoring requirements for manufactured homes.

C. Before Regulatory Floodway

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other

existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point with the community.

D. Floodways

Located within areas of special flood hazard established in Section 1.093.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 1.093.050.D.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1.093.050, Provisions for Flood Hazard Reduction.

E. 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 construction within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will be displaced by or released into floodwaters. Access routes elevated or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

ATTACHMENT B

FINDINGS OF FACT AND CONCLUSIONS OF LAW FEMA ZA 7.06

REQUEST:

The City of St. Helens has participated in the National Flood Insurance Program for several decades. In order to remain in good standing in this worthwhile program, it is imperative that we keep our implementing rules on developments impacting the Flood plains and flood ways up to date and enforced. A recent audit of our program resulting in awareness that the national rules have changed and our rules are out of date. FEMA, Federal Emergency Management Agency, under the Department of Homeland Security, has requested that we update our regulations by April 25, 2007.

The following proposed amendments to the Community Development Code are to change the existing rules in Section 1.092 as relate to Flood plains and Flood ways in accordance with the Oregon Model Flood Damage Prevention Ordinance.

PUBLIC HEARING:

Public Hearing was held by the Planning Commission February 13, 2007 and is scheduled in front of the City Council for March 21, 2007.

NOTICE OF PUBLIC HEARING:

Notice of this Public Hearing on this update of the Comprehensive Plan was sent to property owners within the St. Helens Urban Growth Boundary, to interested persons, and to affected government agencies January 16, 2007, and published in The Spotlight January 24, 2007 and on March 7, 2007. Notice was also sent to the Department of Land Conservation and Development on Dec. 29, 2006.

LOCATION:

The entire urban area.

SITE INFORMATION:

Flood areas and floodways.

REFERRALS: Sent to the following:

1. St Helens Police, Public Works, Parks, Building Official, and Public Works Manager, Waste Water Treatment Plant, Library Manager, and City Engineer.

2. Columbia County Land Development Services, Planning Commission, Board of Commissioners, Surveyor, and Roadmaster.
3. St. Helens Rural Fire District
4. St. Helens School District #502
5. Columbia County 911, Emergency Communications District.
6. Columbia River PUD
7. McNulty Water PUD
8. Quest
9. Oregon Dept. of Transportation
10. Columbia Health District.
11. NW Natural Gas
12. Port of St. Helens

CRITERIA:

A decision to recommend by the Planning Commission and a decision by the Council shall be based upon consideration of the following factors:

1. The applicable Oregon Statewide Planning Goals adopted under Oregon Revised Statutes Chapter 197;
2. Any federal or state statutes or guidelines found applicable;
3. The applicable comprehensive plan policies, procedures, appendices, and maps; and
4. The applicable provisions of the implementing ordinances.

EVALUATION:

1. The applicable Oregon Statewide Planning Goals adopted under Oregon Revised Statutes Chapter 197;

Statewide Planning Goal 1 is Citizen Involvement.

Finding: This is a program to benefit the citizens of the City of St. Helens by reducing insurance premiums and by allowing those homes/developments within the Flood plains and flood ways an opportunity for flood insurance where all the required conditions are met.

Finding: The City is holding public hearings to continue the invitation for comments from both the affected owners and from all interested persons.

This criterion is met.

Statewide Planning Goal 2 is Land Use Planning.

Finding: The Statewide Planning Goal states that "All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs."

Finding: The main issues for Flood plains and flood ways are whether development in them will result in loss of life or property and what is the responsibility of government entities to help those with losses and to help prevent misuse of public funds.

Finding: The Guideline further states that the public shall have access to all phases of the development of the plan and shall be afforded opportunities for review and comment during the preparation, review and revision of the plan.

Finding: This set of rules has evolved over the years based upon many engineering studies and many examples of incidents of disaster and results.

Conclusion: The City has established a land use planning process and is following this process in accordance with implementing rules.

This criterion is met.

Statewide Planning Goal 3 on Agricultural Lands.

Finding: The City has taken an exception to this planning goal and continues to take the same exception for the same reasons as already approved by the State.

This criterion is met.

Statewide Planning Goal 4 on Forest Lands.

Finding: The City takes exception to this planning goal as it does not apply to lands within the existing Urban Growth Boundary.

This criterion is met.

Statewide Planning Goal 5 on Open Spaces, Scenic and Historic Areas, and Natural Resources.

Finding: The City is to protect natural resources and conserve scenic and historic areas and open spaces and is required to inventory riparian corridors, wetlands, wildlife habitats, federal wild and scenic rivers, state scenic waterways, groundwater resources, approved Oregon recreation trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas.

Finding: Some of the open areas and certainly some of the Flood plains and flood ways constitute natural resources.

Finding: Most Flood plains and flood ways are on private property.

Finding: Several Flood plains and flood ways are further protected by other rules such as wetland and riparian corridor regulations.

Finding: The City has no declared Federal Wild and Scenic Rivers, no State Scenic Waterways, no groundwater resources, no approved Oregon Recreation Trails, no natural areas, no wilderness areas, no energy sources and no recognized current mineral or aggregate resources.

Finding: The City inventoried Wildlife Habitats and has not found any recognized areas.

Finding: The City was not required to inventory historic resources, open spaces or scenic views and sites and yet there are several significant historic sites in the proposed new zone and there are provisions to protect these sites.

Conclusion: Natural resources are still protected with this proposed new zone.

This criterion is met.

Statewide Planning Goal 6 on Air, Water, and Land Resources Quality.

Finding: No special studies have been conducted on this planning goal. Generally the City follows State and Federal guidelines and regulations to protect the quality of air, water, and land resources.

Finding: This new proposed set of rules for protection of Flood plains and flood ways does not alter the rules in place relative to this Goal.

Conclusion: The new rules do not impact this goal.

This criterion is met.

Statewide Planning Goal 7 for Areas Subject to Natural Disasters and Hazards

Finding: The new zone rules are intended to reduce natural disasters from flooding.

Conclusion: This change should help reduce natural disasters or at least the resulting losses.

This criterion is met.

Statewide Planning Goal 8 on Recreational Needs.

Finding: This proposal should not directly impact recreational needs as it is directed at development in hazardous areas around waterways and bodies of water.

Conclusion: No direct impact on this Goal.

This criterion is met.

Statewide Planning Goal 9 on Economic Development.

Finding: The primary purpose of this change is to reduce or at least keep insurance premiums lower and to keep properties insured from flood damage.

Conclusions: The City hopes that lower insurance premiums and keeping properties insured that are in flood plains and flood ways will help the overall economy of the community.

This criterion is met.

Statewide Planning Goal 10 on Housing.

Finding: The proposed changes to the Code should not impact housing significantly other than to make some areas that are subject to flooding available for development.

Conclusion: No real impacts anticipated with this change.

This criterion is met.

Statewide Planning Goal 11 on Public Facilities Planning.

Finding: These proposed rules will impact public facilities where there are plans to develop in flood plains and flood ways.

Finding: Protecting public infrastructure and facilities is important and these new rules should not change the requirements more than before except to set approval standards.

Conclusion: The new protection plan should not significantly impact infrastructure.

This criterion is being met.

Statewide Planning Goal 12 on Transportation.

Finding: There are no proposed changes to the comprehensive plan policies or to the implementing rules relative to transportation

This criterion is being met.

Statewide Planning Goal 13 on Energy Conservation.

Finding: There are not proposed changes to these comprehensive plan policies or the implementing rules relative to energy conservation.

Conclusion: The proposed changes should not impact this goal.

This criterion is met.

Statewide Planning Goal 14 on Urbanization.

Finding: This goal is for developing lands that are not already urbanized and these changes are for existing urbanized areas of the City.

Finding: Goal 14 states that the City is to provide for an orderly and efficient transition from rural to urban land use.

Conclusions: These proposed changes do not impact this Statewide Planning Goal.

This criterion is met.

Statewide Planning Goal 15 for Willamette Greenway

Finding: The City has adopted a Willamette Greenway area along the Multnomah Channel and has adopted implementing rules to protect the greenway.

Finding: These changes do not directly impact the Willamette Greenway and this Goal.

Conclusion: Not applicable.

This criterion is met.

2. Any federal or state statutes or guidelines found applicable;

Finding: All of the federal or state statutes and/or guidelines found applicable should have been addressed above.

Finding: A federal rule is causing these changes.

This criterion is met.

3. The applicable comprehensive plan policies, procedures, appendices, and maps; and

Finding: None found that are not already addressed above.

This criterion is met.

4. The applicable provisions of the implementing ordinances.

Finding: Changes to the Comprehensive Plan must follow a process/procedure. This

Finding: Notices must be sent to the State (DLCD) at least 45 days before the initial public hearing; must be sent to all the property owners inside the Urban Growth Boundary; and must be published in the local newspaper. A public hearing must be conducted in front of the St. Helens Planning Commission and another in front of the City Council.

Finding: Notice was sent to DLCD Dec. 29, 2006. Notices were sent to those property owners listed by the Columbia County Tax Assessor's office which should be all those within the UGB. Notice was published in the Spotlight on Jan. 24, 2007 and a hearing is scheduled for Feb. 13, 2007 in front of the St. Helens Planning Commission to be followed at a later date in front of the City Council once a recommendation is made by the Planning Commission.

Conclusion: The requirements of the Implementing Ordinance 2875 (Community Development Code) have been followed and will be met.

This criterion is met.

The Planning Commission held a public hearing February 13, 2007 and no one testified for or against this proposed amendment. The commissioners found that the proposed amendments were acceptable and recommends adoption by the City Council.

CONCLUSION:

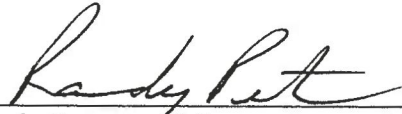
The procedural requirements seem to all be met and the remaining issues are whether the changes will satisfy the federal requirements and FEMA requirements to which they should since FEMA has suggested the change.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

4/4/2007
Date

4/4/07
Date