



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/14/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Astoria Plan Amendment
DLCD File Number 001-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 27, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Rosemary Johnson, City of Astoria
Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Chris Shirley, FEMA Specialist
Stephen Lucker, DLCD
Denise Atkinson

<paa> YA

FORM 2

DEPT OF 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

AUG 07 2009

(See second page for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Astoria

Local File No.: A09-01

(If no

number, use none)

Date of Adoption: 8-3-09
(Must be filled in)

Date Mailed: 8-6-09
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-10-09

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

(Please Specify Type of Action)

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

Amend Development Code Sections 2.800 to 2.825 to update Flood Hazard Overlay Zone to comply with Federal and State updates. Add Development Code Section 12.055 creating procedures for variance from Flood Hazard Overlay Zone standards. Amend Development Code Section 1.400 to add definition of Recreational Vehicle.

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". Made corrections as suggested by Christine Shirley at DLCD re: 2.805 Substantial Improvement, c.2, added local landmark; 2.810.C penalty for non-compliance; 2.815.D, maintain records for public inspection; 2.815.E, added DLCD, DSL for notification; 2.825.A.1, added "minimum of" one foot; 2.825.A.4, recreational vehicle standards added.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: City wide

Acres Involved:

Specify Density: Previous:

New:

Applicable Statewide Planning Goals: Goals 7, 16, 17

Was an Exception Adopted? Yes: No:

Does Adopted Amendment affect the areas in unincorporated Multnomah County where the Portland

Zoning Code applies? Yes No

DLCD File No.: 001-09 (17500) [15660]

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: CREST, FEMA,
Federal Insurance Administration

Local Contact: Rosemary Johnson, Planner

Area Code + Phone Number: 503-

338-5183

Address: 1095 Duane Street

City: Astoria

Zip Code+4: OR 97103

Email Address: rjohnson@astoria.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

per ORS 197.610, OAR Chapter 660 - Division 18.

-
1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL
OF THE CITY OF ASTORIA

IN THE MATTER OF AN AMENDMENT REQUEST)

FOR THE FOLLOWING PROPERTY: CITY WIDE,)
ASTORIA, OREGON 97103)

ORDER NO. A09-01

APPLICANT: COMMUNITY DEVELOPMENT DIRECTOR,)
1095 DUANE STREET, ASTORIA, OREGON 97103)

The above named applicant filed a Request to amend the text of the Astoria Development Code by revising the Flood Hazard Overlay Zone, Sections 2.800 to 2.825, Section 1.400 concerning Definitions, and Article 12 concerning Variances within the City limits of Astoria, Oregon.

A public hearing on the above entitled matter was held before the Planning Commission on May 25, 2009, and the Planning Commission closed the public hearing at the May 25, 2009 meeting and recommended that the City Council approve the request.

A public hearing on the above entitled matter was held before the Astoria City Council and the public hearing was closed at the July 20, 2009 meeting; and the Astoria City Council rendered a decision at the August 3, 2009 meeting.

The City Council found the proposed amendment to be necessary and orders that this application for an Amendment (A09-01) is approved and adopts the findings and conclusions of law attached hereto.

The effective date of this approval is the date of the signing of this order, subject to any attached conditions. *A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*

This decision may be appealed to the Land Use Board of Appeals (LUBA) by the applicant, party to the hearing, or a party who responded in writing by filing a Notice of Intent to Appeal with LUBA within 21 days after the land use decision becomes final as described by OAR 661-010-0040(3).

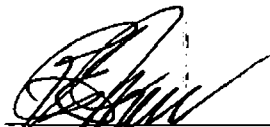
DATE SIGNED: August 3, 2009

DATE MAILED:

ASTORIA CITY COUNCIL



Mayor



Commissioner



Commissioner

Commissioner



Commissioner

ORDINANCE NO. 09-03

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTIONS CONCERNING DEFINITIONS, FLOOD HAZARD OVERLAY ZONE, AND VARIANCES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Section 1.400 concerning Definitions is amended by the addition of a definition to read as follows:

"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 permanently towable by a light duty truck; and
- d. Designated primarily not for use as a permanent dwelling but as temporary occupancy for recreational, camping, travel, or seasonal use."

Section 2. Astoria Development Code Sections 2.800 through 2.825 pertaining to Flood Hazard Overlay Zone are hereby deleted in its entirety and replaced to read as follows:

"FHO: FLOOD HAZARD OVERLAY ZONE

2.800. PURPOSE AND OBJECTIVES.

- A. It is the purpose of this Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the City of Astoria Comprehensive Plan and Development Code, the specific objectives of this zone are:
1. To combine with the present zoning requirements certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City.
 2. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
 3. To minimize the need for rescue and relief efforts associated with flooding.
 4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
 5. To minimize damage to public facilities and utilities located in flood hazard areas.

6. To ensure that potential home and business buyers are notified that property is in a flood area.
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2.805 DEFINITIONS.

Unless specifically defined below, words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage, and to give this Code its most reasonable application. In addition, any words or phrases found in this section are applicable to only this section of the Code, unless otherwise stated.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depth range is from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always include the letter A or V.

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year (also referred to as a 100-year flood).

BASE FLOOD ELEVATION (BFE): The height of the base flood, usually in feet, in relation to the current FEMA Flood Insurance Rate Maps, or depth of the base flood, usually in feet, above the ground surface.

BASEMENT: Basement means any area of the building having its floor subgrade below ground level on all sides.

BELOW-GRADE CRAWLSPACE: An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point

CRITICAL FACILITY: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. Critical facilities exclude water, sanitary sewer, and storm water infrastructure, as well as assisted-living facilities.

DEVELOPMENT: Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED STRUCTURE: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

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 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 Code in Section 2.825(A).

MEAN SEA LEVEL (MSL): The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after January 21, 1988.

START OF CONSTRUCTION: 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. 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. Permanent construction does not include:

- a. Land preparation, such as clearing, grading and filling;
- b. Installation of streets and/or walkways;
- c. Excavation for basement, footings, piers, or foundation or the erection of temporary forms;
- d. Installation on the property of an accessory building, such as a garage or shed not occupied as a dwelling unit or not part of the main structure.

STRUCTURE: A walled, floored, and/or roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Is 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 as indicated on the records of the Clatsop County Assessor.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of an existing 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.
- c. The terms do not, however, include either:
 - 1) 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
 - 2) Any alteration of a structure listed on the National Register of Historic Places, Local Landmark, or on a State Inventory of Historic Places.

2.810. GENERAL PROVISIONS.

A. Lands To Which This Code Applies.

This Code shall apply to all areas of special flood hazards (Flood Hazard Overlay Zone) in combination with present zoning requirements within the jurisdiction of the City of Astoria.

B. Basis For Establishing The Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Astoria", dated August 1, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps and any revision thereto, is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the City of Astoria City Hall, Community Development Department, 1095 Duane Street, Astoria..

C. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Code and other applicable regulations.

Compliance with the terms of this Code and other applicable regulations, and adherence to the submitted plans, as approved, is required. Any departure from the conditions of approval and approved plans, or any work not in compliance with the Code constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.

D. Warning and Disclaimer of Liability.

The degree of flood protection required by this Code 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 Code does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The Code shall not create liability on the part of the City of Astoria, or any officer or employee thereof, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.

E. Abrogation and Greater Restrictions.

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

F. Interpretation.

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including the state building code.

G. Flood Insurance Rates.

Some construction techniques, including but not limited to below-grade crawl space, may affect flood insurance rates. The applicant and/or property owner are advised to obtain additional information on this subject from an insurance company, the Oregon Department of Land Conservation and Development or the Federal Emergency Management Administration.

2.815. ADMINISTRATION.

A. Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area defined as an Area of Special Flood Hazard (see definition). The permit shall be for all structures including manufactured homes, set forth in the "definitions" and for all developments including fill and other activities, also as set forth in the "Definitions". Application for a development permit shall be made to the Community Development Director on forms furnished by the City, and shall specifically include the following information:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing method for any non-residential structure meets the floodproofing criteria in Section 2.825(A.2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Duties and Responsibilities.

The duties of the Community Development Director shall include, but not be limited to:

1. Review of all development permits to determine that the permit requirements of this Code have been satisfied.
2. 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.
3. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

C. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 2.810(B), Basis for Establishing the Area of Special Flood Hazard, the Community Development Director shall:

1. Obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Section 2.825(A.1), Specific Standards, Residential Construction, and Section 2.825(A.2), Specific Standards, Non-residential Construction.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

D. Information To Be Obtained and Maintained By Community Development Director.

Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.815(C), the Community Development Director shall:

1. Verify and record 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.
2. For all new or substantially improved floodproofed structures:
 - a. verify and record the actual elevation (in relation to Mean Sea Level); and
 - b. maintain the floodproofing certifications required in Section 2.815(A.3).
3. Maintain for public inspection all records pertaining to the provision of this ordinance.

E. Alteration of Watercourses.

The Community Development Director shall:

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

F. Interpretation of FIRM Boundaries.

The Community Development Director shall make interpretations where needed, as to the 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 interpretations as provided in Section 2.815(H).

G. Variance Procedures.

A variance shall be reviewed by the Community Development Director in accordance with Article 12.

2.820. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. General Standards.

In the Flood Hazard Overlay Zone (FHO) the following provisions are required:

1. Anchoring.
 - a. All new construction and substantial improvement 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 (Refer to 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 or substantial improvements shall be constructed by 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 with 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 discharges 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.
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 flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- 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 or from another administrative source (Section 2.815(C)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

2.825. SPECIFIC PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. Specific Standards.

In all areas of special flood hazards (FHO) where base flood elevation data has been provided as set forth in Section 2.810(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 2.815(C), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation. 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:

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

d. For below-grade crawlspace. See Section 2.825(A.5).

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the official as set forth in Section 2.815(D.2.b);
- d. Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 2.815(A);
- e. Applicants floodproofing non-residential buildings shall be notified that flood insurance premium will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- f. For below-grade crawlspace. See Section 2.825(A.5).

3. Manufactured Homes.

All manufactured homes, both within or outside of manufactured dwellings parks, to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 2.820(A.1.b).

4. Recreational Vehicles.

Recreational vehicles are prohibited from being located within Zones A1-30, AH and AE, or are being stored and are unoccupied in compliance with all other City codes and ordinances.

In addition to other City codes and ordinances, the recreational vehicle shall:

- a. Be located on the site for fewer than 180 consecutive days; and
- 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.

5. Below-Grade Crawlspace.

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 Areas (See Figure 1 below):

- 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 2.085(A.5.b) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a

reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

- h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

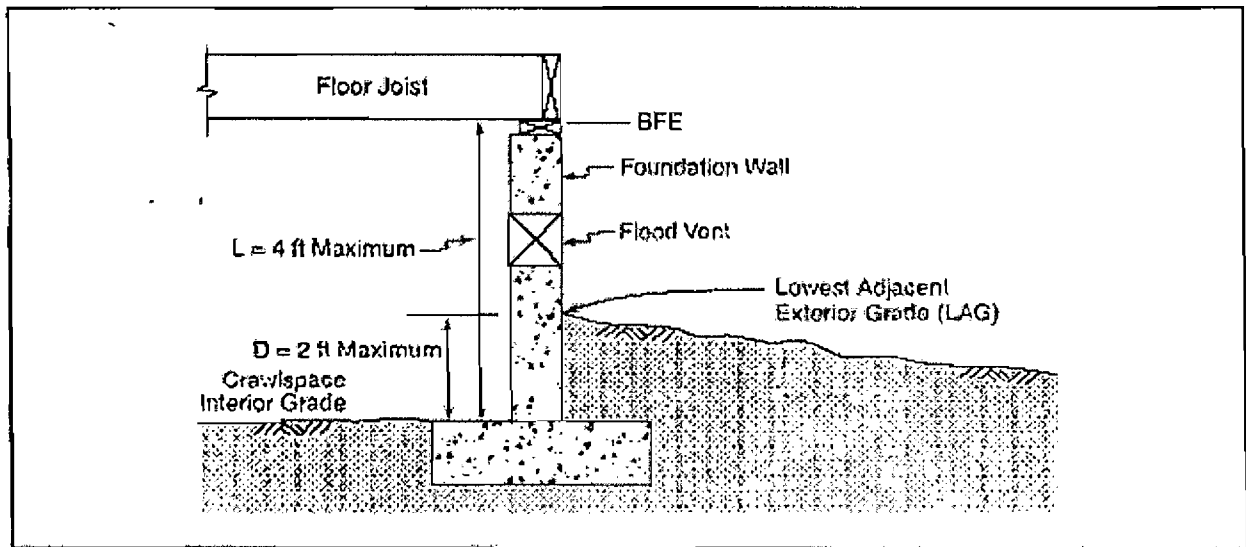


Figure 1. Requirements regarding below-grade crawlspace construction.

NOTE: In addition, the Oregon State Building Code requires residential structures to elevate 1 ft. above BFE.”

Section 3. Astoria Development Code Section 12.030 introduction concerning Variances is deleted in its entirety and replaced to read as follows:

“12.030. GENERAL CRITERIA.

Variances to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).”

Section 4. Astoria Development Code Section 12.040 title concerning Variances is deleted in its entirety and replaced to read as follows:

“12.040. CRITERIA FOR VARIANCE FROM STANDARDS RELATING TO OFF-STREET PARKING AND LOADING FACILITIES.”

Section 5. Astoria Development Code Section 12.050 title concerning Variances is deleted in its entirety and replaced to read as follows:

“12.050. CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO SIGNS.”

Section 6. Astoria Development Code Section 12.055 concerning Variances from Standards Relating to Flood Hazard Overlay Zone is added to read as follows:

“12.055. CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO FLOOD HAZARD OVERLAY ZONE.”

The granting authority may grant a variance from the requirements of the Flood Hazard Overlay Zone Sections, if on the basis of the application, investigation, and the evidence submitted by the applicant, all of the following expressly written findings are made. In addition, the granting authority shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Code.

1. 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 the following items have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
 - 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 flood plain management program for that area;

- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Variances shall only be granted when all of the following requirements have been met:
 - a. A showing of good and sufficient cause; and
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.
 6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 7. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 12.055(D)(1), and otherwise complies with the anchoring standards in Section 2.820(A)(1).
 8. 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 base flood

elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

9. The Community Development Department shall report any variances to the Federal Insurance Administration upon request.”

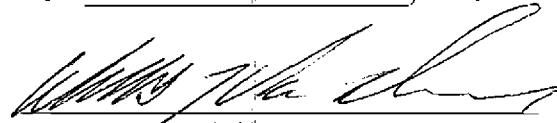
Section 7. Astoria Development Code Section 12.060(A) concerning Variances is amended by the addition to read as follows:

- “4. Variances from the requirements of the Flood Hazard Overlay Zone Section 2.800 to 2.825.”

Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 3RD DAY OF AUGUST, 2009.

APPROVED BY THE MAYOR THIS 3RD DAY OF AUGUST, 2009.



Mayor

ATTEST:



Paul Benoit, City Manager

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Commissioner	LaMcar	X		
	Roscoe	X		
	Henningsgaard	X		
	Warr	X		
Mayor Van Dusen		X		



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