



Oregon
Theodore R. Kubongski, Governor

Department of Land Conservation and Development
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Salem, OR 97301-2540
(503) 373-0050
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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/24/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waldport 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: Monday, December 07, 2009

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

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

***NOTE:** THE 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: Larry Lewis, City of Waldport
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Chris Shirley, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Regional Representative
Denise Atkinson
<paa> YA/email

FORM 2

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



Jurisdiction: **City of Waldport**

Local file number: **NA**

Date of Adoption: **Nov. 12, 2009**

Date Mailed: **Nov. 16, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **±Aug. 3, 2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Update Waldport Development Code Section 16.68 Flood Hazard Overlay Zone to be in accordance with FEMA standards and continued eligibility in the National Flood Insurance Program.

Does the Adoption differ from proposal? No

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-09(17746) [15837]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Waldport
Oregon Department of Land Conservation & Development

Local Contact: Larry Lewis, City Planner	Phone: (541) 563-3561	Extension: 103
Address: PO Box 1120	Fax Number: 541-563-5810	
City: Waldport	Zip: 97394	E-mail Address: larry.lewis@waldport.org

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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**.

Updated March 17, 2009

COPY

ORDINANCE NO. 728

AN ORDINANCE OF THE CITY OF WALDPOROT REVISING TITLE 16 OF THE WALDPOROT MUNICIPAL CODE BY AMENDING CHAPTER 16.68, FLOOD HAZARD OVERLAY ZONE AND DECLARING AN EMERGENCY.

WHEREAS, the Federal Emergency Management Agency (FEMA) recently updated federal regulations pertaining to flood hazard zones; and

WHEREAS, the City of Waldport's Municipal Code Chapter 16.68 "Flood Hazard Overlay Zone" needs to be amended to comply with federal regulations and to ensure that the City continues to be eligible to participate in the National Flood Insurance Program; and

WHEREAS, the Waldport Planning Commission held a public hearing on the proposed flood hazard amendments on September 22, 2009, and the only public testimony came from DLCD, with their recommended revision incorporated into the proposed amendments;

NOW, THEREFORE, THE CITY OF WALDPOROT ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted "Chapter 16.68, Flood Hazard Overlay Zone" as attached hereto as Exhibit "A" and incorporated herein by reference to replace the current section so entitled in the Waldport Municipal Code.

Section 2. Constitutionality. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 3. Effective Date. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this Chapter as soon as practicable to avoid confusion, and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.


ADOPTED by the Common Council of the City of Waldport this 12th day of November, 2009 by the following vote:

AYES 6 NAYS 0 ABSENT 0 ABSTAIN 0

SIGNED by the Mayor this 12th day of November, 2009.


Herman Welch, Mayor

ATTEST:


Reda A. Quinlan, City Recorder

ORDINANCE 728
Exhibit "A"

Chapter 16.68

FLOOD HAZARD OVERLAY ZONE

Sections:

- 16.68.010 Purpose.
- 16.68.015 Definitions
- 16.68.020 Area affected.
- 16.68.030 Uses.
- 16.68.040 Permits.
- 16.68.050 City records.
- 16.68.060 Development standards FIRM zones A, A1-30, A-O.
- 16.68.070 Development standards FIRM zones V, V1-20.
- 16.68.080 Floodway requirements.
- 16.68.090 Procedure when base flood elevation data is not available.
- 16.68.100 Utilities
- 16.68.110 Watercourse relocation.

16.68.010 Purpose.

The purposes of the flood hazard zone are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, in accordance with Statewide Planning Goal 7 and the City of Waldport comprehensive plan natural hazard policies. The regulation of uses within this zone is intended to:

- A. Protect human life and health;
- B. Protect property and structures;
- C. Minimize public costs for flood control projects;
- D. Minimize public costs of rescue and relief efforts associated with flooding;
- E. Minimize business interruptions due to flooding;
- F. Minimize damage to public facilities and utilities, including water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;
- G. Maintain a stable tax base by providing for appropriate use and development of areas of flood hazard;
- H. Make the designation of property subject to flood hazards a matter of public record; and
- I. Ensure that those who occupy the areas of special flood hazard assume responsibility for their action; and
- J. Qualify the city of Waldport for participation in the National Flood Insurance Program.

16.68.015 Definitions

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

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

"Area of Shallow Flooding" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; 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" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

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

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

"Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations which produce, use or store hazardous materials or hazardous waste.

"Development" means 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.

"Elevated Building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the

preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

"Manufactured Home" means 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 "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New Manufactured Home Park or Subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adopted floodplain management regulations.

"Recreational Vehicle" means a vehicle which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"State Building Code" means the combined specialty codes.

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

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

"Substantial Improvement" means 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:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 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 or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

"Water Dependent" means 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.

16.68.020 Area affected.

The provisions of this chapter shall apply to all areas of special flood hazards within the one hundred (100) year flood boundary within the jurisdiction of the city of Waldport.

The areas of special flood hazard identified by the Federal Emergency

Management Agency in a scientific and engineering report, entitled "The Flood Insurance Study" Lincoln County, Oregon and Incorporated Areas dated December 18, 2009, with accompanying flood insurance maps, are hereby adopted by reference and declared to be a part of the code. The flood insurance study and accompanying flood insurance maps are on file at the Waldport City Hall.

16.68.030 Uses.

In areas subject to the provisions of this chapter, all uses permitted under the provisions of the underlying district may be permitted, subject to the additional requirements and limitations of this chapter.

16.68.040 Permits.

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 16.68.020. The permit shall be for all structures including manufactured homes as set forth in Section 16.68.015 Definitions, and for all development including fill and other activities, also set forth in Section 16.68.015 Definitions.

B. Application for a development permit shall be made on forms furnished by the City of Waldport and may include but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities. Specifically, the following shall be submitted to obtain approval for development involving structures:

1. A survey showing the elevation, in relation to mean sea level, of a permanent bench mark placed upon the property. (A survey bench mark is not required in an A-O zone).

2. Building plans which shall indicate:

a. Elevation, (in relation to mean sea level, or in an A-O zone, the highest adjacent grade) of the lowest floor, including basement, for all proposed structures.

b. Elevation, (in relation to mean sea level, or in A-O zone, the highest adjacent grade) to which any proposed nonhabitable structure will be floodproofed.

c. Excavation plan showing cubic yards removed or filled and final elevation certified by a registered professional engineer.

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonhabitable structure meet the floodproofing criteria as set forth in Flood Proofing Regulations, EP 1165-2-314 and 44 CFR Section 60.3 (a)(3) of the Federal Register.

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

C. When changes have occurred which may have affected the base flood elevation, the city shall use the best information available to administer the requirements of this article.

D. Application, review and appeals for floodplain development permits shall be initiated and conducted in the manner provided for in Section 16.108.020 (A) of this title and include:

1. Determination that requirements and conditions of this ordinance have been satisfied;
2. Evaluation to determine that all necessary permits have been obtained from federal, state and local governmental agencies from which prior approval is required; and
3. Determination if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.68.080 are met.

16.68.050 City records.

A. The City of Waldport shall obtain (from the property owner or authorized agent) and maintain on file the actual elevation (in relation to the "National Geodetic Vertical Datum " (NGVD)) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this section.

B. For all new or substantially improved floodproofed structures in areas subject to the provisions of this chapter, the City of Waldport shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and also shall maintain the floodproofing certifications required pursuant to Section 16.68.060(C)(3) of this chapter.

C. Notwithstanding (A) and (B) above, there shall be no requirement to obtain and maintain on file the actual elevation of the lowest floor or of floodproofing measures for new or substantially improved structures in areas where specific base flood elevations are not known.

D. The City of Waldport shall maintain for public inspection all records pertaining to the provisions of this ordinance.

E. Interpretation of FIRM Boundaries. The City of Waldport shall 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 as provided in Section 16.68.120 Variances.

16.68.060 Development standards FIRM zones A, A1-30, A-O.

The following standards shall apply to all new construction, substantial improvement or other development in areas within FIRM zones, A, A1-30 and A-O:

A. All new construction and substantial improvements shall be constructed in accordance with Oregon State Building Codes, and shall be anchored to prevent flotation, collapse, and lateral movement of the structure, and shall be constructed with flood resistant materials, utilizing methods and practices to minimize flood damage.

B. All new and substantially improved residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. In FIRM zone A-O, the base flood elevation shall be defined as twelve (12) inches above the highest adjacent grade. Except as otherwise provided in Section 16.68.050(C) of this chapter, elevation of the lowest floor shall be documented with a survey certified by a State of Oregon registered professional engineer or land surveyor. For the purposes of this section, an unfinished garage (either attached or detached) may be considered a nonresidential structure.

C. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation, with proper documentation as set forth in subsection (B) above, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is substantially impermeable to the passage of water. In FIRM zone A-O, base flood elevation is defined as twelve (12) inches above the highest adjacent grade; and

2. Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

D. Nonresidential structures utilizing floodproofing methods which permit the entry of floodwaters may be authorized provided the following requirements are met:

1. The contents and interior finish materials of the structure shall be of types which are neither hazardous nor vulnerable to loss under conditions of flooding; and

2. The structure shall have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects and buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

3. The structure shall be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (H) of this section.

E. Manufactured Homes

1. All manufactured homes to be placed or substantially improved on sites:
- (i) Outside of a manufactured home park or subdivision,
 - (ii) In an expansion to an existing manufactured home park or subdivision, or
 - (iii) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood;

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

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

(i) The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist floatation, collapse, and lateral movement.

F. Recreational vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements of 5.2-3 above and the elevation and anchoring requirements for manufactured homes.

G. Below-grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawl Space Construction for Buildings Located in Special Flood Hazard Areas:

1. 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 I 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.

2. 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.

3. 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.

4. 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.

5. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

6. 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.

7. 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.

8. 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.

For more detailed information refer to FEMA Technical Bulletin 11-01.

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

I. For all new construction and substantial improvements that are elevated, 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. Fully enclosed areas below the lowest floor of elevated building are usable solely for the parking of vehicles, building access, or storage in an area other than a basement. 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 minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

J. Land may be exempted from the requirements of Section 16.68.050 of this chapter upon review and approval by the CAO of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is above the base flood level.

K. Within the A-O zone, adequate drainage paths around structures shall be provided to guide floodwaters around and away from proposed structures in such a manner that will not cause runoff to and/or damage to surrounding properties.

16.68.070 Development standards FIRM zones V, V1-30.

The following standards shall apply to all new construction, substantial improvements and other development in areas within FIRM zones V and V1-30:

A. All buildings or structures shall be located landward of the mean high tide.

B. All new or substantially improved structures shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor, (excluding pilings or columns) is elevated to one (1) foot above the base flood level.

C. Pile or column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one hundred (100) year mean recurrence interval).

D. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (B) and (C) above.

E. All space below the lowest floor shall be either free of obstruction to the free

flow of water or constructed with nonsupporting breakaway walls, open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation systems. For purposes of this section, breakaway walls shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot may be permitted only if a registered engineer or architect certifies that the designs meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which occurs during the base flood; and

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one hundred (100) year mean recurrence interval).

F. All space below the lowest floor shall be used solely for parking of vehicles, building access or storage.

G. No fill shall be used for structural support.

H. Sand dunes shall not be altered so as to increase potential flood damage.

I. Prohibit man-made alteration of sand dunes which would increase potential flood damage.

J. All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the community's FIRM on sites:

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision,

or

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

meet the standards of paragraphs 16.76.070A-H of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of Section 16.76.060E.

K. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either:

(i) Be on the site for fewer than 180 consecutive days, or

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of Section 16.76.030 (Permitting requirements) and paragraphs 16.76.070A-H of this section.

16.68.075 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 A1-3- and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

16.68.080 Floodway requirements.

In areas identified as floodway on the flood boundary and floodway maps, the following restrictions, in addition to the requirements of Section 16.18.050 of this chapter, shall apply:

No development shall be permitted that would result in any measurable increase in base flood levels. Encroachment is prohibited, including fill, new construction, substantial improvement and other development, unless a detailed step backwater analysis, certified by a registered professional engineer, is provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

16.68.090 Procedure when base flood elevation data is not available

A. For the purposes of administering the provisions of this section in areas where detailed base flood elevation data has not been provided through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above grade in these zones may result in higher insurance rates.

B. In areas where detailed base flood elevation has not been provided by FEMA, all proposals for subdivisions or other new developments greater than fifty (50) lots or five (5) acres, whichever is less, shall provide detailed base flood elevation data and floodway data and adhere to the following:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

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

16.68.100 Utilities

A. All new and replacement water supply systems shall be designed to

minimize or eliminate infiltration of flood waters into the systems;

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;

C. On-site waste disposal systems shall be located to avoid impairment of the systems, or contamination from the systems, during flooding.

16.68.110 Watercourse Relocation:

A. Prior to approving any relocation or substantial alteration of a watercourse, the City of Waldport shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

B. No relocation or substantial alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a registered professional engineer, is provided which demonstrates that:

1. The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;

2. The area subject to inundation by the base flood discharge will not be increased; and

3. The alteration or relocation will cause no measurable increase in base flood levels.

C. The City of Waldport shall required that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

16.68.120 Variance Procedure.

A. Appeal Board

1. The Waldport Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. The Waldport Planning Commission shall hear and decide appeals when it is alleged there is an error on any requirement, decision, or determination made by the City Planner in the enforcement or administration of this ordinance.

3. Those aggrieved by the decision of the city planner, or any taxpayer, may appeal such decision to the Planning Commission, as provided by this ordinance.

4. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity of the facility to a waterfront location, where applicable;

- (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) The compatibility of the proposed use with existing and anticipated development;
- (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 16.68.120A(4) and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. The city planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances

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 items (i-xi) in Section 16.68.120A(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

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 issued upon:

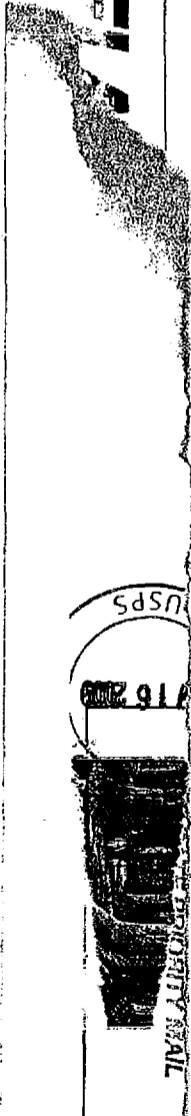
- (i) A showing of good and sufficient cause;
- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 16.68.120A(4), 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 principal 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, variance from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential 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 16.68.120B(1), and otherwise complies with section 16.68.060E of the Development Standards FIRM Zones A, A1-30, A-O.

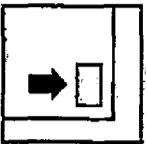
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



HOW TO USE:



1. COMPLETE ADDRESS LABEL AREA
Type or print required return address and addressee information in customer block (white area) or on label (if provided).



2. PAYMENT METHOD
Affix postage or meter strip to area indicated in upper right hand corner.



3. ATTACH LABEL (if provided)
Remove label backing and adhere over customer address block area (white area).

*City of Waldport
PO Box 1120
Waldport, OR 97394*

*Attention: Plan Amendment Specialist
Dept of Land Conservation + Development
635 Capital Street NE, Suite 150
Salem, OR 97301-2540*

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