



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/15/2010

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

FROM: Plan Amendment Program Specialist

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

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: Friday, November 26, 2010

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

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

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

Cc: Greg Hinkelman, City of Clatskanie
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

NOV 8 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Clatskanie**

Local file number: 2010-02

Date of Adoption: November 3, 2010

Date Mailed: November 5, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".

As required by Federal Emergency Management Agency, the city of Clatskanie updated its floodplain ordinance and adopted new digital floodplain maps in order to maintain compliance with the National Flood Insurance Program.

The adopted ordinance is attached, and the floodplain maps were incorporated by reference as "The Flood Insurance Study for Columbia County, Oregon and Incorporated Areas, dated November 26, 2010.

The floodplain study and new floodplain maps for the city of Clatskanie are available at DLCD through the Natural Hazard Coordinator.

Does the Adoption differ from proposal? Please select one

Yes - The following changes were made: The **appeals section** was amended to include criteria for reviewing appeals within the floodplain (special flood hazard area).

The following definitions were either added or changed:

- Base Flood - there was a typo.
- Base Flood Elevation was added.
- Historic Structure was added.
- Substantial Improvement was changed from 80% to 50%.
- Violation was added
- Flood way definition added
- Watercourse definition added

Changes to the Floodplain Ordinance:

9-9B-4 - The words FIRM (for Flood Insurance Rate Maps) and below-grade crawlspace were added.

9-9B-9.I.(iii) - A reference to the Clatskanie flood provisions was added in place of reference to a model code provision.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: **The new maps apply to the identified floodplain for Clatskanie Acres Involved:**

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

DLCD File No. 001-10 (18451) [16398]

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. _____

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

Local Contact: **Greg Hinkelman**

Phone: **(503) 728-2622**

Extension:

Address: **95 S. Nehalem Street**

City: **Clatskanie**

Zip: **97016**

Fax Number: **(503) 728-3297**

E-mail Address: **ghinkelman@cityofclatskanie.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City of Clatskanie

Ordinance 664

AN ORDINANCE AMENDING TITLE 9, LAND USE AND DEVELOPMENT TO COMPLY WITH NEW FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS.

WHEREAS, THE CITY OF CLATSKANIE has flood hazard district regulations in its zoning ordinance; and

WHEREAS, the Flood Insurance Rate Map(s), (FIRM) have not been updated since 1996; and

WHEREAS, the most recent update of the City's flood insurance rate map requires adoption of more stringent flood plain management regulations.

NOW, THEREFORE THE CITY COUNCIL of the City of Clatskanie adopts the Federal Emergency Management Agency Flood Insurance Study for Columbia County, Oregon and Incorporated Areas, dated November 26, 2010; and ordains that Clatskanie City Code Title 9, LAND USE AND DEVELOPMENT; Chapter 2 DEFINITIONS, section 9-2-2 DEFINITIONS; Chapter 3 ADMINISTRATION AND ENFORCEMENT, section 9-3-9 APPEALS; and Chapter 9, SPECIAL OR OVERLAY ZONES, ARTICLE B. FH-FLOOD HAZARD ZONE to read as follows and repealing the previous chapters:

9-2-2: DEFINITIONS:

The words and phrases used in this title shall have the meanings given in this section, as follows:

ABUT: Contiguous to; adjoining with a common boundary line (see illustration, appendix A, on file at city hall).

ACCESS: The place, means or way by which pedestrians, vehicles, or both, shall have safe, adequate and usable ingress and egress to a property or use. A private access is one not in public ownership or control by means of deed, dedication or easement.

ACCESSORY STRUCTURE OR USE: A structure or use incidental, appropriate and subordinate to the main structure or use.

ACRE: A measure of land containing forty three thousand five hundred sixty (43,560) square feet.

ADJACENT: A parcel, property, or use next to the subject site or separated only by public right of way.

ADULT BUSINESS: Any person, group, firm, business, or organization that prohibits admission to all or a portion of the premises to any persons younger than twenty one (21) years of age.

ADVERSE POSSESSION: The right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

AGRICULTURAL USE: Means and includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

ALTERATION, STRUCTURAL: "Structural alteration" means any change or repair of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

APARTMENT: One or more rooms with private bath and kitchen comprising an independent, self-contained dwelling unit, located in a building which is occupied as a residence.

APPEAL: A request for review of any interpretation or decision regarding any provision in this code including a variance.

APPLICANT: The owner of the affected property, or such owner's authorized agent or representative.

AREA OF SHALLOW FLOODING: A designated AO or AH zone of the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); 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 floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. AO is characterized as sheet flow and AH indicates ponding.

AUTOMOBILE SERVICE STATION: Any building or land area used, or intended to be used, for the retail sale of vehicular fuels. It may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.

AUTOMOBILE WRECKING YARD: See definition of Junkyard.

AWNING: A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid material.

BASE FLOOD: "Base flood", also referred to as the "100-year flood", means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. Designation on flood insurance rate maps (FIRM) always includes the letters A or V.

Base Flood Elevation (BFE): means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

BASEMENT: Any floor level below the first story in a building; except, that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first "story" as defined herein. For the purpose of complying with Article B. FH Flood Hazard Zone, basement means any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST INN: A use subordinate to the principal use of a single-family dwelling, and involving not more than three (3) bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside on site. The building design must be compatible with the residential neighborhood and be inspected by both the fire district and the county.

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.

BERM: A manmade mound of earth, two (2) to six feet (6') high with a two to one (2:1) slope (see illustration, appendix A, on file at city hall), used to deflect sound or to buffer incompatible areas.

BIKE LANE, PATH OR WAY: Any trail, path or part of a highway shoulder, sidewalk or any other travelway specifically signed and/or marked for bicycle travel.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BOARD OF ADJUSTMENT: The planning commission shall act as the "board of adjustment" for the purposes of this title.

BOND: Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

BUFFER: A landscaped area providing separation between uses, or as a shield to block noise, lights and other nuisances.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT: The vertical distance from the average elevation of the finished grade to the highest point of the structure excluding certain appurtenances.

BUILDING LINE: A line parallel to the street right of way, at a distance equal to the depth of the required front yard.

BUILDING, PRINCIPAL: "Principal building" means the structure within which is conducted the principal

use of the lot.

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles, and having not more than three (3) sides enclosed.

CENTERLINE: The centerline of a street shall be the line that coincides with the centerline of the original right of way, or as established by the city.

CITY: The city of Clatskanie, Oregon.

CITY MANAGER: The appointed chief administrative officer of the city, who is responsible for the administration of all city ordinances.

COMMUNICATION TOWER: Any tower, lattice, monopole, or other type of structure, used for transmitting and/or receiving signals to or from other communication towers or communication equipment including, but not limited to, cell phones, radios or televisions.

COMPREHENSIVE PLAN: A plan for the guidance of growth and improvement of the city, including any amendments that may be made from time to time.

CONDITIONAL USE PERMIT: A permit issued by the city stating that the use must meet all of the conditions placed on it by the planning commission and by this title.

CONVENIENCE STORE: A retail store containing less than five thousand (5,000) square feet of gross floor area designed and stocked to sell primarily food, beverage and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket").

COUNCIL: The city council of Clatskanie, Oregon.

COURTYARD: A landscaped area enclosed by two (2) or more walls.

COVERAGE, BUILDING OR LOT: "Building or lot coverage" means the percentage of the total lot area covered by buildings.

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

CURB LINE: The line indicating the edge of the vehicular roadway within the overall right of way.

DAYCARE: Care provided to not more than five (5) unrelated children during a period not to exceed

twelve (12) hours in a twenty four (24) hour day.

DAYS: Calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

DE NOVO: A new hearing, usually without consideration of any previous hearing testimony.

DEDICATION: The donation of property by its owner to the city for any public purpose (e.g., the construction or widening of a street).

DENSITY: The number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

DENSITY, GROSS: "Gross density" includes in the computation of density all of the land within the boundaries of the lot.

DENSITY, NET: "Net density" excludes from the computation of density those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

DEVELOPMENT: Any manmade 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

DWELLING, APARTMENT: "Apartment dwelling" means a single building, or portion thereof, containing four (4) or more dwelling units.

DWELLING, SEMIDETACHED: "Semidetached dwelling" means two (2) dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means one dwelling unit, structurally separated from any other dwelling on the same lot.

DWELLING, THREE-FAMILY OR TRIPLEX: "Three-family dwelling" or "triplex" means a structure on a single lot containing three (3) dwelling units connected by either fire resistant common walls, unpierced from ground to roof, and/or an unpierced ceiling and floor.

DWELLING, TWO-FAMILY OR DUPLEX: "Two-family dwelling" or "duplex" means a structure on a single lot containing two (2) dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, and/or an unpierced ceiling and floor.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the applicable codes designed for occupancy by

only one family (see definition of Family).

EASEMENT: The granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

ELEVATED BUILDING means 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.

EMPLOYEES: All persons, including proprietors, working on the premises during the largest shift.

FAMILY: One or more individuals related by blood or marriage, or up to five (5) unrelated individuals, occupying a dwelling unit and living as a single household.

FENCE, SIGHT OBSCURING: "Sight obscuring fence" means a fence or wall constructed in such a way as to obstruct vision from a point not more than one foot (1') above grade to a maximum height of six feet (6').

FINAL ACTION: A final determination made by the review body, accompanied by adopted findings, and signed by the review body.

FINDINGS: A written statement of fact, conclusions and determinations based on the evidence presented at a public hearing in relation to the criteria and accepted by the review body in support of their decision.

FLAG LOT: A lot which has access to a right of way by means of a narrow strip of land (see illustration, appendix A, on file at city hall).

FLOOD FRINGE: The area bordering the floodway, and within the floodplain, that acts as a reservoir of floodwaters (see illustration, appendix A, on file at city hall).

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal emergency management administration has delineated both the areas of special flood hazard 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.

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.

FLOODPLAIN: The combined area of the "floodway" and the "flood fringe", as defined in this chapter (see illustration, appendix A, on file at city hall).

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 (1').

FLOOR AREA: The area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area located under the horizontal projection of the roof or floor above.

FRONT LOT LINE: The lot line separating a lot from the street right of way.

FRONTAGE: The side of a lot abutting a street; the length of the front lot line (see illustration, appendix A, on file at city hall).

GARAGE, RESIDENTIAL: A "residential garage" is a fully enclosed building used for the parking or storage of not more than the number of vehicles, trailers, or boats as possessed by a resident or owner of the principal residential building.

GRADE: The degree or rise of a sloping surface (see illustration, appendix A, on file at city hall).

GRADE, FINISH: "Finish grade" means the final elevation of the ground surface after development.

GRANDFATHER CLAUSE: See definition of Nonconforming Use.

GROUP CARE HOME: Facilities providing convalescent care to elderly or physically dependent people for periods exceeding twenty four (24) hours; or providing daily care and training for physically or mentally handicapped people.

GUEST HOUSE: An accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

HEDGE, SIGHT OBSCURING: "Sight obscuring hedge" means an evergreen barrier grown for the purpose of obstructing vision, which shall be at least two feet (2') tall at the time of planting, and capable of obscuring at least eighty percent (80%) of the view between two (2) and six feet (6') from the ground within five (5) years of planting.

HIGHWAY, STATE: "State highway" means a primary or secondary state highway that has been so

designated by the Oregon transportation commission.

HISTORIC BUILDING OR SITE: Any building or site designated by the city as a landmark based on its special historical or architectural value, character or interest as part of the development, heritage or history of neighboring residents.

HISTORIC STRUCTURE means a structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or ;

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior, or;

ii. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: A lawful, income producing activity conducted in a dwelling while maintaining the residential character, having no outward appearance of a business and no infringement on the rights of neighboring residents (see section 9-13-4 of this title).

HOTEL/MOTEL: A building or portion thereof designed for occupancy with no provisions for cooking in any individual room or suite.

IMPROVEMENT: Any building, structure, parking facility, fence, gate, wall, other object constituting a physical betterment of real property, or any part of such betterment.

INDUSTRIAL PARK: A large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

JUNKYARD: Any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two (2) or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials.

KENNEL: Any premises where five (5) or more dogs, cats or other small animals are kept for board, training, propagation or sale.

LAND USE DECISION: A final decision or determination by the city that concerns the adoption, amendment or application of the goals, a comprehensive plan provision, a land use regulation or a new land use regulation. A land use decision does not include a decision which: a) is made under land use standards not requiring interpretation or the exercise of factual, policy or legal judgment; b) approves, approves with conditions, or denies a subdivision or partition, as described in Oregon Revised Statutes 92, located within the urban growth boundary where the decision is consistent with land use standards; or c) approves or denies a building permit made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgment.

LANDSCAPING: Includes ground cover, trees, grass, bushes, flowers, garden areas and arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas.

LEGISLATIVE AMENDMENT: A change to the text of this title, to the comprehensive plan text, to the plan map, or to the zoning map, that is general in nature or large in size of area, and therefore, affects a significant number of properties and owners.

LOADING SPACE: An off street space or berth for the temporary parking of commercial vehicles while loading or unloading, located on the same lot with a main building or use, or contiguous to a group of buildings.

LOT: A unit of land that is created by a subdivision of land.

LOT AREA: The total horizontal area enclosed within the lot lines of a lot.

LOT, CORNER: "Corner lot" means a lot with two (2) adjacent sides abutting streets other than alleys.

LOT COVERAGE: The area of a lot covered by buildings, normally expressed as a percentage.

LOT DEPTH: The average distance between the front lot line and the rear lot line.

LOT LINE: Any property line bounding a lot (see illustration, appendix A, on file at city hall).

LOT LINE ADJUSTMENT: Movement of a common boundary without creating a new lot, or reducing either of the existing lots to less than the lot area required by the zone.

LOT LINE, FRONT: "Front lot line" means, for an interior lot, a line separating the lot from the street; for a corner lot, a line abutting either (but not both) frontages on the street.

LOT LINE, REAR: "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular shaped lot, a line ten feet (10') long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD: A legally created lot meeting all applicable regulations in effect at the time of creation, and held in separate ownership from abutting properties shown on the records of Columbia County at the time the ordinance was adopted that established zoning for the property.

LOT WIDTH: The average horizontal distance between the side lot lines.

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 title found in chapter 9, article B of this title.

MAJOR PARTITION: A partition which includes the creation of a road or street.

MANUFACTURED DWELLING: 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 dwelling" does not include a "recreational vehicle."

MANUFACTURED DWELLING PARK: A residential lot, tract or parcel of land under the same ownership, with the primary purpose of renting space, or offering space free in connection with securing trade or patronage, and on which two (2) or more manufactured dwellings are placed.

MANUFACTURED DWELLING SUBDIVISION: A residential lot, tract or parcel of land subdivided, according to the provisions of this title regulating land division, for the purpose of providing sites for manufactured dwellings.

MINOR PARTITION: A partition that does not include the creation of a road or street.

MOBILE HOME: See definition of Manufactured Dwelling.

MOBILE HOME PARK: See definition of Manufactured Dwelling Park.

MOBILE HOME SUBDIVISION: See definition of Manufactured Dwelling Subdivision.

MODULAR HOME: A dwelling unit constructed in accordance with the standards set forth in the uniform building, plumbing, and electrical codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile home (except the modular home meets the building code requirements for site built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date hereof.

NONCONFORMING LOT: A lot which was lawful in terms of size, area, dimensions or location, prior to the adoption of this title, or revision or amendment of this title, which now fails to conform to the requirements of the zoning district.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of this title, or amendment to this title, which renders such sign nonconforming because it does not conform to all the standards and regulations.

NONCONFORMING STRUCTURE: A structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment of this title, but which fails to meet the present requirements of the zoning district.

NONCONFORMING USE: An activity lawfully existing prior to the effective date of this title, or any amendment to this title, but which fails to meet current standards and requirements of the zone.

OCCUPANCY PERMIT: A required permit allowing occupancy of a building after it has been determined that all requirements are met.

ON THE RECORD: An appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

OPEN SPACE: An area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

PARCEL: A unit of land that is created by a partitioning of land.

PARTITION: Either an act of partitioning land or an area or tract of land partitioned.

PARTITION LAND: To divide land into two (2) or three (3) parcels of land within a calendar year, but does not include: a) a division of land resulting from a lien or foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; b) an adjustment of a property line by the relocation of a common boundary line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or c) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purpose; provided, that such road or right of way complies with the applicable comprehensive plan, Oregon Revised Statutes 215.213(2)(q) and 215.283(2)(p) through (r).

PARTITION PLAT: Means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

PERMIT: An official document or certificate, issued by the city, authorizing, and required prior to, the performance of a specified development activity.

PERMITTED USE: Any use allowed in a zone, subject to the applicable standards.

PLANNING COMMISSION: The planning commission of the city.

PLAT: Means and includes a final subdivision plat, replat or partition plat.

POTENTIAL FUTURE FLOODING: Exists when a property elevation is at or below the established 100-year floodplain.

PROFESSIONAL OFFICE: The office of an occupation or vocation requiring training or extended experience in the liberal arts or the sciences or advanced study in a specialized field, such as attorney, doctor, accountant, and the like, maintained for the conduct of that occupation or vocation.

QUASI-JUDICIAL AMENDMENT: A change to the text of this title, the comprehensive plan text, the plan map, or the zoning map, that is specific in nature or involves only a small number of properties.

RECREATIONAL VEHICLE: means 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) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REPLAT: Means and includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications, provisions and information concerning a recorded subdivision.

RESERVE STRIP: A strip of land, usually one foot (1') in width, across the end of a street or alley which shall be under the ownership of the city to restrict access.

RESIDENTIAL FACILITY: A facility, licensed by or under the authority of the state of Oregon, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.

RESIDENTIAL HOME: A home, licensed by or under the authority of the state of Oregon, which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

ROAD, COUNTY: "County road" means dedicated public thoroughfare, easement, or right of way intended for vehicular travel and maintained by, or under the jurisdiction of the county.

ROAD, FRONTAGE: "Frontage road" means a minor road substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

ROAD, PRIVATE: See definition of Street, Private.

SCHOOL: Any public kindergarten, elementary, junior high, high school, college or comparable private school.

SHOP, RESIDENTIAL: A "residential shop" means a home workshop located in a dwelling or an accessory building that is used by a resident of the dwelling for noncommercial purposes.

SIGN: Any lettered or pictorial device designed to inform or attract attention, and which shall comply with chapter 12 of this title.

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 one hundred eighty (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, and/or 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 foundation or the erection of temporary forms; nor does it include the construction 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 adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

STEEP SLOPE: A slope with a gradient of twenty five percent (25%) or greater (see definition of Grade).

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet (6') above "grade", as defined herein, such usable or underfloor space shall be considered as a story.

STORY, HALF: "Half story" means a story under a gable, hip or gambrel roof, the wall plates of which are not more than two feet (2') above the floor of such story on the least two (2) opposite exterior walls.

STREET, ALLEY: "Alley street" means a narrow way providing a secondary means of access to the back or

side of abutting properties that have access on another street.

STREET, ARTERIAL: "Arterial street" means a major street carrying large amounts of traffic and so designated on the official city street map.

STREET, COLLECTOR: "Collector street" means a street carrying traffic between minor and arterial streets.

STREET, CUL-DE-SAC: "Cul-de-sac street" means a street that terminates in a vehicular turnaround.

STREET, HALF: "Half street" means the dedication of right of way equal to one-half ($\frac{1}{2}$) the planned width of a city street and running the length of the property frontage. The same term can be applied to the street improvements made to the centerline of the street.

STREET LIGHTING: The entire system of wiring, poles, fixtures and lamps that are necessary to light a street or pedestrian way.

STREET, MINOR: "Minor street" means a street created to provide access to abutting properties.

STREET, PRIVATE: "Private street" means a street created to provide access to the parcels of a major partition as a nonexclusive easement and not dedicated for public use.

STRUCTURE: A walled and roofed building (including a gas or liquid storage tank) that is principally above ground.

SUBDIVISION: A site with four (4) or more lots.

SUBDIVISION PLAT: Means and includes a final map and other writings containing all the descriptions, location, specifications, dedications, provisions and information concerning a subdivision.

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:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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.
- B. 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 term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely 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.

TEMPORARY IMPROVEMENT: An improvement determined by the planning commission as necessary to protect the public health, safety and welfare during construction.

TERRACE: An open, often paved area adjacent to a dwelling at ground level, such as a patio.

TRAILER, RECREATION: "Recreation trailer" means a mobile shelter, usually smaller than nine hundred (900) square feet, and used for recreational outings rather than as a permanent habitation.

UNSTABLE SOIL: Soil types which pose severe limitations upon development due to potential slides, slumping, flooding, structural instability or inadequate sewage waste disposal, as defined by the federal law.

UNUSED MANUFACTURED HOME: A manufactured home that has not been occupied for residential or commercial use.

URBAN GROWTH BOUNDARY: An adopted line used as a planning guideline to designate the future urban area of the city, and indicating areas into which city services will be extended upon annexation.

USE: The primary purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

VARIANCE: A grant of relief from the standards of this title which permits construction in a manner that would otherwise be prohibited, when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship (see section 9-14-1 of this title).

Violation: (for the purpose of complying with Section 9-9B) means the failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Watercourse: A stream of water, a channel, and a natural source of water

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD: Open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.

YARD, EXTERIOR SIDE: "Exterior side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

YARD, FRONT: "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

YARD, REAR: "Rear yard" means a yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

YARD, SIDE: "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard, and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building. (1996 Code Ch. 17.08; amd. Ord. 599, 11-3-1999; Ord. 605, 4-4-2001; Ord. 621, 11-6-2002; 2004 Code; Ord. 643, 3-1-2006)

9-3-9: APPEALS:

- A. **Right To Appeal; Notice:** An applicant, or any aggrieved person, may appeal an order (decision) of the planning commission by submitting, on a form provided by the city, written notice to the city manager within ten (10) days of the date the order is signed by the planning commission chairperson or the chairperson's designee.
- B. **Filing Fee:** A filing fee in the amount set by the city council is due at the time the appeal is filed. The city council may waive the required fee upon a showing of good cause.
- C. **Hearing Date:** The appeal hearing date shall be set for the next regularly scheduled council meeting.
- D. **Contents Of Notice:** Notice of the hearing shall be provided in the same manner as for the original hearing in accordance with state law.
- E. **Testimony; Evidence:** At the hearing, testimony shall be limited to the applicant(s) and the appellant(s) and evidence shall be limited to the record of the planning commission decision. The city council may decide to hear additional testimony or additional evidence on any specific appeal.
- F. **Burden Of Proof:** The applicant shall bear the burden of proof.
- G. **City Council Action:**
 - 1. The city council may decide to uphold or to overturn the planning commission decision, or it may remand the application to the planning commission for another hearing.
 - 2. If the city council decides to uphold the planning commission decision, no new findings are necessary. (Ord. 652, 6-4-2008)

3. For the purposes of an appeal of a decision involving Section 9-9B dealing with floodplain regulations, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of Section 9-9B, and the following criteria:
 - 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.
4. Upon consideration of the factors of Section 9-3-9 (G) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance;
5. The city manager shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

9-9B-1: PURPOSE:

It is the purpose of this title to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

- A. 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;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alternation of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

9-9B-2: JURISDICTION; DEVELOPMENT PERMIT:

This article shall apply to all areas of special flood hazard within the jurisdiction of the city. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this article. This article shall apply to all areas of special flood hazard within the jurisdiction of the city. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this article. The permit shall be for all structures including manufactured dwellings, as set forth in Section 9-2-2 "DEFINITIONS", and for all development including fill and other activities, also as set forth in Section 9-2-2 "DEFINITIONS".

9-9B-3: DUTIES AND RESPONSIBILITIES OF COMMISSION:

- A. Grant Or Deny Permit: The Planning commission shall grant or deny development permit applications in accordance with the provisions of this article.
- B. Duties: The duties of the planning commission shall include the review of all development permits to determine the following:
 - 1. The permit requirements of this article have been met.
 - 2. All necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - 3. The encroachment provisions of this article have been met, if the proposed development is located in the floodway.

9-9B-4: INFORMATION OBTAINED AND MAINTAINED:

Where base flood elevation data is provided through the flood insurance study, FIRM or required, the planning commission shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement or below-grade crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or substantially improved flood proofed structures, the planning commission shall:

- A. Verify and record the actual elevation (in relation to mean sea level); and
- B. Maintain the flood proofing certifications required. All records pertaining to the provisions of this title must be maintained for public inspection.
- C. Maintain for public inspection all records pertaining to the provisions of this ordinance.

9-9B-5: BASIS FOR ESTABLISHING 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 November 26, 2010," with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at city hall. When base flood elevation data has not been provided in accordance with this section, the planning commission 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 this article.

9-9B-6: USE OF OTHER BASE FLOOD DATA IN A ZONES:

When base flood elevation data has not been provided (A Zone) in accordance with Section 9-9B-5, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local 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 Section 9-9B-9 FLOOD HAZARD PROTECTION.

9-9B-7: ALTERATION OF WATERCOURSES:

Notification shall be provided to adjacent communities and, the Department of Land Conservation and Development, the U.S. Army Corps of Engineers, the Oregon Department of State Lands, and other appropriate agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification submitted to the federal insurance administration. The planning commission shall require that maintenance be provided within the altered or relocation portion of the watercourse, so that the flood carrying capacity is not diminished.

9-9B-8: INTERPRETATION OF FIRM BOUNDARIES:

The planning commission shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be 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).

9-9B-9: FLOOD HAZARD PROTECTION:

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

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes 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.)

3. 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 component during conditions of flooding.

B. Construction Materials and Methods:

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

C. Utilities:

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

- D. Subdivision Applications: Applications shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage; and, 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 fifty (50) lots or five (5) acres (whichever is less).

- E. Review of Building Permits: Where elevation data is not available from the flood insurance study, FIRM, or some other authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

- F. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 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:

1. A minimum of two (2) 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.
 2. The bottom of all openings shall be no higher than one foot (1') above grade.
 3. Openings may be equipped with screens, louvers, or other covering or devices; provided, that they permit the automatic entry and exit of floodwaters.
- G. Non residential Construction: New construction and substantial improvement or any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be flood proofed 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 effect 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.
 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection F of this section.
 5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- H. MANUFACTURED DWELLINGS:
- For manufactured dwellings to be placed or substantially improved on sites:
1. The ground area reserved for the placement of a manufactured dwelling shall be a minimum of 12 inches above BFE unless the foundation walls are designed to automatically equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. The ground area reserved for the placement of a manufactured dwelling shall be a minimum Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (ii) The bottom of all openings shall be no higher than one foot above grade, and
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
 2. The bottom of the longitude chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE;

3. The manufactured dwelling shall be anchored to prevent flotation collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Dwelling Installation in Flood Hazard Areas" guidebook for additional techniques"); and
4. Electrical crossover connections shall be a minimum of 12 inches above BFE.

I. RECREATIONAL VEHICLES:

Recreational vehicles placed on sites are required to either:

- (i) Be on the site for fewer than 180 consecutive days
 - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii) Meet the requirements of 9-9B.H above and the elevation and anchoring requirements for manufactured dwellings.
- J. Building Setbacks: Within the flood hazard zone, a twenty five foot (25') building setback from the ordinary high water line of all rivers and streams shall be maintained. Within this building setback, riparian vegetation shall be maintained to the maximum extent feasible. The intent of this provision is the stabilization of the river and stream banks by maintaining the existing vegetation. Requests for a variance to this standard must be accompanied with a plan to mitigate the adverse impacts of construction on this sensitive vegetation. This plan may include the replanting of the area with vegetation such as willows or other riparian vegetation to restore the area after construction is finished.

K. 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 with 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 within the community.

9-9B-10: FLOODWAYS

Located within areas of special flood hazard 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:

- A. Encroachments, including fill, new construction, substantial improvements and other development are prohibited, unless certification by a registered professional engineer or architect is provided

demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article. (1996 Code § 17.60.090)

9-9B-11: STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet (3') where a clearly defined channel does not exist, or where the path of flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- A. Residential Structures: New construction and substantial improvements of residential structures within AO zones shall have the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least 2 feet if no depth number is specified).
- B. Nonresidential Structures: New construction and substantial improvements of nonresidential structures within AO zones shall either:
1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least 2 feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection 9-9B-8G3 of this article.
- C. Drainage Paths: Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures. (1996 Code § 17.60.100)

9-9B-12: CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

1st Reading and Hearing before the planning commission: September 22, 2010

1st Reading and Hearing before the Council: October 6, 2010.

2nd Reading and Adoption before the Council: November 3, 2010

Passed by the Common Council of the City of Clatskanie on this 3rd day of November, 2010.

Karyn Purdue, City Recorder

Diane Pohl, Mayor

ROLL CALL ON ADOPTION:

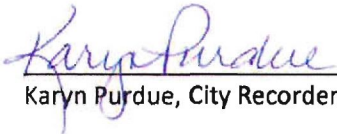
Mayor: Diane Pohl
Councilors: Steve Constans
Kathy Engel
Larry Garlock
Toby Harris
Jim Morgan
Ron Puzey

AYE

NAY

ABSENT

Passed by the Common Council of the City of Clatskanie on this 3rd day of November, 2010.


Karyn Purdue, City Recorder


Diane Pohl, Mayor

ROLL CALL ON ADOPTION:		AYE	NAY	ABSENT
Mayor:	Diane Pohl	X		
Councilors:	Steve Constans	X		
	Kathy Engel	X		
	Larry Garlock	X		
	Toby Harris	X		
	Jim Morgan	X		
	Ron Puzey	X		



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Suite 150
Salem, OR 97301-2540