



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

10/29/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Columbia City Plan Amendment  
DLCD File Number 003-10

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: Monday, November 15, 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: Lisa Smith, John Rankin, City of Columbia City  
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

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**DEPT OF**

**OCT 26 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 Columbia City**

Local file number:

Date of Adoption: **10/21/10**

Date Mailed: **10/22/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **7/6/10**

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".

Adopt amended floodplain ordinance, floodplain study and floodplain maps to comply with updated FEMA requirements. The adopted ordinance is attached and the floodplain maps are incorporated by reference as "the Flood Insurance Study for Columbia County, Oregon and Incorporated Areas, dated November 26, 2010." The floodplain study and maps for the City of Columbia City are available at DLCD through the Natural Hazard Coordinator.

Does the Adoption differ from proposal? Please select one

No changes.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **Columbia City, Oregon**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

**1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19**

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.** 003-10 (18392) [16372]

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

Columbia County, Oregon Department of Fish and Wildlife, Division of State Lands

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Local Contact: Lisa Smith, John A. Rankin, LLC

Phone: (503) 543-2010 Extension:

Address: 26715 SW Baker Road

Fax Number: - -

City: Sherwood

Zip: 97140

E-mail Address: [lisasmith@colcenter.org](mailto:lisasmith@colcenter.org)

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## 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.

Ordinance No. 10-662-O

**AN ORDINANCE AMENDING ORDINANCE NO. 03-586-O, THE COLUMBIA CITY DEVELOPMENT CODE (CCDC), CHAPTERS 7.25, 7.75, 7.140, AND 7.162.**

The City of Columbia City ordains as follows:

**Section 1.** CCDC Chapter 7.25, Definitions, shall be amended by deleting the following words and their associated definitions:

"Flood, 100-Year or base",

"Flood Fringe",

"Flood Insurance Rate Map (FIRM)",

"Floodplain", and

"Floodway".

**Section 2.** CCDC Chapter 7.25, Definitions, shall be amended with the addition of the following definition:

"State Building Code" means the combined specialty codes adopted by the State of Oregon.

**Section 3.** CCDC Chapter 7.75, Flood Hazard Overlay, shall be amended to read as follows:

**Chapter 7.75  
(FH) FLOOD HAZARD OVERLAY**

**7.75.010 Findings of Fact, Purpose and Objectives.** The flood hazard areas of Columbia City may be subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to protect human life and health; to minimize expenditure of public money and costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business

interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; to ensure that potential buyers are notified that property is in an area of special flood hazard; and to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this ordinance includes methods and provisions for 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; requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; controlling filling, grading, dredging, and other development which may increase flood damage; preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas; and coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

**7.75.020 Definitions.** For the purpose of this Chapter, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise.

- A. Area of Shallow Flooding: Area designated AO or AH 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.
- B. Area of Special Flood Hazard: The land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year.
- C. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- D. Base Flood Elevation (BFE): The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
- E. Below Grade Crawl Space: An enclosed area below the base flood elevation where the interior grade is not more than two feet below the lowest adjacent exterior grade and height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point. Below grade crawlspace foundations are allowed, unless no Base Flood Elevations are available, provided that they conform to guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas and building code requirements.

- F. **Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations and installations which produce, use or store hazardous materials or hazardous waste.
- G. **Development:** Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- H. **Flood or Flooding:** 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.
- I. **Food Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and/or the risk premium zones applicable to the community.
- J. **Flood Insurance Study (FIS):** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.
- K. **Floodway:** The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.
- L. **Historic Structure:** A structure that is:
1. 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;
  2. 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;
  3. 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;
  4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior.

- M. Lowest Floor: 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.
- N. New Construction: Structures for which the start of construction commenced on or after, September 16, 2010, the adoption date of this Ordinance.
- O. Recreational Vehicle: A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- P. Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state 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 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 the alteration affects the external dimensions of a building.
- Q. Structure: A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.
- R. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.
- S. Substantial Improvement: Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:
1. The appraised real market value of the structure prior to the start of the initial repair or improvement, or
  2. In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:

- (a) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (b) Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

T. **Water Dependent:** A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**7.75.030 Applicability.** The Flood Hazard Overlay shall be applicable to all properties which are identified as areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Columbia County, Oregon, dated November 26, 2010 with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM) and other supporting data. The FIS and the FIRM are on file at the office of the City Administration, City of Columbia City. These maps are hereby adopted by reference and declared to be a part of this Ordinance.

**7.75.040 Permitted Uses.** For all properties located outside the riparian corridor as defined by the OAR 660-023-0090, uses within the Flood Hazard Overlay shall be as permitted in the base zoning. For properties located inside the riparian corridor, uses shall be as permitted by OAR 660-023.

**7.75.050 Conditional Uses.** For all properties located outside the riparian corridor as defined by the OAR 660-023-0090, conditional uses within the Flood Hazard Overlay shall be the conditional uses in the base zoning. For properties located inside the riparian corridor, conditional uses shall be as permitted by OAR 660-023.

**7.75.060 Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering flood plain standards prepared by the Federal Insurance Administration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Columbia City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**7.75.065 Coordination with Building Codes.** Pursuant to the requirement established in ORS 455 that Columbia City administer and enforce the Building Codes, the City of Columbia City does hereby acknowledge that the Building Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Building Codes.

**7.75.070 Administration.**



- A.** A flood hazard development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be required for all structures including manufactured homes and for all development including fill and other activities.
- B.** The Planning Director shall review all development applications including fill permits, subdivision and partition applications to determine if the property is subject to this Chapter. Upon determination that the property is located within an area of special flood hazard, the applicant shall be required to satisfy the requirements of this Chapter.
- C.** The Planning Director shall review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Removal-Fill permits.
- D.** The Planning Director shall review all development permit applications to determine if the proposed development is located in the floodway, and if so, ensure that the encroachment standards of this ordinance are satisfied.
- E.** The Planning Director shall make interpretations where needed as to exact location of the boundaries of the areas of flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Interpretations shall be subject to the requirements of CCDC 7.10.070 and may be appealed to the Planning Commission.
- F.** The Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other authoritative source in order to administer the provisions of this ordinance when Base Flood Elevation data or floodway data are not available. Where none exists, the Planning Director shall require the applicant to determine base flood elevation.
- G.** The Planning Director shall issue Floodplain Development Permits when the provisions of this ordinance have been met, or disapprove Floodplain Development Permits in the event of noncompliance.
- H.** The Planning Director shall coordinate with the Building Official to assure that applications for building permits comply with the requirements of this ordinance.
- I.** The City Engineer shall obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures.
- J.** The City Engineer shall obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no Base

Flood Elevation is available, to which any new or substantially improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Planning Director shall require the applicant to provide certification of design criteria from a registered professional engineer or architect.

- K. The City Administrator shall notify all applicants flood-proofing nonresidential buildings that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- L. The City Administrator shall maintain for public inspection the following records:
  - 1. Where base flood elevation data is provided through the Flood Insurance Map or by the applicant, a record of the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - 2. For all new or substantially improved floodproofed structures, a record the actual elevation (in relation to the mean sea level) and the floodproofing certifications,
  - 3. For all new or substantially improved nonresidential structures, the certification that the floodproofing methods and elevations meet the floodproofing criteria in Section 7.75.070 (H).
- M. The City Administrator shall maintain a permanent record of approved variances to the requirements of the flood hazard overlay and shall report such variances to the Federal Emergency Management Agency upon request.

**7.75.080 Approval Standards.** Approval of applications for development in the Flood Plain Overlay Zone shall be based upon the following findings:

- A. All proposed new development and subdivisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
- B. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions.
- C. New development and subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- D. Subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

- E. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- F. All manufactured homes must likewise be anchored to prevent floatation, 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.
- G. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- H. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- I. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be elevated one (1) foot above the 100-year flood plain so as to prevent water from entering or accumulating within components during conditions of flooding.
- J. All new and replacement water supply systems shall be designed to prohibit infiltration of flood waters into the system;
- K. New and replacement sanitary sewage systems shall be designed to prohibit infiltration of flood waters into the systems and discharge from the systems into flood waters. No on-site disposal systems shall be allowed.
- L. Where base flood elevation data has been provided, the following shall apply to residential construction:
  - 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.
  - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade.

- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  
- M. Where base flood elevation data has been provided, the following shall apply to non residential construction:
  - 1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - 2. 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.
  - 3. Nonresidential structures that are elevated, not floodproofed, space below the lowest floor must shall be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  
- N. Where base flood elevation data has been provided, manufactured homes shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated a minimum of 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  
- O. Within the Flood Hazard Overlay, recreational vehicles are required to be fully licensed and ready for highway use, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or be located on the site no more than 180 days.
  
- P. In all areas where base flood elevation data is not available, either 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. All structures shall be elevated at least two feet above grade in these areas.
  
- Q. Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of Substantial Damage and Substantial Improvement of such existing buildings and structures, shall be designed and constructed in accordance

with the flood-resistant construction provisions of these codes, including but not limited to Section R324 of the Residential Specialty Code and Section 1612 of the Structural Specialty Code.

- R. Within areas of designated as floodways on the FIRM maps:
1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  2. Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, and other development, into the floodway is permitted that will cause any increase in the base flood elevation.
- S. An applicant who obtains an approved CLOMR from FEMA, or whose development modifies floodplain boundaries or base flood elevations shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the FIRM.
- T. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### **7.75.090 Application Submission Requirements.**

- A. All applications for development in the Flood Hazard Overlay shall be made on forms provided by the City and shall be accompanied by:
1. A registered professional engineer's certification that the proposed project will not cause a rise in base flood elevation during a one hundred-year event or create additions that would be detrimental to adjacent or neighboring properties.
  2. Three copies of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for two sets of the development plan(s) and required drawings shall be eighteen inches by twenty-four inches. The third set shall be 11" x 17". The scale for all development plans shall be an engineering scale.
- B. The development plan and narrative shall include the following information. Items may be combined on one map.

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;
2. The location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;
3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;
4. Existing contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals for slopes over ten percent;
5. The drainage patterns and drainage courses on the site and on adjacent lands;
6. Potential natural hazard areas including:
  - a. Floodplain areas,
  - b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year,
  - c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development,
  - d. Areas having a severe soil erosion potential, and
  - e. Areas having severe weak foundation soils;
7. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;
8. A grading and drainage plan at the same scale as the site conditions and including the following:
  - a. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals,

- b. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A standards and as reviewed and approved by the public works director.
9. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures and elevation in relation to mean sea level to which the structure has been floodproofed.
10. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
11. Elevation in relation to mean sea level of floodproofing in any structure.
12. Certification by a registered professional engineer or architect that the floodproofing methods for any non residential structure meet the standards of this ordinance.
13. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**7.75.100 Storage, Placement or Stockpiling Buoyant or Hazardous Materials in Flood Hazard Areas.** The transportation of buoyant or hazardous materials from rising floodwaters contributes to the community's flood hazard. Accordingly, the placement, storage or stockpiling of buoyant or hazardous materials in a flood hazard area or floodway is prohibited, except as required for a period not to exceed 30 days during the months of May, June, July, August or September as part of a public works project.

**7.75.110 Watercourse Alterations.**

- A. A water course is considered altered when any change occurs within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges as shown on effective FIRM.
- B. Adjacent communities, the U.S. Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Land Conservation and Development must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the Planning Director and to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

**7.75.120 Below grade crawl spaces.**

- A. There is a additional charge added to the basic flood insurance policy premium for a below-grade crawlspace.

- B. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:
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 B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
  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. vii. 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.



7. 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.

**7.75.130 Stream Habitat Projects.** Projects for stream habitat restoration may be permitted in the floodway provided:

- A. The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and,
- B. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
- C. No structures would be impacted by a potential rise in flood elevation; and,
- D. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

**Section 4.** CCDC Chapter 7.140, Section 7.140.020 shall be amended by the addition of the following Subsection:

- G. For variances to Chapter 7.75, Flood Hazard Overlay, written notice of approval shall state, "the permitted building will have its lowest floor below the base flood elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk".

**Section 5.** CCDC Chapter 7.140, Section 7.140.030 shall be amended by the addition of the following Subsection:

- G. Additional Criteria for Variances to Chapter 7.75, Flood Hazard Overlay:
  1. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
  2. 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 factors in subsection B.(4) (below) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
  3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  4. Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will

not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.

5. Variances may be issued for a water dependent use upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances; and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Variances to the Flood Hazard Overlay 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.
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 and otherwise complies with building codes.

**Section 6.** CCDC Chapter 7.162, Section 7.162.080, Subsection A shall be amended with the addition of the following Item:

4. Flood Plain Development Permits.

**Section 7. Adoption.** Based on the findings of the staff report dated September 7, 2010, the testimony at the public hearings on September 14, 2010 and September 16, 2010, and the recommendation of the Columbia City Planning Commission, the above amendments to the Columbia City Development Code are hereby adopted.

First reading: September 16, 2010

Second reading: October 21, 2010

Adopted by the City Council this 21st day of October, 2010, by the following vote:

AYES: 5      NAYS: 0      ABSENT: 0      ABSTAIN: 0

Approved by the Mayor the 22nd day of October, 2010.

Cheryl A. Young  
Cheryl A. Young  
Mayor

ATTEST:

Leahnette Rivers  
Leahnette Rivers  
City Administrator/Recorder

Effective date: November 21, 2010

Columbia City  
P.O. Box 189  
Columbia City, Oregon 97018



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