



Oregon

Theodore R. Kulongoski, 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

April 16, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gladstone Plan Amendment
DLCD File Number 001-07

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: April 30, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Christine Shirley, FEMA Specialist
Ryan Miller, DLCD Flood Map Modernization Program Coordinator
Linda Preisz, City of Gladstone

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

APR 10 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CITY OF GLADSTONE Local File No.: TXT-07-01
(If no number, use none)

Date of Adoption: April 8, 2008 Date Mailed: April 9, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 21, 2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____
<small>(Please Specify Type of Action)</small> |

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

Amends Chapter 17.29 of the Gladstone Municipal Code pertaining to "Flood Management Area District" to meet FEMA requirements, including revised flood maps.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

SAME

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: _____ No: XX

DLCD File No.: 001-07 (16323)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: XX No: _____

If no, do the Statewide Planning Goals apply. Yes: _____ No: _____

If no, did The Emergency Circumstances Require immediate adoption. Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

DLCD - Ryan Miller, Map Modernization Coordinator/ ryan.miller@state.or.us

Local Contact: Linda Preisz Area Code + Phone Number: (503) 353-4528

Address: Clackamas County DTD, 9101 SE Sunnybrook City: Clackamas

Zip Code+4: 97015 Email Address: lindap@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

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

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [] Notice of Adoption [] is sent to DLCD.
6. In addition to sending the [] Notice of Adoption [] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your

ORDINANCE 1408

AN ORDINANCE AMENDING CHAPTER 17.29 OF THE GLADSTONE MUNICIPAL CODE PERTAINING TO FLOOD MANAGEMENT AREA DISTRICT, AND REAFFIRMING ALL REMAINING PROVISIONS OF THE GLADSTONE MUNICIPAL CODE.

The City of Gladstone does ordain as follows:

Section 1. Chapter 17.29.030 of the Gladstone Municipal Code is amended in the following respects:

17.29.030 Basis for Establishing Flood Management Areas

(1) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study, Clackamas County, Oregon and Incorporated Areas" dated June 17, 2008, and any revisions thereto, with accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Maps, are hereby adopted by reference and declared to be a part of this ordinance. The flood insurance study is on file at the Clackamas County Department of Transportation and Development and the office of the City Recorder in the City Hall. For areas annexed to the city, the flood insurance study, with accompanying maps, of Clackamas County, Oregon shall govern until such time as the city's study and/or maps are updated by FEMA.

Section 2. Chapter 17.29.100 of the Gladstone Municipal Code is amended in the following respects:

17.29.100 Standards.

(6) In all areas of special flood hazard where base flood elevation data has been provided (Zones A, AH and AE) as set forth in GMC Subsections 17.29.030(1) and (2), the following provisions are required:

(a) Residential Construction

(A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the design flood elevation.

(B) The following standards apply to Below-Grade Crawl Spaces:

(i) 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 (ii) 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.

(ii) 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.

(iii) 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.

(iv) 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.

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

(vi) 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.

(viii) 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.

(C) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are 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:

Section 3. Chapter 17.29.150 of the Gladstone Municipal Code is amended in the following respects:

(6) "Below-Grade Crawl Space" means an enclosed area below the base flood elevation, which is in nearly all cases considered by the NFIP to also be a basement, that generally serves as the foundation for a structure and exhibits the following characteristics: 1. All sides of the crawl space are below the adjacent exterior grades outside the crawl space; 2. The interior grade inside the crawl space is not more than 2 feet below the lowest adjacent exterior grade; 3. 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.

(7) "Design flood elevation" means the elevation of the base flood or 100-year storm as defined in Federal Insurance Administration or FEMA Flood Insurance Studies, or the highest flood of record since the adoption of the flood insurance maps or, in areas without Federal Insurance Administration or FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped flood-prone soils or similar methodologies, whichever is higher.

(8) "Development" means 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.

(9) "Emergency" is defined in GMC Subsection 17.27.090(8).

(10) "Engineer" means a registered professional engineer licensed by the State of Oregon.

(11) "Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

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

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

(14) "Fill" is defined in GMC Subsection 17.27.090(11).

(15) "Flood" or "flooding" means 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.

(16) "Flood insurance rate map" means the official map on which the Federal Insurance Administration or FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(17) "Flood insurance study" means the official report provided by the Federal Insurance Administration or FEMA that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(18) "Flood management areas" means areas of special flood hazard, areas of inundation for the February 1996 flood and areas that have physical or documented evidence of flooding within recorded history.

(19) "Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, the Federal Insurance Administration, FEMA or the City of Gladstone that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

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

(21) "Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but services as a retention area.

(22) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in GMC Subsection 17.29.100(6)(a)(B).

(23) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(24) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(25) "Metro" is defined in GMC Subsection 17.27.090(12).

(26) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

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

(28) "Ordinary mean high water line" is defined in GMC Subsection 17.27.090(15).

(29) "Practicable" is defined in GMC Subsection 17.27.090(16).

(30) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred 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 as temporary living quarters for recreational, camping, travel or seasonal use and not for use as a permanent dwelling.

(31) "Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For 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.

(32) "Stream" is defined in GMC Subsection 17.27.090(24).

(33) "Structure" means a walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

(34) "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.

(35) "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(36) "Utility facilities" is defined in GMC Subsection 17.27.090(26).

(37) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

(38) "Wetlands" is defined in GMC Subsection 17.27.090(29).

Section 4. All remaining provisions of Chapter 17.29 of the Gladstone Municipal Code are reaffirmed in their entirety.

THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 8th DAY OF APRIL, 2008.

Wade Byers


Mayor

ATTEST:

Jonathan Block

City Recorder



 *City of* **GLADSTONE**
525 Portland Avenue • Gladstone, OR 97027

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540