



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/10/2009

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Josephine County Plan Amendment  
DLCD File Number 002-09

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

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Wednesday, December 23, 2009

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

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

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

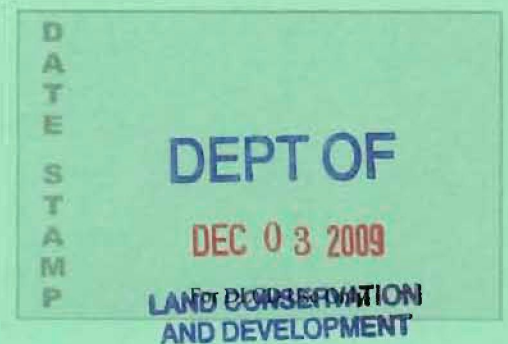
**Cc:** Michael Snider, Josephine County  
Gloria Gardiner, DLCD Urban Planning Specialist

John Renz, DLCD Regional Representative  
Chris Shirley, DLCD Regional Representative

<paa> YA

**PROF 2** Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Josephine County Local file number: n/a  
Date of Adoption: 11/25/2009 Date Mailed: 12/2/2009  
Date original Notice of Proposed Amendment was mailed to DLCD: 9/30/2009

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

Amendments to the Josephine County Rural Land Development Code relating to the county's flood hazard overlay by [1] referencing and incorporating the revised Josephine County Flood Insurance Study, Rate Maps, and Map Index, effective December 3, 2009 into the county's flood hazard administration program; and [2] adopting a new section governing development within floodway fringe areas lacking a mapped floodway

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: n/a to: n/a  
Zone Map Changed from: n/a to: n/a  
Location: n/a Acres Involved: n/a  
Specify Density: Previous: n/a New: n/a

Applicable Statewide Planning Goals: Goal 7

Was and Exception Adopted?  YES  NO

DLCD File No.: 002-09 (17875) [15872]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (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

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

**Department of Land and Conservation District (DLCD) and FEMA**

Local Contact: **Michael Snider** Phone: **(541) 474-5421** Extension: **5424**  
Address: **700 NW Dimmick Suite C** City: **Grants Pass**  
Zip Code + 4: **97526-** Email Address: **msnider@co.josephine.or.u**

## 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 request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



# Josephine County, Oregon

Board of Commissioners: Dwight F Ellis • Sandi Cassanelli • Dave Toler

## PLANNING OFFICE

Michael Snider, Director

700 NW Dimmick Street Suite C/Grants Pass, OR 97526

(541) 474-5421 / FAX (541) 474-5422

E-mail - [planning@co.josephine.or.us](mailto:planning@co.josephine.or.us)

December 2, 2009

Plan Amendment Specialist/DLCD  
635 Capitol Street NE, Suite 150  
Salem OR 97301-2540

Lower Applegate CAC/Robin Elliott  
1070 Waters Creek Road  
Wilderville OR 97543

John Renz/DLCD  
PO Box 3275  
Central Point OR 97502

Williams CAC/Stephen Williams  
PO Box 472  
Williams OR 97544

LUBA/PUC Building  
550 Capitol Street NE, Suite 235  
Salem OR 97301-2552

**Re:** Josephine County Ordinance Nos. 2009-003-E and 2009-003 - FEMA Amendments

The above noted ordinances were signed and adopted by the Josephine County Board of Commissioners (Board) on November 25, 2009. Under the direction of FEMA, a deadline date of December 3, 2009 was established, making it necessary to adopt two ordinances. Ordinance No. 2009-003-E, an emergency ordinance, became effective upon signature by the Board, November 25, 2009, and remains in effective for 120 days. Ordinance No 2009-003 will replace Ordinance No 2009-003-E and will be effective 90 days later, February 23, 2010. A copy of both ordinances are available on the county planning website: [www.co.josephine.or.us](http://www.co.josephine.or.us). Select planning under departments, select Ordinances on the left side bar and cursor down to 2009. Should you have questions, please do not hesitate to contact our office.

Sincerely,

Anne Ingalls

Sr. Department Specialist - Josephine County Planning Office  
700 NW Dimmick Street Suite C  
Grants Pass OR 97526 - 541/474-5423  
[aingalls@co.josephine.or.us](mailto:aingalls@co.josephine.or.us)

Encs: *as referenced in letter*  
cc: Board of County Commissioners

\*OFFICE HOURS 8-12 & 1-3 (Mon & Fri) 8-12 (Tues & Thurs) Closed Wed \*

"Josephine County is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973"

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY  
STATE OF OREGON

ORDINANCE NO. 2009-003-E

AN ORDINANCE AMENDING THE TEXT OF THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) AT ARTICLE 69.1 (FLOODWAY HAZARD OVERLAY) BY [1] REVISING SECTION 69.120 REGARDING FLOOD HAZARD AREAS TO IMPLEMENT UPDATES TO THE JOSEPHINE COUNTY FLOOD INSURANCE STUDY, RATE MAPS, AND MAP INDEX; AND [2] ADDING A NEW SECTION 69.155 FOR ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Oregon delegates the responsibility to local governments to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, Oregon Revised Statute 203.035 authorizes Oregon counties to adopt a flood damage prevention ordinance from the home rule provision of the Oregon Constitution through the local government charter; and

WHEREAS, Section 5, *General Grant of Powers* of the Charter for Josephine County provides the governing body of the county the authority over matters of county concern; and

WHEREAS, the flood hazard areas of Josephine County are subject to periodic inundation which results in loss of life and property, health, and safety, disruption of commerce and governmental services, expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety, and general welfare of the citizens; and

WHEREAS, the adoption and enforcement of this ordinance on or before December 3, 2009, is absolutely required for the county's continued participation in the National Flood Insurance Program, and that failure to so adopt and enforce will result in the suspension of participation, as communicated by officials of the Federal Emergency Management Agency via letter dated October 28, 2009 (attached as Exhibit A); and

WHEREAS, the Planning Commission, pursuant to the review authority granted in Section 46.020 of the Rural Land Development Code (RLDC), and Goal 11, Policy 1, of the Josephine County Goals and Policies of the Comprehensive Plan, conducted a public hearing on November 9, 2009 regarding the proposed text amendment, after required notice by publication, community advertisement, and mailing to interested persons, agencies and organizations, and thereupon approved the proposed amendments as a final decision, together with written Findings of Decision; and

WHEREAS, the authority to implement legislative amendments to the county's comprehensive plan by ordinance resides solely with the Board of County Commissioners, as specified in Goal 11, Policy 1.D[2], and the RLDC, Section 46.020.B.2;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordain the following amendment to the text of the Josephine County Rural Land Development Code.

**Section 1. Declaration of Emergency**

Pursuant to the requirements of the Home Rule Charter for Josephine County, as specified in Section 12.1, the Board finds and declares an emergency. The provisions of the text amendments are necessary to protect life and property from the hazards of flooding. This danger is imminent because of the advent of the winter season with increased natural hazards from flooding. The Board further finds that possibility of the county suspension from the National Flood Insurance Program constitutes a clear and present danger of loss of property and the value of property by reason of uninsured flood damage.

**Section 2. Text Amendments**

Amend the Josephine County Rural Land Development Code (Ord. 94-4) at Article 69.1 (*Floodway Hazard Overlay*) by [1] revising Section 69.120 regarding flood hazard areas to implement updates to the Josephine County Flood Insurance Study, Rate Maps, and Map Index (referenced as the December 3, 2009 revisions); and [2] adding a new Section 69.155 for *Administration in Floodway Fringe Areas Without Mapped Floodway*, as the exact amendments are depicted on Exhibit B

**Section 3. Affirmation**

Except as specifically amended by the provisions of this Ordinance, the Josephine County Rural Land Development Code (Ordinance 94-4) is hereby affirmed in all other respects.

**Section 4. Effective Date:**

The prompt passage of this Ordinance being necessary and in the public interest due to clear and present danger of loss of life and property due to flooding, and the need to continue participation by the county and the citizens of the county in the National Flood Insurance Program, an emergency is hereby declared and this Ordinance shall take effect immediately upon second reading as described below.

First reading by the Board of County Commissioners on the 10<sup>th</sup> day of November, 2009.

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage the 25<sup>th</sup> day of November, 2009.

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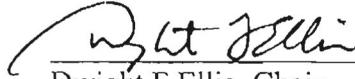
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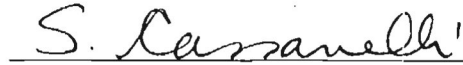
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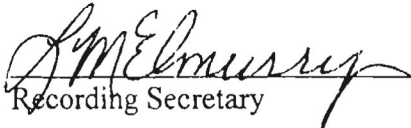
**JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS:**

  
Dwight F Ellis, Chair

  
Sandi Cassanelli, Vice-Chair

  
Dave Toler, Commissioner

**ATTEST:**

  
Recording Secretary

**APPROVED AS TO FORM:**

  
Steven E. Rich, Legal Counsel



**FEMA**

October 28, 2009

Michael Snider, Director  
Josephine County Planning  
700 NW Dimmick Street, Suite C  
Grants Pass, Oregon 97526

Dear Mr. Snider:

This is a follow-up to a Letter of Final Determination (LFD) dated June 3, 2009, from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) notifying Josephine County of the December 3, 2009 deadline to adopt and enforce a compliant Flood Damage Prevention Ordinance based on the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs).

The county has recently brought to the attention of FEMA Region 10 and Oregon Land Conservation and Development (DLCDD) that the revised ordinance would be adopted by the December 3, 2009 deadline; however, due to the county's ordinance update notification process, the ordinance would not become effective until a minimum of 90 days following the date of adoption. The National Flood Insurance Program (NFIP) is a voluntary program, however, communities that have a mapped flood risk must adopt and enforce a compliant Flood Damage Prevention Ordinance on or before the date the revised study and maps become effective. Therefore, Josephine County will be suspended from the NFIP on December 3, 2009, the date the revised FIS and FIRM becomes effective, and will not be eligible for reinstatement until the ordinance revisions are enforceable.

44 Code of Federal Regulations 60.2(h) states, in part: "*The community shall adopt and enforce floodplain management regulations based on data provided by the Federal Insurance Administrator* "

Communities are required to adopt and enforce a compliant Flood Damage Prevention Ordinance within 6 months of the date of the Letter of Final Determination (LFD). Communities that fail to update, adopt and enforce a complaint ordinance by the date the revised FIS becomes effective, will be suspended from the NFIP and subject to prohibitions contained in Section 202(a) of the Federal Disaster Protection Act of 1973, as amended. The following prohibitions include:

- **Flood insurance will no longer be available.** No resident or business will be able to purchase or renew a flood insurance policy.
- **No federal grants or loans** for buildings may be made in identified flood hazard areas. Includes all federal agencies such as HUD, EDA, Small Business Administration, HHS, etc.



- **No federal disaster assistance** may be provided in the form of loans for repair or reconstruction of buildings in identified flood hazard areas.
- **No federal mortgage insurance** may be provided in identified flood hazard areas. This includes FHA, VA, Farmers Home, etc.
- **No Fannie Mae, Freddie Mac, and GMNA purchase of mortgages in the secondary market** may be made if the properties that are the subject of these mortgages are located in Special Flood Hazard Areas of nonparticipating communities.
- **Lenders of conventional loans:**
  - a) must notify the buyer or lessee that property is in a flood hazard area.
  - b) must notify the buyer or lessee that property in a flood hazard area is not eligible for federal disaster relief in a declared disaster.
- **Actuarial rates go into effect** for first layer coverage of all construction occurring after the effective date of the Flood Insurance Rate Map (FIRM), whether or not the community participates in the program at that time. Construction prone to flood damage due to the lack of an effective ordinance will be subject to prohibitively-expensive flood insurance rates when the community does enter the program. Also, the risk of flood damages and expensive flood insurance premiums will adversely affect the future market values of such structures.
- **Construction within the areas of an identified floodway**, increasing flood water depths and velocities, will incur potential liability for damages to properties in the event of major flooding.
- **If flooding occurs, the local government could be held liable** by residents and/or businesses unable to obtain flood insurance due to non-participation in the National Flood Insurance Program.
- **In order to re-enter the NFIP, communities suspended for a significant length of time must bring all construction in the floodplain (from the date of suspension) into NFIP compliance, to the maximum extent possible.**

Ample notification to address this issue has been provided to Josephine County. On March 5, 2009, both FEMA and OR DLCD met with the county staff, incorporated city staff and the public to present the revised study and discuss the requirements and deadlines for the map adoption process. The Letter of Final Determination (LFD) was sent by FEMA on June 3, 2009, notifying the county they have six months to update, adopt and enforce a compliant ordinance. Both FEMA and the DLCD have been in regular contact with the county Planning Department to assist in clarifying the county's ordinance requirements since June 2009. FEMA sent a 90-day adoption reminder letter to the county on September 2, 2009, and a 60-day adoption reminder letter was sent within the last week.

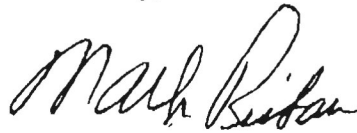
We encourage the county to take every step necessary to prevent suspension from the NFIP; however, if the county does not have a legally enforceable ordinance by December 3, 2009, to

Mr. Snider  
October 28, 2009  
Page 3

prevent future violations we suggest the county issue a moratorium on any new floodplain permitting or development in those areas affected by the revised requirements.

FEMA is committed to working with the county to prevent suspension. If you have any further questions or concerns regarding NFIP regulations or the map adoption process, please feel free to contact Jamie Huff via telephone at 425-487-4654, or via email at [jamie.huff@dhs.gov](mailto:jamie.huff@dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Riebau". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark Riebau, PE, CFM  
Chief, Floodplain Management & Insurance Branch

cc: Roger Herada, Josephine County Planning  
Christine Shirley, OR DLCD

JH:bb

## EXHIBIT B

### ARTICLE 69.1 - FLOOD HAZARD OVERLAY

~ EXISTING SECTION AMENDED ~

#### 69.120 - FLOOD HAZARD AREAS

This Article shall apply to all areas of flood hazard within Josephine County as identified in the Federal Flood Insurance Study *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009, prepared* by the Federal ~~Insurance Administration~~ Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. ~~in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, and revised September 27, 1991, with the accompanying Flood Insurance Rate Maps.~~ The study, maps and index are ~~is adopted~~ by this reference and incorporated into ~~as part of~~ this code. The documents are ~~and is~~ on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ EXISTING SECTION AMENDED WITHOUT CUES ~

This Article shall apply to all areas of flood hazard within Josephine County as identified in the *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009*, prepared by the Federal Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The study, maps and index are adopted by this reference and incorporated into this code. The documents are on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ NEW SECTION ~

#### 69.155 - ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY

The Director is authorized to review all applications for development within floodway fringe areas where the boundaries of the floodway have not been mapped by imposing mitigating conditions upon development which are reasonably necessary to accomplish the purposes of this Article and Section. At a minimum, all development shall meet the requirements of subsection A or B:

- A. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that identifies floodway boundaries at the development site. Depending upon whether the proposed development is located inside or outside of the regulatory floodway, the requirements of Sections 69.150 (Floodway Fringe Areas) or 69.160 (Floodway Areas) shall apply. The location of the floodway boundaries shall be presumed to lie equally on both sides of the centerline of the affected stream.
  
- B. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that shows 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 to rise more than one foot at any point within the community. For the purposes of administering this subsection, "anticipated development" shall mean development for which an application is currently under review for permit approval by the Planning and/or Building Safety Departments. The county will collect and separately maintain records for pending and approved developments within the floodway fringe areas without mapped floodway boundaries, and make such records available for use by applicants for doing the one-foot rise analysis.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR JOSEPHINE COUNTY  
STATE OF OREGON**

**ORDINANCE NO. 2009-003**

**AN ORDINANCE AMENDING THE TEXT OF THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) AT ARTICLE 69.1 (FLOODWAY HAZARD OVERLAY) BY [1] REVISING SECTION 69.120 REGARDING FLOOD HAZARD AREAS TO IMPLEMENT UPDATES TO THE JOSEPHINE COUNTY FLOOD INSURANCE STUDY, RATE MAPS, AND MAP INDEX; AND [2] ADDING A NEW SECTION 69.155 FOR ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY.**

WHEREAS, the State of Oregon delegates the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, Oregon Revised Statute 203.035 authorizes Oregon counties to adopt a flood damage prevention ordinance from the home rule provision of the Oregon Constitution through the local government charter, if applicable; and

WHEREAS, Section 5, *General Grant of Powers* of the Charter for Josephine County provides the governing body of the county the authority over matters of county concern; and

WHEREAS, the flood hazard areas of Josephine County are subject to periodic inundation which results in loss of life and property, health, and safety, disruption of commerce and governmental services, expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety, and general welfare of the citizens, and

WHEREAS, the purpose of this ordinance is to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, adoption of this ordinance will comply with the standards for participation in the National Flood Insurance Program by implementing standards and provisions that encourage sound flood plain management, allowing property owners to obtain flood insurance at affordable rates; and

WHEREAS, the Planning Commission, pursuant to the review authority granted in Section 46.020 of the Rural Land Development Code (RLDC), and Goal 11, Policy 1, of the Josephine County Goals and Policies of the Comprehensive Plan, conducted a public hearing on November 9, 2009 regarding the proposed text amendment, after required notice by publication, community advertisement, and mailing to interested persons, agencies and organizations, and thereupon approved the proposed amendments as a final decision, together with written Findings of Decision; and

WHEREAS, the authority to implement legislative amendments to the county's comprehensive plan by ordinance resides solely with the Board of County Commissioners, as specified in Goal 11, Policy 1.D[2], and the RLDC, Section 46.020.B.2;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordain the following amendment to the text of the Josephine County Rural Land Development Code.

**Section 1. Text Amendments**

Amend the Josephine County Rural Land Development Code (Ord. 94-4) at Article 69.1 (*Floodway Hazard Overlay*) by [1] revising Section 69.120 regarding flood hazard areas to implement updates to the Josephine County Flood Insurance Study, Rate Maps, and Map Index (referenced as the December 3, 2009 revisions); and [2] adding a new Section 69.155 for *Administration in Floodway Fringe Areas Without Mapped Floodway*, as the exact amendments are depicted on Exhibit A.

**Section 2. Affirmation**

Except as specifically amended by the provisions of this Ordinance, the Comprehensive Plan (Ordinance 94-4) is hereby affirmed in all other respects.

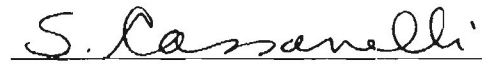
**Section 3. Effective Date:**

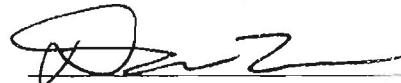
First reading by the Board of County Commissioners this 10<sup>th</sup> day of November, 2009.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 25<sup>th</sup> day of November, 2009. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.


**JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS:**

  
Dwight F Ellis, Chair

  
Sandi Cassanelli, Vice-Chair

  
Dave Toler, Commissioner

**ATTEST:**

  
Recording Secretary

**APPROVED AS TO FORM:**

  
Steven E. Rich, Legal Counsel

## EXHIBIT A

### ARTICLE 69.1 - FLOOD HAZARD OVERLAY

~ EXISTING SECTION AMENDED ~

#### 69.120 - FLOOD HAZARD AREAS

This Article shall apply to all areas of flood hazard within Josephine County as identified in the Federal Flood Insurance Study *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009, prepared* by the Federal ~~Insurance Administration~~ Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, in a scientific and engineering report entitled "~~The Flood Insurance Study for the County of Josephine, State of Oregon,~~" dated December 1, 1981, and revised September 27, 1991, with the accompanying Flood Insurance Rate Maps. The study, maps and index are is adopted by this reference and incorporated into as part of this code. The documents are and is on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ EXISTING SECTION AMENDED WITHOUT CUES ~

This Article shall apply to all areas of flood hazard within Josephine County as identified in the *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009*, prepared by the Federal Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The study, maps and index are adopted by this reference and incorporated into this code. The documents are on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ NEW SECTION ~

#### 69.155 - ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY

The Director is authorized to review all applications for development within floodway fringe areas where the boundaries of the floodway have not been mapped by imposing mitigating conditions upon development which are reasonably necessary to accomplish the purposes of this Article and Section. At a minimum, all development shall meet the requirements of subsection A or B:

- A. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that identifies floodway boundaries at the development site. Depending upon whether the proposed development is located inside or outside of the regulatory floodway, the requirements of Sections 69.150 (Floodway Fringe Areas) or 69.160 (Floodway Areas) shall apply. The location of the floodway boundaries shall be presumed to lie equally on both sides of the centerline of the affected stream.
- B. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that shows 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 to rise more than one foot at any point within the community. For the purposes of administering this subsection, "anticipated development" shall mean development for which an application is currently under review for permit approval by the Planning and/or Building Safety Departments. The county will collect and separately maintain records for pending and approved developments within the floodway fringe areas without mapped floodway boundaries, and make such records available for use by applicants for doing the one-foot rise analysis.



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