



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 16, 2015
Jurisdiction: City of Myrtle Creek
Local file no.: 14-MC-006
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/10/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 53 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-14 {22578}
Received: 3/10/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Myrtle Creek

Local file no.: **14-MC006**

Date of adoption: 03/03/15

Date sent: 03/06/15

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/03/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No changes from the original proposal.

Local contact (name and title): Stuart Cowie

Phone: 541-863-3171

E-mail: sicowie@co.douglas.or.us

Street address: PO Box 940

City: Myrtle Creek

Zip: 97457-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Myrtle Creek Municipal Code Chapter 18.70 (SD/FHA Special District - Flood Hazard Area)
Myrtle Creek Municipal Code Chapter 18.10 (Defintions)

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: FEMA, Douglas County Bldg. Dept.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Attached is a copy of the City of Myrtle Creek Ordinance No. 798.

**CITY OF MYRTLE CREEK
ORDINANCE NO. 798**

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE, TITLE 18,
(ZONING), CHAPTER 18.70 (SD/FHA) SPECIAL DISTRICT – FLOOD HAZARD AREA AND
CHAPTER 18.10 - DEFINITIONS**

WHEREAS, the City of Myrtle Creek initiated an amendment to the Myrtle Creek Zoning Ordinance; and

WHEREAS, the proposed legislative amendments enhance the land use application process in an efficient and effective manner; and

WHEREAS, the Myrtle Creek Planning Commission conducted a public hearing on the question of amending the Zoning Ordinance on January 27, 2015, and provided an opportunity of public participation in the matter; and

WHEREAS, the Planning Commission subsequently forwarded to the City Council a recommendation that the proposed amendments to the Zoning Ordinance be adopted by the City Council; and

WHEREAS, Notice of the public hearing was published in the *Douglas County Mail* on January 15, 2015, the *News Review* on February 13, 2015 and the *Douglas County Mail* on February 19, 2015; and

WHEREAS, the City Council conducted a public hearing on the amendments to the Zoning Ordinance on February 17, 2015 and March 3, 2015 and provided an opportunity for public participation in the matter and hereby adopts the proposed legislative amendments;

NOW, THEREFORE THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

Section 1. Zoning Ordinance.

The official City of Myrtle Creek Zoning Ordinance is hereby amended to the extent described in attached Exhibit A [2015 Legislative Amendments to the City of Myrtle Creek Zoning Ordinance, Adoption Draft dated January 27, 2015].

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 17th day of February, 2015.


APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 3rd day of March, 2015.

APPROVED BY THE MAYOR this 3rd day of March, 2015.



Ken Brouillard, Mayor

ATTEST:



Carolyn D. Shields, CMC
City Recorder

EXHIBIT A

**LEGISLATIVE AMENDMENT
TO THE
CITY OF MYRTLE CREEK
MUNICIPAL CODE
CHAPTER 18.70
(SD/FHA Special District – Flood Hazard Area)
CHAPTER 18.10
(Definitions)**

**FINAL DRAFT
January 27, 2015**

PLANNING COMMISSION

Workshop	October 28, 2014
Hearing	January 27, 2015

CITY COUNCIL

Hearing and First Reading	February 17, 2015
Second Reading	March 3, 2015

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LEGEND

- Deletion ~~Deletion~~ is marked with strike out function
- Addition **Addition** is marked with bold and underline

Chapter 18.70
SD/FHA SPECIAL DISTRICT – FLOOD HAZARD AREA

Sections:

- 18.70.010 Intent.
- 18.70.020 Statement of purpose.
- 18.70.030 Permitted uses and dimensional standards.
- 18.70.040 Methods of reducing flood losses.
- 18.70.050 Designation of flood hazard area.
- 18.70.060 Penalties for noncompliance.
- 18.70.070 Abrogation and greater restrictions.
- 18.70.080 Interpretation.
- 18.70.090 Warning and disclaimer of liability.
- 18.70.100 Development permit and site review required.
- 18.70.110 Application for development permit.
- 18.70.120 Designation of the local administrator.
- 18.70.130 Duties and responsibilities of the local administrator.
- 18.70.140 Variance procedure for flood hazard area.
- 18.70.150 Conditions for variances – Flood hazard area.
- 18.70.160 Provisions for flood hazards.
- 18.70.170 General standards.
- 18.70.180 Specific standards.
- 18.70.190 Floodways.
- 18.70.200 Critical facility.

18.70.180 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided (Zones A-1-30, AH, AE) as set forth in MCMC 18.70.050, Designation of flood hazard area, or MCMC 18.70.130 (2), Use of Other Base Flood Data (in A Zones), the following provisions are required:

(1) Residential Construction.

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

(b) 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 flood waters. 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:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

(2) Nonresidential Construction. 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:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) 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. Such certification shall be provided to the official as set forth in MCMC 18.70.130 (3);

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1)(b) of this section; and

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

(3) Manufactured Homes.

(a) **All manufactured homes to be placed or substantially improved on sites** shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam (~~see definition of "lowest floor" in the Manufactured Dwelling Specialty Code~~) of the ~~manufactured home is~~ **shall be elevated to a minimum of 12 inches at** or above the base flood

elevation. ~~and shall be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement;~~ **Electrical crossover connections shall be a minimum of 12 inches above the Base Flood Elevation. Crossover ducts are allowed below BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components.**

(b) The manufactured dwelling shall be **securely** anchored to **an adequately anchored foundation** to prevent flotation, collapse, or lateral movement. ~~during the base flood. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques) (44 CFR 60.3(c)(6)); and~~

(c) Electrical crossover connections shall be a minimum of 12 inches above base flood elevation. ~~(Manufactured Dwelling Specialty Code 6-4.2(1)).~~

(d) Crossover ducts may be installed below BFE, but must be constructed to prevent floodwaters from entering or accumulating within system components.

(4) Recreational Vehicles. Recreational vehicles placed on sites within the floodplain are required to either:

(a) Be on the site for fewer than 180 consecutive days;

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

(c) Meet the requirements of MCMC 18.70.100 (Development permit and site review required) and the elevation and anchoring requirements for manufactured homes found in subsection (3) of this section.

(5) Below-Grade Crawlspace. Note: Floodplain insurance premiums are higher for a structure built with a below-grade crawlspace, even if the crawlspace meets the FEMA specifications (see FEMA Technical Bulletin 11-01), than for the same structure built with a crawlspace that has the inside grade of the crawlspace at the same level as the outside grade.

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:

(a) 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 subsection (5)(b) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five 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.

(b) 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 flood waters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(c) 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 the BFE.

(d) Any building utility systems within the crawlspace must be elevated above the BFE or designed so that flood waters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from flood waters.

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

(f) 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 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.

(g) There must be an adequate drainage system that removes flood waters 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.

(h) The velocity of flood waters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01. [Ord. 508 § 3.42.2, 1982].

(6) In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE, 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.

18.70.190 Floodways.

Located within areas of special flood hazard established in MCMC 18.70.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Except as provided in subsection (3) of this section, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of MCMC 18.70.160, Provisions for flood hazards.

(3) 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.

(4) Manufactured dwellings may only be located in floodways according to one of the following conditions:

~~(a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or~~

~~(b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:~~

~~(i) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;~~

~~(ii) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the bottom of the longitudinal chassis frame beam (see definition of "lowest floor" in the Manufactured Dwelling Specialty Code) elevated a minimum of 12 inches above the BFE as identified on the Flood Insurance Rate Map;~~

~~(iii) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;~~

~~(iv) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;~~

~~(v) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and~~

~~(vi) Any other requirements deemed necessary by the authority having jurisdiction. [Ord. 508 § 3.42.3, 1982].~~

18.70.200 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the BFE or to the height of the 500-year flood, whichever is higher.

Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 508 § 3.42.4, 1982].

Chapter 18.10 Definitions

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed market value of the structure either:

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

The term does not, however, include either:

~~(1) Any project for improvement of a structure to correct existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~

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

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