



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/25/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bandon Plan Amendment
DLCD File Number 003-13

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: Tuesday, March 11, 2014

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: Charlice Davis, City of Bandon
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA



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

FOR DLCD USE

File No.: 003-13 (20126)
[17767]
Received: 2/18/2014

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 Bandon

Local file no.: **Floodplain**

Date of adoption: 2-03-2104

Date sent: 2/18/2014

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): 12-11-2013

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:

Correction in the definitions for Post-FIRM and Pre-FIRM to 1984

Local contact (name and title): Charlice Davis, City Planner

Phone: 541 347-2437

E-mail: cdavis01@ci.bandon.or.us

Street address: 555 Highway 101

City: Bandon

Zip: 97411-

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:

Chapter 15.28 Flood Insurance

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: |
|---------------------------|--------------|----------------|

Location of affected property (T, R, Sec., TL and address): All properties in the floodplain

List affected state or federal agencies, local governments and special districts: DLCD, DEPT OF PARKS AND RECREATION, ARMY CORPS, DSL, US WILDLIFE, OREGON FISH AND WILDLIFE, COQUILLE TRIBE CULTURAL PROGRAM, Chapter 15.28

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.

The amendments regard the construction, addition or siting of structures in the floodplain, adoption of the 2014 FEMA Flood Insurance Rate Maps and Flood Insurance Study, and will bring the current ordinance in to conformance with updated federal requirements.

Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 1606

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BANDON AMENDING CHAPTER 15.28 - FLOODPLAIN INSURANCE OF THE BANDON MUNICIPAL CODE, ADOPTING THE APRIL 29, 2011 FLOOD INSURANCE STUDY, AND THE FLOOD INSURANCE RATE MAP EFFECTIVE MARCH 17, 2014.

WHEREAS, the City of Bandon (City) participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the Bandon Municipal Code sets forth the regulatory measures the City must apply to qualify for the National Flood Insurance Program; and

WHEREAS, such regulatory measures are dependent upon flood information which has been supplied by the federal government; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has issued an updated Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the City of Bandon; and

WHEREAS, in order to continue participation in the NFIP, and prior to March 17, 2014, the City is required to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d and e) of the NFIP regulations (44 CFR 59, etc.), to adopt the Flood Insurance Study (FIS) dated "Revised March 17, 2014," and to adopt the FEMA Flood Insurance Rate Map (FIRM) for the City of Bandon dated "Revised March 17, 2014;


NOW, THEREFORE, BE IT ORDAINED that, in conformance with the standards of Paragraph 60.3(d and e) of the NFIP regulations (44 CFR 59, etc.), the Mayor and City Council of the City of Bandon hereby amend Chapter 15.28 of the Bandon Municipal Code to read as shown in "Exhibit A" attached hereto; and

BE IT FURTHER ORDAINED that the Mayor and City Council of the City of Bandon hereby adopt the FEMA Flood Insurance Study (FIS) dated "Revised March 17, 2014," and the FEMA Flood Insurance Rate Map (FIRM) for the City of Bandon dated "Revised March 17, 2014;" and

INASMUCH as it is necessary for the health, safety, comfort and convenience of the people of the City of Bandon that this Ordinance have immediate effect, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED to a second reading by the Mayor and City Council this 3rd day of February, 2014, on a roll call vote, 6:0 .

ADOPTED by the the Mayor and City Council this 3rd day of February, 2014, on a roll call vote, 6:0 .



Mary Schamehorn, Mayor

Attest:



Juana Bell, City Recorder

Letter of Map Revision (LOMR): a modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter of Map Revision Due to Fill (LOMR-F):

Lowest floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at Section 15.28.170(A)(2).

Manufactured home: 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 connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

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

Mean sea level: the average height of the sea for all stages of the tide.

Participating community, also known as an eligible community: a community in which the Administrator has authorized the sale of flood insurance.

New construction: structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter (Ordinance 1070, adopted March 3, 2013).

Post-FIRM: A structure constructed after the effective date of the ordinance codified in this chapter, August 18, 1984.

Pre-FIRM: A structure constructed prior to the effective date of the ordinance codified in this chapter, August 18, 1984.

Recreational Vehicle: a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start