



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/31/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Turner Plan Amendment
DLCD File Number 002-13

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: Thursday, April 10, 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: David Sawyer, City of Turner
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA

DLCD FORM 2



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



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 Turner

Local file no.: 14-100 (originally filed as 13-002)

Date of adoption: 1/23/14 Date sent: 3/20/14

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): 3/14/13
☐ 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:

Local contact (name and title): David Sawyer City Administrator

Phone: 503-741-2155

E-mail: turner.cityadmin@wbcable.net

Street address: po box 456

City: Turner

Zip: 97392

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:

Flood Hazard Overlay Section 4.210

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):

List affected state or federal agencies, local governments and special districts: DLCD

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.

Change was required by DLCD after a Community Assistance Visit from
NFIP Coordinator

CITY OF TURNER, OREGON
ORDINANCE NO. 143-100

**AN ORDINANCE AMENDING PORTIONS OF SECTION 4.210, "FLOOD HAZARD
OVERLAY DISTRICT"; ADDING DEFINITIONS; ADDING VARIANCE CRITERIA;
ADDING GUIDANCE FOR SMALL ACCESSORY BUILDINGS; CLARIFYING PERMIT
PROCESS**

WHEREAS, the City regulates Floodplain Development through Section 4.210 of the Land Use Development Code; and,

WHEREAS, a Community Assistance Visit by the State of Oregon determined changes were needed for the City to meet FEMA's regulatory requirements;

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF TURNER
ORDAINS AS FOLLOWS:**

4.210 FLOOD HAZARD OVERLAY-DISTRICT – FH

- (1) **Purpose.** It is the purpose of this Code to minimize public and private losses due to flood conditions in specific areas by provisions designed:
- (a) To protect human life and health.
 - (b) To minimize expenditure of public money and costly flood control.
 - (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 - (d) To minimize prolonged business interruptions.
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric telephone and sewer lines, streets and bridges located in areas of special flood hazard.
 - (f) To provide for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
 - (g) To ensure that potential buyers are notified that property is in an area of special flood hazard.

- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this Code includes methods and provisions for:

- (i) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (j) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (k) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- (l) Controlling filling, grading, dredging, and other development which may increase flood damage.
- (m) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(2) **General Provisions.**

- (a) This Section shall apply to all areas of special flood hazards within the jurisdiction of the City of Turner. The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Code shall not create liability on the part of the City of Turner, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.
- (b) The areas of special flood hazard identified by the Federal Insurance Administration in the ~~"Flood Insurance Study" for the City of Turner and the Flood Insurance Rate Maps (FIRM)~~ "Flood Insurance Study, Marion County and Incorporated Areas, Volumes 1 and 2, dated January 3, 2003, with accompanying Flood Insurance Rate Maps," and any revision thereto are adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the Turner City Hall, 7250 Third Street SE, Turner, Oregon 97392.

Comment [d1]: Updates map reference—Required

(Amended by Ord. 00-101)

- (c) New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within the 100 year floodplain as identified on FIRM, or as may be established on subsequent updates unless no practicable, non-floodplain sites are available. The burden of proof that such sites are not available rests with an applicant. A finding that no practicable, non-floodplain sites are available must be approved by the City Council to allow floodplain development. The only exception to this policy are vacant lots within developed areas of Turner bounded by Mill Creek on the north, School Avenue and its extension south to Denver Street, then east to Mill Creek as the eastern border, Gaston Street as platted and the Mill Creek bypass (whichever is further north on the south) and Sixth Street and extensions of Sixth Street on the west. Lots in this area of the floodplain may be developed or redeveloped, but may not be further subdivided for the purposes of development, as long as such development meets the requirements of the remainder of Section 4.210. In the event the City wishes to amend or repeal this subsection, the City must inform USDA Rural Development or its successor agency in advance.

(Amended by Ord. 00-101)

(d) The following list shall be used as criteria for granting a variance to development in the floodplain. The application and review process shall be according to Section 2.600

- (1) Variances shall not be issued within a designated regulatory Floodway if any increase in flood levels during the base flood discharge would result. [44 CFR 60.6(a)(1)]
- (2) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with items a-i in Section VI.A.8 have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. [44 CFR 60.6(a)(2)]
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. [44 CFR 60.6(a)(4)]
- (4) Variances shall only be issued upon a:
- (a) showing of good and sufficient cause;
 - (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and;
 - (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances. [44 CFR 60.6(a)(3)]
- (5) Variances may be issued for a water dependent use provided that the

(a) criteria of paragraphs (a)(1) through (a)(4) of this section are met, and;

(b) structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. [44 CFR 60.6(a)(7)]

(6) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section. [44 CFR 60.6(a)]

(7) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. [44 CFR 60.6]

(ed) A development permit shall be obtained before construction or development begins in any area of special flood hazard established in Section 2(b). The permit shall be for all structures, including manufactured dwellings. A Development Permit also shall be required when a construction or development

project would place any amount of fill material within the floodplain or floodway in a manner that would alter the direction or volumes of storm water flow or otherwise divert storm water from its normal course.

Placement of up to 50 cubic yards of fill, either temporarily or permanently, is allowed without a City permit, but still requires a development permit and may require permits from other agencies, if such fill just raises the land surface without diverting or altering flow. If there is any question as to the project impact on flows the City Administrator, in consultation with the City Engineer, shall determine whether a permit is required.

The permit shall apply to all structures including manufactured dwellings and all other development including fill and other activities.

(Added by Ord 10-106)

The following additional information shall be submitted:

(Amended by Ord. 02-105 Attachment "A")

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been flood proofed.

3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood hazard development standards of this Section.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. Description of the extent to which any part of the storm water drainage system of the city may be effected.

(Sub-section 5 Added by Ord 10-106)

(f) The City Administrator is the Permit issuing and deciding authority. The deciding authority shall:

Refer all applications to the City Engineer for evaluation and recommendation. In developing that recommendation the Engineer shall:

1. Determine that the requirements of this code have been satisfied. ~~In doing so the 2002 ODOT Hydraulics Manual, Chapter 2, Legal Aspects of Oregon Drainage law, shall be used as a guide.~~
2. ~~Determine that all the requirements of this Code have been satisfied.~~
3. ~~Review all development proposals to determine if proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Code, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.~~
 - a. ~~If it is determined that there is no adverse effect, then the proposal shall be granted consistent with provisions of this Code without further consideration of these effects.~~
 - b. ~~If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.~~
4. ~~Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Section.~~

(Amended by Ord. 10-106)

5. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the

standards of **Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).**

6. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 7. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 8. Information to be obtained and maintained:
 - a. Where base flood elevation data is provided through the Flood Insurance Study, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved flood proofed structures:
 - (i) verify and record the actual elevation (in relation to mean sea level), and;
 - (ii) maintain the flood proofing certifications required in Section 4.1 (3) of the NFIP.
 - c. Maintain for public inspection all records pertaining to the provisions of this Code.
- (g) In approving or disapproving a Flood Hazard development proposal, the deciding authority shall also consider all technical evaluations, all relevant factors, standards specified in other sections of this Code, and:
- (Item (2) (f) Amended by Ord. 99-102)**
(Also Amended by Ord. 02-105 Attachment "A")
1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(hg) Flood Hazard Development Permit Fee Established.

1. The City, by resolution, will establish fees for application and issue of floodplain and floodway development permits.
2. If any development activity occurs prior to issuing a permit under this section, the fee for approval of the permit, after the fact, will be five (5) times the normal cost of the permit as established by resolution. If a permit is not subsequently issued, the property owner is responsible, in addition to the permit fee, for all costs to remove the development. If not approved, the development must be removed within 90 days of the date of notice of disapproval.

(Item (2) (g) added by Ord. 99-102)

(3) **Flood Hazard Development Standards.** In all areas of special flood hazards the following standards are required:

(a) Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Dwelling Installation in Flood Hazard Areas" guidebook for additional techniques). **(Amended by Ord. 02-105 Attachment "A")**

(b) Construction materials and methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development.

(e) Review of building permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these Districts may result in higher insurance rates.

(f) Accessory Structures in the Special Flood Hazard Area

(1) Any structure less than 200 square feet, including decks, shall:

(a) be located and constructed to have low damage potential: [44 CFR 60.3(a)(3)]

(b) be constructed with materials resistant to flood damage; [44 CFR 60.3(a)(3)]

(c) if located in a regulatory Floodway, meet the limitations of Item (l) below: [44 CFR 60.3(d)(3)]

(d) be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood: [44 CFR 60.3(a)(3)]

(e) have all enclosures below the Base Flood Elevation designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or

(i) provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;

(iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

(f) have electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood. [44 CFR 60.3(a)(3)];

(g) Residential construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(h) Nonresidential construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. 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 certifications shall be provided to the Turner Planning Commission.
4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 5.2-1(2) of the NFIP.
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one

foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(l)(h) Manufactured dwellings

All manufactured dwellings to be placed or substantially improved within Districts A1 through A30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured dwelling is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Item (3) (a) 2. above. **(Amended by Ord. 02-105 Attachment "A")**

(l)(i) Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days.
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has on permanently attached additions; or
3. Meet the requirements of (h)(i) above and the elevation and anchoring requirements for manufactured dwellings.

(Amended by Ord. 02-105 Attachment "A")

(l)(j) Placing Fill in the Floodplain

1. A fill permit application will not be processed without a full explanation of the purpose of the fill, The maximum quantity of fill to be placed, the exact location of the proposed fill, and submission of a certificate by a registered professional engineer or registered architect demonstrating that the proposed fill will not increase flood levels during the occurrence of a base flood discharge or otherwise negatively impact the property of others. **(Amended by Ord. 10-106)**

(l)(k) Floodways

Development within areas of special flood hazard designated as floodways is extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, and the following additional provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating

that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If item 1. above is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

(4) **Flood Hazard Definitions.**

Area Of Shallow Flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and intermediate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicated ponding.

Area Of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A-~~OF~~V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A-~~OF~~V.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Basement means any area of the building having its flood subgrade (below ground level) on all sides.

Development Permit means the process of reviewing development in the special flood hazard zone and the issuance of any permit letter allowing, allowing with conditions or denying the development.

Fill means any material deposited, excavated or moved upon property, including but not limited to, dirt, rocks and boulders, processed or unprocessed aggregate, asphalt or cement, logs or tree stumps or any other material that will displace water when deposited. (Fill definition added by Ord. 99-102)

Flood Or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or

- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

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.

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 of this Code.

Manufactured Dwelling 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 connected to the required utilities. For flood plain management purposes the term "manufactured dwelling" does not include park trailers, travel trailers, and other similar vehicles.

(Amended by Ord. 02-105 Attachment "A")

Manufactured Dwelling Park Or Subdivision means a parcel (or contiguous parcels) or land divided into two or more manufactured dwelling lots for rent or sale.

(Amended by Ord. 02-105 Attachment "A")

New Construction means structures for which the "start of construction" commenced on or after the effective date of this Code.

Recreational Vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the longest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck, and; (d) 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 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 dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(Amended by Ord. 02-105 Attachment "A")

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"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 its market value before the damage occurred.

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

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged or 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.

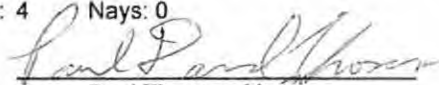
The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes. (Amended by Ord. 00-101)
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Adopted by the Common Council of the City of Turner this 23rd of January, 2014

Yeas: 4 Nays: 0

Approved:

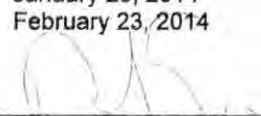

Paul Thomas, Mayor

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First Reading: January 9th, 2014
Second Reading: January 23, 2014
Adopted: January 23, 2014
Signed: January 23, 2014
Effective Date: February 23, 2014

Attest:



David Sawyer, City Administrator

f Turner
Box 456
OR 97392

Attn: Plan Amendment Specialist

DECD

635 Capital St. NE, Ste. 150

Salem, OR 97301-2540

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