

**WALDPOR T PLANNING COMMISSION
SEPTEMBER 30, 2019
MEETING NOTICE AND AGENDA**

THE WALDPOR T CITY COUNCIL AND PLANNING COMMISSION WILL MEET ON MONDAY, SEPTEMBER 30, 2019 AT 2:00 P.M. IN THE **CITY COUNCIL MEETING ROOM**, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: (July 22, 2019 Planning Commission Meeting)
3. CITIZEN COMMENTS AND CONCERNS
4. PUBLIC HEARING
 - A. Case File #1-CU-PC-19 Steve & Kathy Brandel Conditional Use Permit in the Planned Industrial (I-P) Zone.
 - B. Proposed Amendments to Waldport Development Code – Flood Hazard Overlay Zone
5. DISCUSSION/ACTION ITEMS:
 - A. Waldport Development Code Amendments
 - 1) Downtown District (D-D)
 - 2) Tsunami Resilience Land Use Measures
 - B. Planner's Report
 - C. Other Issues
6. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 24th day of September 2019

City of Waldport

WALDPORT PLANNING COMMISSION
JULY 22, 2019
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00 p.m. Commissioners Woodruff, Stole, Phillips, Barham, Schlosser and Lambert answered the roll. Commissioner Kelleher was excused. A quorum was present.

2. MINUTES: The Commission considered the minutes from the June 3, 2019 regular meeting. Commissioner Woodruff **moved** to approve the minutes as presented, Commissioner Stole **seconded**, and the motion **carried** unanimously. The Commission then considered the minutes from the June 24, 2019 joint workshop with the City Council. Commissioner Woodruff **moved** to approve the minutes as presented. Commissioner Phillips **seconded**, and the motion **carried** unanimously.

3. CITIZEN COMMENTS AND CONCERNS: None.

4. DISCUSSION/ACTION ITEMS:

A. Tsunami Resilience Planning: Meg Reed, Suh Brown and Hui Rodomsky from DLCD's Newport office reviewed the process for implementing a Tsunami Evacuation Improvement Plan, using a recent one completed for Rockaway Beach as an example. et al. Gave history of program. Ms. Reed noted that the document could be developed for the City as just a plan, or it could be adopted by the Council so that it can be referred to on an official basis. Discussion ensued regarding the difficulties of evacuation due to road location or lack of access to the higher areas of town, as well as the necessity for relocation of critical facilities, sources of funding for projects identified within the plan, along with permitted or prohibited uses and conditions to be imposed. **Consensus** of the Commission was to schedule a special workshop discussion of the topic on August 6, 2019 at 10:00 a.m. Others to be invited to the meeting include the Fire Chief, County Emergency Management, the City's Public Works Director, and an ODOT representative. Chair Barham asked for a spreadsheet to assist in the workshop discussion.

B. Waldport Development Code Amendments:

1) Accessory Dwelling Units (ADUs): Discussion ensued regarding the changes made to-date. The Commission briefly discussed the idea of a reduced charge for the conditional use process, no changes were made. Under Item #7 "Parking", **consensus** of the Commission was to require one on-site paved parking spot for an ADU of 500 square feet or less, and two on-site paved parking spaces for ADUs over 500 square feet. There was a lengthy discussion regarding the requirement for owner occupation, and **consensus** of the Commission was to leave the language in and see if there were any objections. An addition was made to the language regarding sewer service, noting that if the property was on a septic system, the system must be sized for both the home and ADU. With regard to the use of an ADU for vacation rentals, **consensus** of the Commission was to remove the reference to the single letter of support advocating vacation rental use, as it can be included in the packet materials for the hearing, along with any other public testimony. Following a review of the proposed changes, **consensus** of the Commission was that the

revisions for ADUs were completed and ready for public hearing.

2) Additional Code Amendments: Staff noted that under item "E", Livestock Regulations, the Commission would be asked to amend the code to remove language regarding livestock except for a reference to Title Six (Animals) in the Municipal Code, as this was a more appropriate section to address the topic. Following further discussion, **consensus** of the Commission was to proceed with items "G" (Downtown District Zone) and "H" (Tsunami Resilience Land Use Measures at the next regular meeting.

C. Other Issues: City Planner Lewis reviewed the land use activity report.

5. ADJOURNMENT: At 4:55 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q Eckerman, City Recorder

APPROVED by the Planning Commission this _____ day of _____, 2019.

SIGNED by the Chair this _____ day of _____, 2019.

Steve Barham, Chair

CASE FILE: #1-CU-PC-19
DATE FILED: Aug. 28, 2019
APPLICATION DEEMED COMPLETE: Sep. 9, 2019
120-DAY COMPLETION DATE: Jan. 7, 2020
HEARING DATE: Sep. 30, 2019

STAFF REPORT

Conditional Use Permit Application

APPLICANT: Steve & Kathy Brandel

A. REPORT OF FACTS

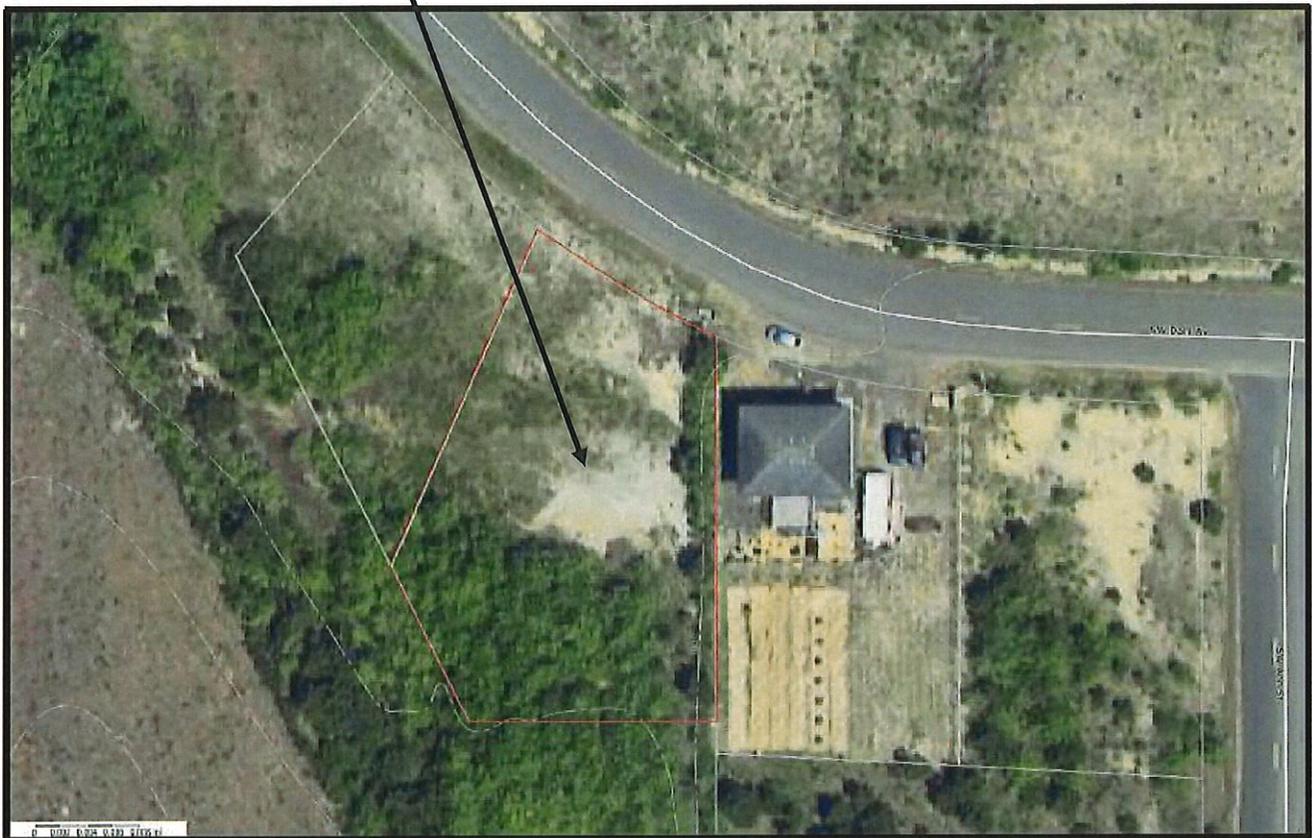
1. **Applicant's Request:** The applicant is requesting a conditional use permit to operate a firewood business in the Planned Industrial Zone.
2. **Property Location:** The subject property is located in the Waldport Industrial Park at 219 SW Dahl Avenue, and further identified on Lincoln County Tax Assessor's Map 13-11-31B as tax lot 1000.



3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial

5. **Lot Size:** The total lot size is 19,382 square feet (0.44 acres).
6. **Existing Structure:** None.
7. **Topography and Vegetation:** The site is generally flat with trees and shrubs on the southern portion of the property.
8. **Surrounding Land Use:** An indoor marijuana and outdoor hemp grow facility is adjacent on the east side of the subject site. An artisan cabinet shop and storage is under construction on the west side. Vacant industrial land and a mini-storage is located across Dahl Avenue to the north/northeast. The Dahl Transfer Station and capped landfill are located to the west/southwest.
9. **Utilities:** The following utilities currently serve the subject property:
 - a. Water: Southwest Lincoln County Water District
 - b. Sewer: On-site waste management, i.e. holding tank
 - c. Electricity: Central Lincoln P.U.D.
10. **Development Constraints:** None identified.

219 SW DAHL AVENUE



B. EVALUATION OF REQUEST

1. **Relevant Criteria:**

Waldport Municipal Code

Section 16.36.020 Planned Industrial Zone I-P Conditional uses permitted.

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of the Waldport Municipal Code. Subsection 'X' relating to production of forest products is relevant to this conditional use application:

- X. Forestry, including the management, production and harvesting of forest products and of related natural resources in forest areas, and including rock extraction and processing for use in forest access roads.

Section 16.36.040 Planned Industrial Zone I-P Standards.

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.

Section 16.72.020 Off-street Parking and Off-street Loading Requirements.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

Section 16.84 Conditional Uses (relevant subsections)

16.84.010 Purpose.

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole.

16.84.020 Authorization to grant or deny conditional use permit.

- A. In taking action on a conditional use permit the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the height of buildings;
 - 3. Controlling the location and number of vehicle access points;

4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location, and lighting of signs;
 7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
 8. Designating site for open space;
 9. Regulating the hours of operation; and
 10. Setting a time limit for which the conditional use is approved.
- D. Modifications of standards listed for each conditional use may be granted if:
1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
 2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
 3. The purposes of this code are fulfilled.

16.84.050 Time limit of a conditional use permit.

Authorization of a conditional use shall be void after two (2) years or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

16.84.070 Standards and procedures governing conditional uses.

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
 2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above.
2. **Applicant's Proposal:**
The applicant submitted the application form, fee, and provided a description of the business operation, operating characteristics, and site plan. The property owner provided authorization for the applicant to apply for the conditional use.

Proposed Use. This is a firewood business. The use includes transportation of logs to the property, and processing the logs into firewood for distribution to users.

Description of Site Plan.

- Access to the property is proposed from Dahl Avenue. Trucks delivering logs to the property will pull into the site, unload logs on the west side of the site, then back out to Dahl Avenue.
- The wood cutting area is proposed to be located on the west side of the site, south of the log storage area. The wood cutting area includes space for wood scrap and small pieces. Wood loading trucks and trailers will be on the east side of the wood cutting area.
- Firewood storage is proposed to be located in the southeast portion of the site. A future building is proposed at this location for wood storage.

- Two storage containers are proposed on the east side of the site for equipment.
- A parking area is proposed on the west side of the site for vehicles and trailers.

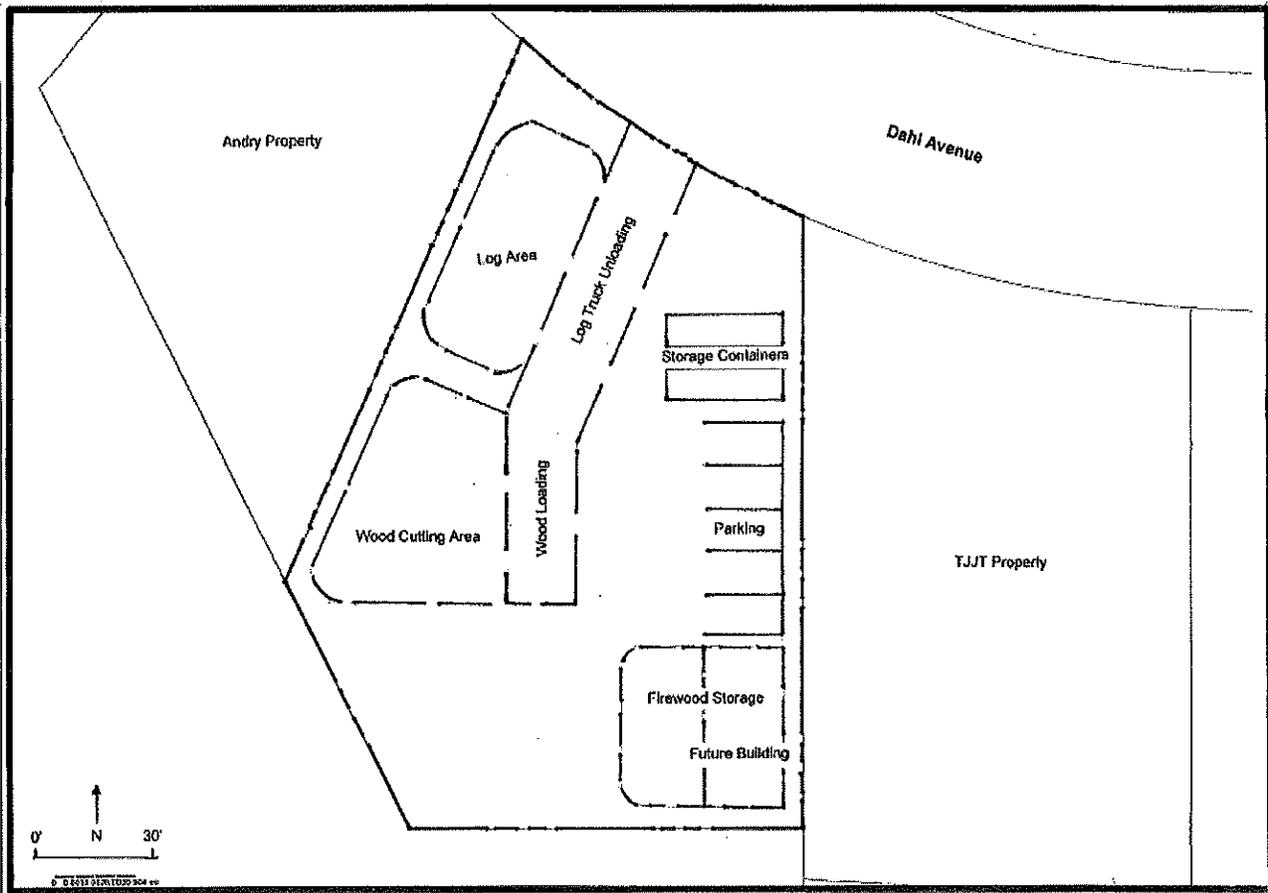
Fencing. Fences exist along the east and west sides of the site. A fence is proposed along the Dahl Avenue frontage on the north side. The fence is proposed to be six feet high and constructed with 4" x 4" posts, farm fencing (heavy wire), and a top railing.

Storm Drainage. A storm drainage ditch is proposed along the south/southwest edge of the property and connect to an existing storm drainage ditch to the west. Storm drainage improvements, i.e. ditch, culvert, and catch basin, may be required by Waldport Public Works.

Operating Characteristics.

- Wood will be cut using two splitters, chainsaws, and possibly a processor. Noise resulting from power equipment shall be limited to the operating hours.
- Hours of operation are 7 a.m. – 4 p.m. daily.
- Users and consumers will not be purchasing firewood at the property, as it will be distributed to customers at various locations.
- Log trucks are anticipated to visit the site twice per week. Trucks shall use Wakonda Beach Road to access and leave the property, not Crestline Drive or Range Drive.
- There will be up to four employees.
- No lighting is proposed at this time. The future building is proposed to have exterior lights.

SITE PLAN





3. **Public Testimony:**

At the time this staff report was prepared, the City had not received any written testimony.

C. STAFF ANALYSIS

1. **Conditional Uses Permitted in the Industrial Park Zone.** The applicant is requesting a conditional use permit to operate a firewood business in the Planned Industrial Zone.

Waldport Development Code Chapter 16.36 Planned Industrial Zone I-P, Section 16.36.020 Conditional Uses Permitted, includes subsection X. Forestry, including the management, **production** and harvesting of **forest products** and of related natural resources in forest areas, and including rock extraction and processing for use in forest access roads.

2. **Effect on Adjacent Uses.** The Purpose of Conditional Uses states, in part, that consideration of a conditional use includes the effect the proposed use may have on adjoining land uses. This includes but is not limited to such things as traffic, noise, hours of operation, and insects. The Planning Commission will solicit public testimony and determine if there are effects on adjoining land uses.

3. **Planned Industrial (I-P) Standards.** The I-P Standards are stated in *italics* and followed by the staff analysis.

a. *All yards abutting a residential zone shall be a minimum of twenty (20) feet.*

The subject site does not border a residential zone.

b. *All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.*

The site does not have a subsurface sewage disposal system nor is one proposed.

c. *No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.*

Crestline Drive is a designated collector street therefore no structure shall be closer than 30 feet from the centerline of the street. The firewood operation is approximately 700 feet from the centerline of Crestline Drive.

d. *No building in the I-P zone shall exceed a height of forty-five (45) feet.*

No building is proposed at this time. A future building is shown on the site plan. No building shall exceed a 45 foot height.

e. *Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.*

The outdoor firewood operation faces Dahl Avenue. The applicant proposes a six foot high fence along Dahl Avenue. The fence is proposed be constructed of 4x4 posts and farm fencing (heavy wire) and a top railing. The farm fencing is not sight-obscuring therefore the applicant is requesting a modification to this standard per WMC 16.84.020(D). The applicants state that the cost of a solid fence is significantly more than the farm fencing and would be a financial hardship; and the non-sight obscuring fence along the Dahl Avenue frontage will not be detrimental to surrounding properties.

f. *Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.*

Upon a conditional use approval, the Public Works Director shall review and approve storm drainage plans and improvements. The applicant states that a drainage ditch will be provided along the south property line and connect to an existing storm drainage ditch to the west. Drainage improvements will be required along the Dahl Avenue frontage, including but not necessarily limited to, a driveway culvert.

4. **Parking.** The Code does not specify required number of parking spaces for a firewood business therefore the number of parking spaces shall be determined by the Planning Commission. There will be a maximum of four employees therefore a minimum of four parking spaces should be provided. The site plan identifies parking along the east side of the site that will accommodate five parking spaces. Additional space is available for parking.

5. **Required Permits.** The applicant shall obtain all permits required to operate the wood cutting business, i.e. city, county, and state required permits.

D. CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole. If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission's discretion:

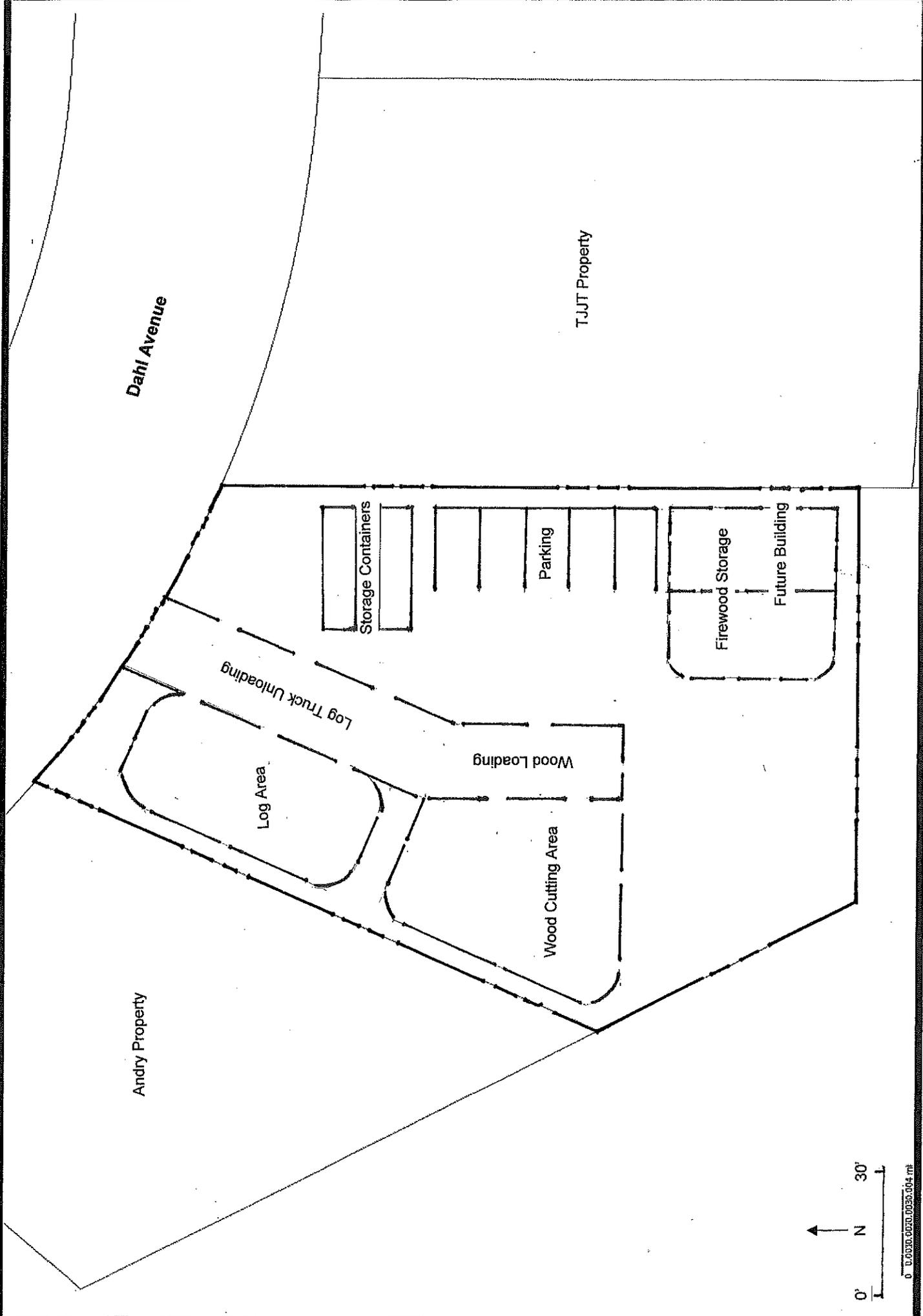
1. Development shall occur in accordance with the submitted plan including:
 - a. Access to the property is proposed from Dahl Avenue. Trucks delivering logs to the property will pull into the site, unload logs on the west side of the site, then back out to Dahl Avenue.
 - b. The wood cutting area is proposed to be located on the west side of the site, south of the log storage area. The wood cutting area includes space for wood scrap and small pieces. Wood loading trucks and trailers will be on the east side of the wood cutting area.
 - c. Firewood storage is proposed to be located in the southeast portion of the site. A future building is proposed at this location for wood storage.
 - d. Two storage containers are proposed on the east side of the site for equipment.
 - e. A parking area is proposed on the west side of the site for vehicles and trailers. A minimum four (4) off-street parking spaces shall be maintained.
2. Hours of operation will be daily from 7:00 a.m. to 4:00 p.m. Noise resulting from power equipment shall be limited to the operating hours.
3. Prior to beginning the wood cutting operation a six foot high fence shall be constructed along the Dahl Avenue frontage on the north side. The fence shall be constructed with 4" x 4" posts, farm fencing (heavy wire), and a top railing.
4. Prior to beginning the wood cutting operation the applicant shall provide storm drainage improvements as required by the Waldport Public Works Director.
5. The applicant shall obtain all permits required to operate the wood cutting business, i.e. city, county, and state required permits.
6. This conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place and all conditions of approval have been fulfilled.

Submitted by,

Larry Lewis,
City Planner

Enclosures: Site Plan

219 SW DAHL AVENUE - PROPOSED SITE PLAN



Dahl Avenue

TJJT Property

Andy Property

Storage Containers

Parking

Firewood Storage

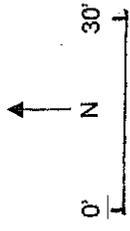
Future Building

Log Truck Unloading

Log Area

Wood Loading

Wood Cutting Area



0' 1' 30'

0' 0.0030 0.0070 0.0330 0.064' mt

September 23, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: Waldport Development Code Amendments
Chapter 16.68 Flood Hazard Overlay Zone**

The Planning Commission will hold a public hearing at the September 30, 2019, 2:00 p.m. meeting to consider amendments to the Flood Hazard Overlay Zone. The Planning Commission will solicit public input and make a recommendation to the City Council.

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Maps as well as the accompanying Flood Insurance Study. Waldport Development Code Section 16.68 Flood Hazard Overlay Zone is being updated to be in accordance with FEMA standards. This will enable the City of Waldport to maintain eligibility in the National Flood Insurance Program. All changes are either required or recommended by FEMA and the Oregon Department of Land Conservation and Development.

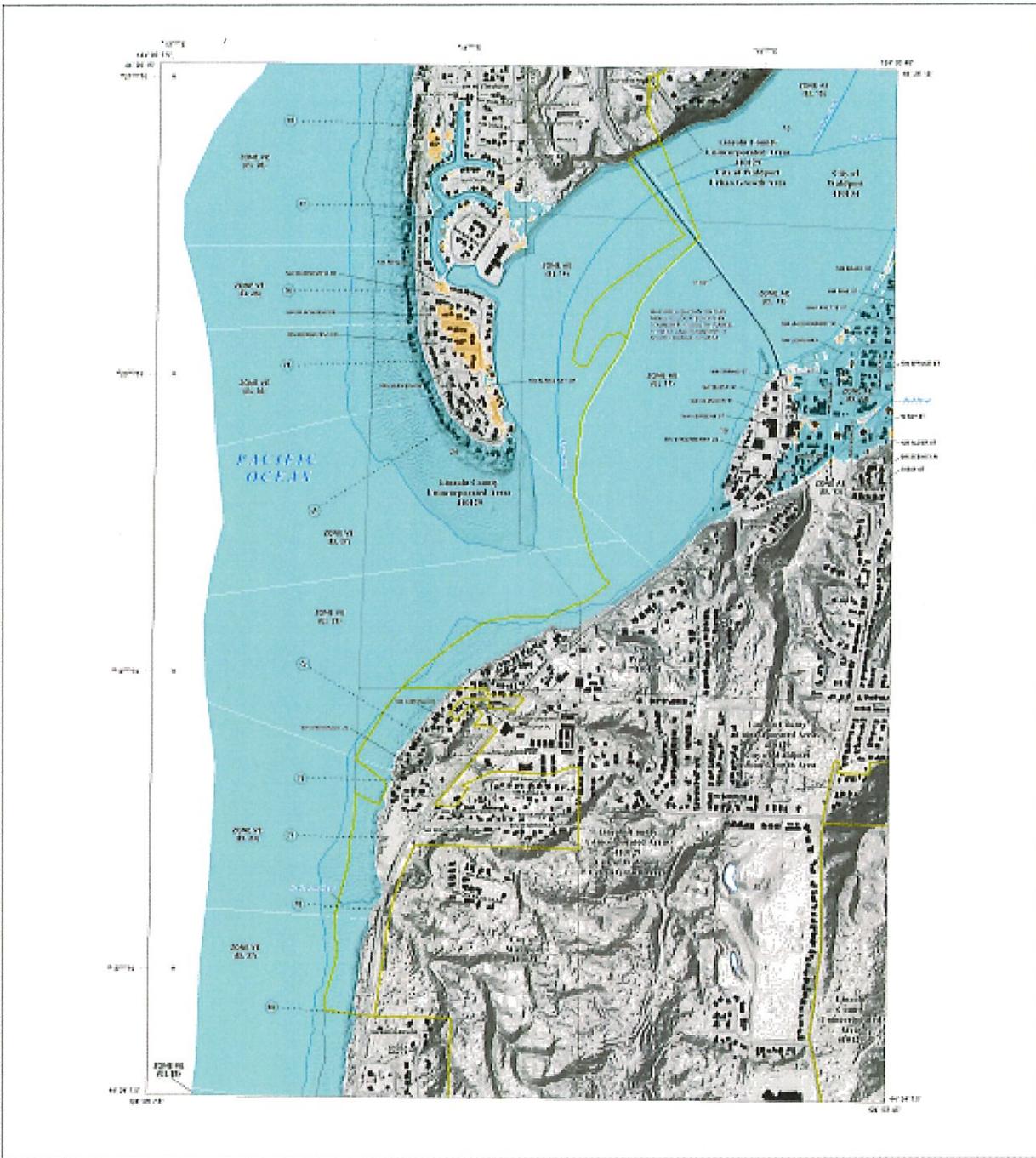
The proposed Flood Hazard Overlay Zone amendments mirror the State of Oregon Model Flood Hazard Code which has now been approved by FEMA. In general, the content is revised to more closely match the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). The content is also revised to incorporate and update relevant standards in the State of Oregon's Specialty Codes. A breakdown of the primary changes found in the proposed Flood Hazard Overlay Zone amendments is provided below:

1. Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA.
2. The proposed amendments note the requirement for coordination with State of Oregon Specialty Codes and incorporates relevant requirements from the Specialty Codes to ensure alignment between the amendment language and the building code language.
3. The floodplain development permit and permit review requirements have been expanded to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with minimum NFIP and state standards.
4. The amendments expand the requirements for "Information to be Obtained and Maintained" to reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The amendments include a new section, "Community Boundary Alterations", that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur).
6. The amendments indicate that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations.
7. Subdivisions and other development proposals (including manufactured dwelling parks and subdivisions) have been addressed in a new section, and the language reflects the minimum NFIP requirements in 44 CFR 60.3(a)(4), and 60.3(b)(3).

8. "Structures Located in Multiple or Partial Flood Zones", has been added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones.
9. The riverine flood zone section has been re-organized slightly to cover the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit.
10. A new "Garages" section addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.

The Planning Commission will consider making a recommendation to the City Council to adopt the 2019 Flood Insurance Rate Maps, the accompanying Flood Insurance Study for Lincoln County and Incorporated Cities, and the amended Waldport Development Code chapter 16.68 Flood Hazard Overlay Zone.

Attachments: 2019 Flood Insurance Rate Maps (for Waldport)
Proposed Waldport Development Code Chapter 16.68 Flood Hazard Overlay Zone



FLOOD HAZARD INFORMATION

FOR MORE INFORMATION ON FEMA AND HOW YOU CAN HELP, VISIT [WWW.FEMA.GOV](https://www.fema.gov).
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SPECIAL FLOOD HAZARD AREA	DESCRIPTION
	100-Year Flood Elevation (100)
	500-Year Flood Elevation (500)
	Regulatory Boundary
	0.2% Annual Chance Flood Area (with average depth 1.5 feet and less than 0.5% slope)
	1% Annual Chance Flood Area (with average depth 1.5 feet and less than 0.5% slope)
	Area with Potential Flood Risks to Low-Sea Levels
	Area with Potential Flood Risks to Low-Sea Levels
	Area of Minimal Flood Hazard
	Area of Environmental Flood Hazard

NOTES TO USERS

This information is provided for informational purposes only. It is not intended to be used as a basis for any legal or financial decision. The information is provided as a service to the public and is not a guarantee of accuracy. The information is provided as a service to the public and is not a guarantee of accuracy. The information is provided as a service to the public and is not a guarantee of accuracy.

SCALE



PANEL LOCATOR

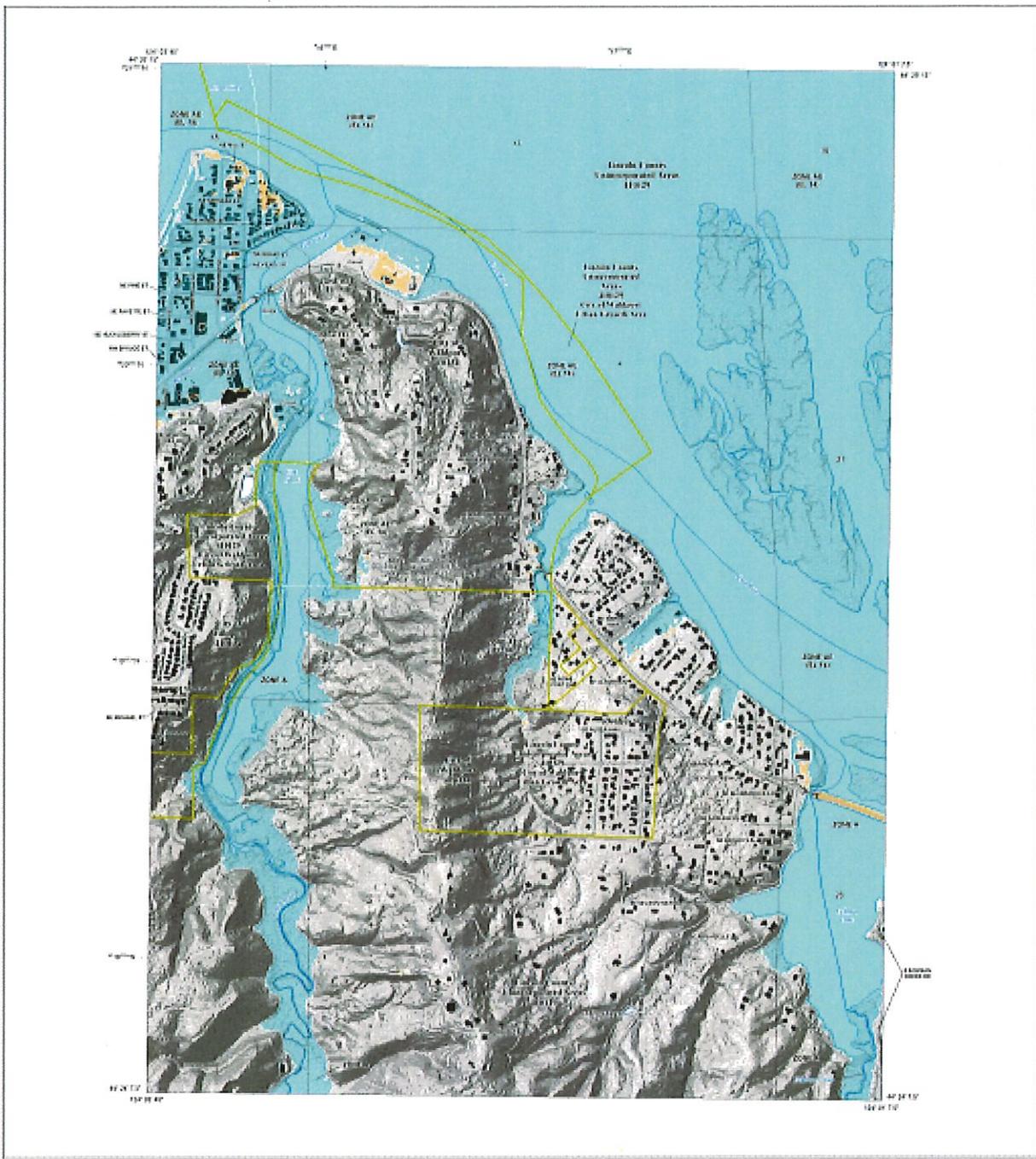


FEMA
 National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE FOR THE PEOPLE

LINCOLN COUNTY, OREGON
 Panel: 802-900

Pop: 10,000
 Density: 1000
 Area: 1000
 Elevation: 1000



FLOOD HAZARD INFORMATION

FOR THE MOST CURRENT FLOOD HAZARD INFORMATION, PLEASE VISIT THE FOLLOWING WEBSITE:
<https://www.fema.gov>

- Special Flood Hazard Area (SFHA)**
- Regulatory Floodway**
- 0.5% Annual Chance Flood Hazard Area**
- 1% Annual Chance Flood Hazard Area**
- Area with Flood Hazard due to Levee Breach**
- Area of Minimal Flood Hazard**

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SCALE



PANEL LOCATOR



FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOODED INSURANCE PANEL MAP
LINCOLN COUNTY, OREGON
Scale: 600 x 900

Legend:

Community	Number	Area	Date
Lincoln County, Oregon	10000	10000	1/1/2018

Chapter 16.68

FLOOD HAZARD OVERLAY ZONE

Sections

- 16.68.010 Statutory Authority, Findings of Fact, Purpose, and Methods**
 - A. Statutory Authorization
 - B. Findings Of Fact
 - C. Statement Of Purpose
 - D. Methods Of Reducing Flood Losses
- 16.68.020 Definitions**
- 16.68.030 General Provisions**
 - A. Lands To Which This Ordinance Applies
 - B. Basis For Establishing The Special Flood Hazard Areas
 - C. Coordination With State Of Oregon Specialty Codes
 - D. Compliance And Penalties For Noncompliance
 - 1. Compliance
 - 2. Penalties For Noncompliance
 - E. Abrogation And Severability
 - 1. Abrogation
 - 2. Severability
 - F. Interpretation
 - G. Warning And Disclaimer Of Liability
 - 1. Warning
 - 2. Disclaimer Of Liability
- 16.68.040 Administration**
 - A. Designation Of The Floodplain Administrator
 - B. Duties And Responsibilities Of The Floodplain Administrator
 - 1. Permit Review
 - 2. Information To Be Obtained And Maintained
 - 3. Requirement To Notify Other Entities And Submit New Technical Data
 - a. Community Boundary Alterations
 - b. Watercourse Alterations
 - c. Requirement To Submit New Technical Data
 - 4. Substantial Improvement And Substantial Damage Assessments And Determinations
 - C. Establishment Of Development Permit
 - 1. Floodplain Development Permit Required
 - 2. Application For Development Permit
 - D. Variance Procedure

1. Conditions For Variances
2. Variance Notification

16.68.050 Provisions For Flood Hazard Reduction

- A. General Standards
 1. Alteration Of Watercourses
 2. Anchoring
 3. Construction Materials And Methods
 4. Utilities And Equipment
 - a. Water Supply, Sanitary Sewer, And On-Site Waste Disposal Systems
 - b. Electrical, Mechanical, Plumbing, And Other Equipment
 5. Tanks
 6. Subdivision Proposals & Other Proposed Developments
 7. Use Of Other Base Flood Data
 8. Structures Located In Multiple Or Partial Flood Zones
- B. Specific Standards For Riverine (Including All Non-Coastal) Flood Zones
 1. Flood Openings
 2. Garages
 3. For Riverine (Non-Coastal) Special Flood Hazard Areas With Base Flood Elevations
 - a. Before Regulatory Floodway
 - b. Residential Construction
 - c. Non-Residential Construction
 - d. Manufactured Dwellings
 - e. Recreational Vehicles
 - f. Appurtenant (Accessory) Structures
 4. Floodways
 5. Standards For Shallow Flooding Areas
 - a. Standards For AH Zones
 - b. Standards For AO Zones
- C. Specific Standards For Coastal High Hazard Flood Zones
 1. Development Standards
 2. Manufactured Dwelling Standards For Coastal High Hazard Zones
 3. Recreational Vehicle Standards For Coastal High Hazard Zones
 4. Tank Standards For Coastal High Hazard Zones

16.68.10 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

A. STATUTORY AUTHORIZATION

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to

promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Waldport does ordain as follows:

B. FINDINGS OF FACT

1. The flood hazard areas of Waldport are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a special flood hazard area
8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
9. Participate in and maintain eligibility for flood insurance and disaster relief.

A. METHODS OF REDUCING FLOOD LOSSES

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

1. Restricting or prohibiting development which is 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;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

16.68.020 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO, AR/AH, or VO on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR, V, VO, V1-30, VE. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building: See "Structure."

Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See "Flood elevation study".

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: 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 a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

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 non-elevation design requirements of this ordinance.

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

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

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by Waldport and includes any subsequent improvements to such structures.

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.

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. 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 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 "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by Waldport from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

16.68.030 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of Waldport.

B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for "Lincoln County, Oregon and Incorporated Areas", dated October 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs) 41041C655E, 41041C660E, 41041C662E, 41041C665E, 41041C666E, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Waldport City Hall, 125 Alsea Hwy, Waldport, OR. .

C. COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the City of Waldport administers and enforces the State of Oregon Specialty Codes, the City of Waldport does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

1. COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

2. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to

comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class A civil infraction per Waldport Development Code Chapter 16.112 Remedies and Subsection 16.112.010 Violation – Penalty. Nothing contained herein shall prevent the City of Waldport from taking such other lawful action as is necessary to prevent or remedy any violation.

E. ABROGATION AND SEVERABILITY

1. ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. WARNING AND DISCLAIMER OF LIABILITY

1. WARNING

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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.

2. DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the City of Waldport, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

16.68.040 ADMINISTRATION**A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The City Planner and their designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

1. PERMIT REVIEW

Review all development permits to determine that:

- a. The permit requirements of this ordinance have been satisfied;
- b. All other required local, state, and federal permits have been obtained and approved.
- c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 16.68.050.B.4 are met; and
- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 16.68.050.A.7; and
- e. Provide to building officials the Base Flood Elevation (BFE) and elevation of lowest floor, including basement, applicable to any building requiring a development permit.
- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 16.68.020.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 16.68.050.A.1.
- h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

2. INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE)

- data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 16.68.050.A.7.
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 16.68.050.B.4, 16.68.050.C.1.f and 16.68.040.B.1.b are adhered to.
 - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 - e. Maintain all Elevation Certificates (EC) submitted to City of Waldport.
 - f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 16.68.050.A.7.
 - g. Maintain all floodproofing certificates required under this ordinance;
 - h. Record and maintain all variance actions, including justification for their issuance;
 - i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 16.68.050.B.4.
 - j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 16.68.040.B.4.
 - k. Maintain for public inspection all records pertaining to the provisions of this ordinance.

3. REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

a. COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new

area for which the community has assumed or relinquished floodplain management regulatory authority.

b. WATERCOURSE ALTERATIONS

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- 1) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- 2) Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 16.68.040.B.4. Ensure compliance with all applicable requirements in sections 16.68.040.B.4 and 16.68.050.A.1.

c. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- 1) Proposed floodway encroachments that increase the base flood elevation; and
- 2) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall Notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The property owner shall be responsible for preparing all technical data to support the LOMR application and paying any processing or application fees associated with the LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

4. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 16.68.020) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 16.68.040.B.2. Conduct Substantial Damage (SD) (as defined in section 16.68.020) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 16.68.030.B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 16.68.030.B. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 16.68.020, including fill and other development activities.

2. APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 16.68.040.B.2.

- b. In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;
- c. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- d. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in section 16.68.050.B.3.c.
- e. Description of the extent to which any watercourse will be altered or relocated.
- f. Base Flood Elevation data for subdivision proposals or other development when required per sections 16.68.040.B.1 and 16.68.050.A.6.
- g. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- h. The amount and location of any fill or excavation activities proposed.

D. VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. CONDITIONS FOR VARIANCES

- a. Generally, variances may be issued 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 the provisions of sections 16.68.040.D.1.c and e, and 16.68.040.D.2. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3) A 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 laws or ordinances.

- e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 16.68.040.D.1.b-d are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 16.68.040.B.2.

16.68.050 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

1. ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 16.68.040.B.3.b and c.

2. ANCHORING

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured dwellings shall be anchored per section 16.68.050.B.3.d.

3. CONSTRUCTION MATERIALS AND METHODS

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. UTILITIES AND EQUIPMENT

- a. **WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS**

- 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 consistent with the Oregon Department of Environmental Quality.

b. ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated one (1) foot or more above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- 1) If replaced as part of a substantial improvement shall meet all the requirements of this section.
- 2) Not be mounted on or penetrate through breakaway walls.

5. TANKS

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed one (1) foot or more above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.
- c. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

6. SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:
 - 1) Be consistent with the need to minimize flood damage.

- 2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- 3) Have adequate drainage provided to reduce exposure to flood hazards.

7. USE OF OTHER BASE FLOOD DATA

When Base Flood Elevation data has not been provided in accordance with section 16.68.030.B the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 16.68.050. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 16.68.050.A.6.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation proposals in compliance with Oregon Specialty Codes, with the exception of development proposals located within a riverine unnumbered A Zone. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. The reasonably safe elevation requirement is considered to be at least two feet above the highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

B. SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 5.1 of this ordinance.

1. FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following

requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exist of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - 1) A minimum of two openings,
 - 2) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - 3) The bottom of all openings shall be no higher than one foot above grade.
 - 4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - 5) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

2. GARAGES

- a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - 1) If located within a floodway the proposed garage must comply with the requirements of section 16.68.050.B.4.
 - 2) The floors are at or above grade on not less than one side;
 - 3) The garage is used solely for parking, building access, and/or storage;
 - 4) The garage is constructed with flood openings in compliance with section 16.68.050.B.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - 5) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - 6) The garage is constructed in compliance with the standards in section 16.68.050.A; and
 - 7) The garage is constructed with 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.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 16.68.050.B.3.f or nonresidential structures in section 16.68.050.B.3.c depending on the square footage of the garage.

3. FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section 16.68.050.A the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

a. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), 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.

b. RESIDENTIAL CONSTRUCTION

- 1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot or more above the Base Flood Elevation (BFE).
- 2) Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 16.68.050.B.1.

c. NON-RESIDENTIAL CONSTRUCTION

- 1) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall:
 - a) Have the lowest floor, including basement elevated to one (1) foot or more above the Base Flood Elevation (BFE);
Or, together with attendant utility and sanitary facilities,
 - b) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - d) 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 16.68.040.B.2.
- 2) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 16.68.050.B.1.

- 3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).

d. **MANUFACTURED DWELLINGS**

- 1) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 16.68.050.B.1;
- 2) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- 3) New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and 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 additional techniques), and;
- 4) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

e. **RECREATIONAL VEHICLES**

Recreational vehicles placed on sites are required to:

- 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 no permanently attached additions; or
- 3) Meet the requirements of section 16.68.050.B.3.d, including the anchoring and elevation requirements for manufactured dwellings.

f. **APPURTENANT (ACCESSORY) STRUCTURES**

Relief from elevation or floodproofing requirements for Residential and Non-Residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- 1) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 16.68.050.B.4.
- 2) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- 3) In compliance with State of Oregon Specialty Codes, Appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant

structures on properties that are zoned as non-residential are limited in size to 120 square feet.

- 4) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- 5) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- 6) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 16.68.050.B.1;
- 7) Appurtenant structures shall be located and constructed to have low damage potential;
- 8) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 16.68.050.A.5.
- 9) Appurtenant structures shall be constructed with electrical, mechanical, 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.

4. FLOODWAYS

Located within the special flood hazard areas established in section 16.68.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - 1) Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
 - Or,
 - 2) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.

- b. If the requirements of section 16.68.050.B.4.a are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 16.68.050.

5. STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow.

For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

a. STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 16.68.050.A, B and B.5.a.

b. STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirement in section 16.68.050.B.5.a:

- 1) New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated one (1) foot or more above the highest grade adjacent to the building. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- 2) New construction and substantial improvements of non-residential structures within AO zones shall either:
 - a) Have the lowest floor (including basement) elevated one (1) foot or more above the highest adjacent grade of the building site; or
 - b) Together with attendant utility and sanitary facilities, be completely floodproofed to or one (1) foot or more above the depth number specified on the FIRM, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 16.68.050.B.3.c (1)(d).
- 3) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - a) Be on the site for fewer than 180 consecutive days, and

- b) 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 no permanently attached additions; or
 - c) Meet the requirements of (insert citation) above, including the elevation and anchoring requirements for manufactured dwellings.
- 4) In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 16.68.050.B.3.f.
 - 5) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 16.68.050.B.1.

C. SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD FLOOD ZONES

Located within special flood hazard areas established in section 16.68.030.B are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the FIRMs as the area between the Limit of Moderate Wave Action (LiMWA) and the Zone V boundary. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in section 16.68.050.A.

1. DEVELOPMENT STANDARDS

- a. All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:
 - 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
 - 2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes;
- b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.
- c. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures

contain a basement. The local floodplain administrator shall maintain a record of all such information in accordance with section 16.68.040.B.2.

- d. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- e. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - 2) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
 - 3) Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 16.68.050.B.1.
- f. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.
- g. Prohibit the use of fill for structural support of buildings.
- h. All new construction shall be located landward of the reach of mean high tide.
- i. Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- j. All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall

comply with all the requirements of section 16.68.050.C.1. Floodproofing of non-residential structures is prohibited.

2. MANUFACTURED DWELLING STANDARDS FOR COASTAL HIGH HAZARD ZONES

All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:

- a. Comply with all of the standards within section 16.68.050.C;
- b. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and
- c. Electrical crossover connections shall be a minimum of 12 inches above the BFE.

3. RECREATIONAL VEHICLE STANDARDS FOR COASTAL HIGH HAZARD ZONES

Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:

- a. Be on the site for fewer than 180 consecutive days, and
- b. 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 no permanently attached additions; or
- c. Meet the permit requirements of section 16.68.040 and the requirements for manufactured homes in section 16.68.050.C.2.

4. TANK STANDARDS FOR COASTAL HIGH HAZARD ZONES

Tanks shall meet the requirements of section 16.68.050.A.5.

September 23, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: Waldport Development Code Amendments
Updated Draft Amendment for the DOWNTOWN DISTRICT (D-D)**

The Planning Commission has reviewed and recommended that the following standards be added to Waldport Development Code Chapter 16.60.

- A. All yards abutting a residential zone shall be a minimum of ten (10) feet.
- B. Outdoor storage shall be screened with either a sight-obscuring fence or a buffer strip of vegetation.
- C. In areas where a side or rear yard is not required and a new structure is to be erected, it shall be set back either 0 feet or a total of 6 feet (three on either side) in order to eliminate narrow and unsightly gaps that are difficult to maintain.
- D. A drainage plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

Two additional issues to be discussed include 1) the location of residential-only uses in the Downtown District and, 2) General Purpose/Public Parking. The following text is from a May 2019 memorandum.

Residential-Only Uses

Currently, residential-only uses are prohibited in the Downtown District (D-D). There are existing residential-only uses that are scattered throughout the D-D that are nonconforming uses (grandfathered), e.g. Strawberry Street, east side of Maple Street, Verbena/John/Cedar/Alder Streets.

In the past couple years, there have been properties for sale in the D-D that are located off of Hwy 101 and Hwy 34. The City has received multiple inquiries from potential purchasers wanting to have a residential-only use. An example is 135 Strawberry Street which was a veterinary clinic on the ground floor and residence on the second level. People have inquired about making that two residential units.

The question is, should the D-D be amended to allow residential-only uses off of Hwy 101 and Hwy 34? Discussion should include, but not be limited to, the following questions:

Can a commercial use be a viable use on all streets in the D-D zone?

Are residential-only uses appropriate in the D-D zone? Should the D-D zone remain focused on commercial uses and mixed commercial/residential uses? Or would residential-only uses off of Hwy 101 and Hwy 34 encourage housing near employment, shopping and services?

General Purpose/Public Parking

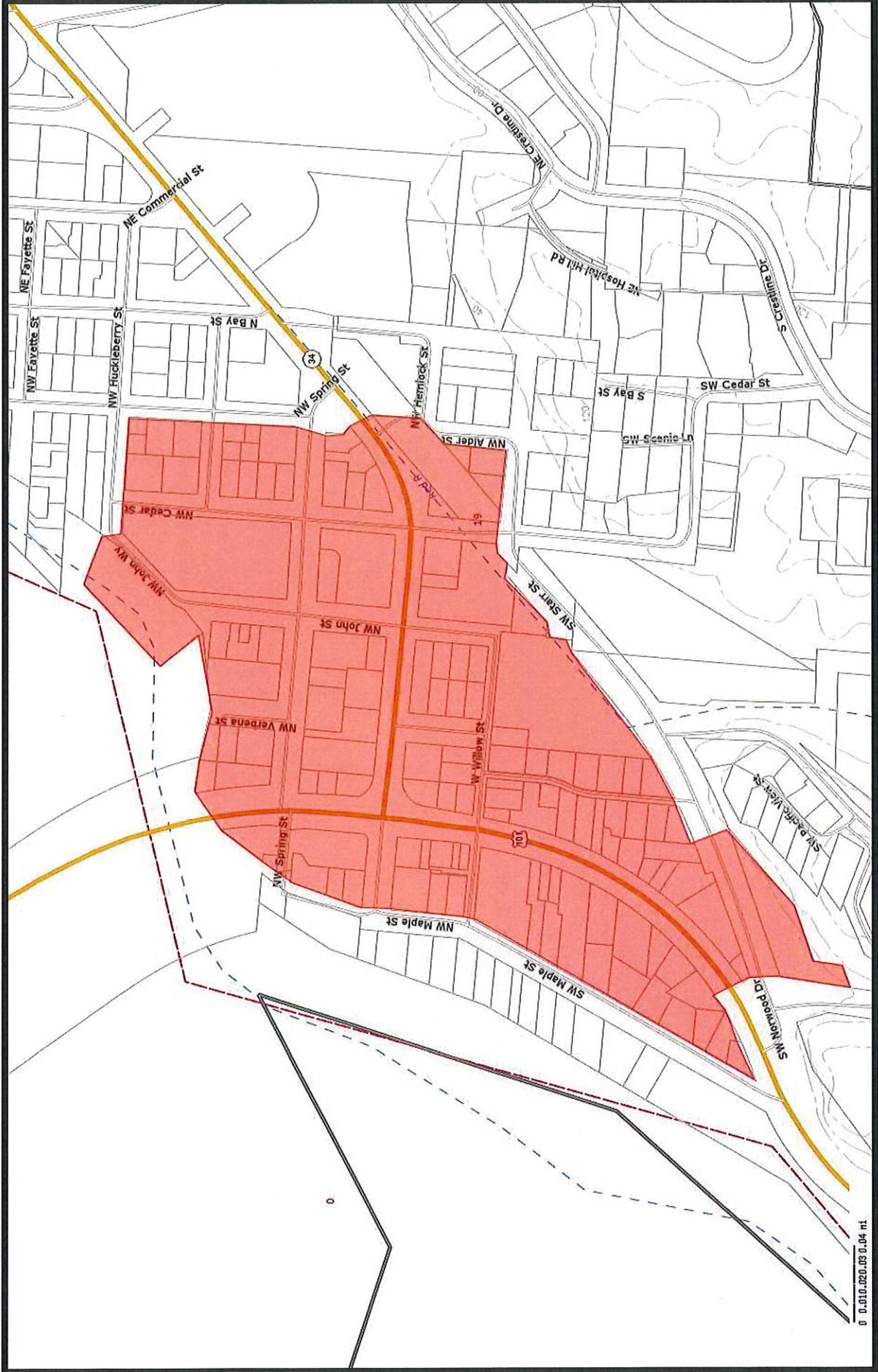
Within the D-D zone, all parking is general purpose parking/public parking. The exception to this is no person who works or resides in the D-D zone shall park a vehicle on Hwy 101 or Hwy 34 while in his/her place of employment, or in his/her residence between 9:00 a.m. and 5:00 p.m. on any day.

In the past couple years, several signs have appeared that restrict parking to a specific business, i.e. "Parking for ABC Business".

Since the 2006 establishment of the D-D, the City has not received complaints about signs stating parking is for a specific business only. If the proliferation of these signs continues, and the code remains the same, the City will likely receive complaints at some point in the future.

The question is, should the City enforce this violation or should the code be amended to allow off-street parking with signage for specific businesses only?

DOWNTOWN DISTRICT (D-D)



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September 23, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: Waldport Development Code Amendments
Draft Amendment – Tsunami Hazard (TH) Overlay Zone**

The Planning Commission held a work session on August 6, 2019 with DLCD to discuss tsunami resilience planning. One item resulting from that meeting is a draft Tsunami Hazard Overlay Zone (attached). The draft Tsunami Hazard Overlay Zone will be reviewed and discussed at the September 30, 2019 Planning Commission meeting.

Chapter 16.66**Tsunami Hazard (TH) Overlay Zone**

Sections

- 16.66.010 Purpose.
- 16.66.020 Definitions.
- 16.66.030 Applicability of Tsunami Hazard Overlay Zone.
- 16.66.040 Uses.
- 16.66.050 Prohibited Uses.
- 16.66.060 Use Exceptions.
- 16.66.070 Evacuation Route Improvement Requirements.

16.66.010 Purpose.

The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to tsunami hazards in a manner that will:

- A. Reduce loss of life;
- B. Reduce damage to private and public property;
- C. Reduce social, emotional, and economic disruptions; and
- D. Increase the ability of the community to respond and recover.

Significant public and private investment has been made in development in areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

16.66.020 Definitions

"Essential Facilities" means:

- A. Hospitals and other medical facilities having surgery and emergency treatment areas;
- B. Fire and police stations;
- C. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

- D. Emergency vehicle shelters and garages;
- E. Structures and equipment in emergency preparedness centers; and
- F. Standby power generating equipment for essential facilities.

“Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

“Special occupancy structures” means

- A. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
- B. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level;
- C. Child care centers;
- D. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
- E. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
- F. Jails and detention facilities; and
- G. All structures and occupancies with a capacity of greater than 5,000 persons.

(Note: The above definitions are taken from ORS 455.446)

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the real market value of the structure.

“Tsunami Inundation Maps (TIMs)” means the map in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which covers the area within the City of Waldport.

16.66.030 Applicability of Tsunami Hazard Overlay Zone.

All lands identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of this section.

Note: The overlay zone should include all of the area subject to inundation by the highest local source tsunami event, XXL, depicted on the DOGAMI TIMs. By using the limits of the XXL event, all of the area subject to tsunami risk will be included. However, the regulatory and other standards may be applied differentially within the overlay, based on the different levels of risk for the five modeled events, the purpose of the

standard, and overall community objectives.

16.66.040 Uses.

In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in subsection (4), all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

16.66.050 Prohibited Uses.

Unless authorized in accordance with subsection (5), the following uses are prohibited in the specified portions of the Tsunami Hazard Overlay Zone:

- A. In areas identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
1. Hospitals and other medical facilities having surgery and emergency treatment areas.
 2. Fire and police stations.
 3. Structures and equipment in government communication centers and other facilities required for emergency response.
 4. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level.
 5. Child care centers.
 6. Buildings for colleges or adult education schools with a capacity of greater than 500 persons.
 7. Jails and detention facilities.

Note: It is recommended that local governments evaluate these uses and relative levels of risk to determine whether it is appropriate to place additional limitations on these uses in higher risk areas, as provided in the example below.

8. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.
9. Emergency vehicle shelters and garages.
10. Structures and equipment in emergency preparedness centers.
11. Standby power generating equipment for essential facilities.
12. Covered structures whose primary occupancy is public assembly with a capacity of greater than 300 persons.
13. Medical facilities with 50 or more resident, incapacitated patients.

Note: It is suggested that local governments consider placing limitations on some or all of these uses, particularly in higher risk areas (e.g. M event), based on the overall needs of their community.

- B. In areas identified as subject to inundation from the M (medium) magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM), the following uses are prohibited:
 - 1. Residential uses, including manufactured home parks, of a density exceeding 10 units per acre.
 - 2. Hotels or motels with more than 50 units.
- C. Notwithstanding the provisions of Section 16.88, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

Note: The Tsunami Hazard Overlay is, in general, not intended to apply to or regulate existing uses or development. A provision such as 'C' above is recommended to preclude the application of nonconforming use restrictions.

16.66.060 Use Exceptions.

A use listed in subsection 16.66.050 of this section may be permitted upon authorization of a Use Exception in accordance with the following requirements:

- A. Auxiliary fire or police stations may be permitted upon findings that there is a need for a strategic location.
- B. Other uses prohibited by subsection 16.66.050 of this section may be permitted upon the following findings:
 - 1. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,
 - 2. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake event.
- C. Applications, review, decisions, and appeals for Use Exceptions authorized by this subsection shall be in accordance with the requirements for a Conditional Use procedure as set forth in Section 16.84.

16.66.070 Evacuation Route Improvement Requirements.

Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan, or Transportation System Plan. Such measures shall include:

Note: The following provisions are largely dependent upon an adopted Tsunami Evacuation Facilities Improvement Plan (TEFIP) that identifies evacuation needs, designates routes, establishes system standards, and identifies needed improvements to the local evacuation system. Such a plan is essential to the implementation of evacuation route development/ improvement in conjunction with the land use review and approval process. Every jurisdiction is urged to develop such a plan as a tool to enhance the development of evacuation infrastructure. Please see Chapter 6 of the Tsunami Land Use Guide for detailed guidance on the development of a TEFIP.

- A. On-site improvements:
 - 1. Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Tsunami Evacuation Facilities Improvement Plan in all weather and lighting conditions.
 - 2. Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Tsunami Evacuation Facilities Improvement Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.
 - B. Evacuation route signage consistent with the standards set forth in the Tsunami Evacuation Facilities Improvement Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.
 - C. Evacuation route improvements and measures required by this subsection shall include, at a minimum, the following:
 - 1. Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions;
 - 2. Such other improvements and measures identified in the Tsunami Evacuation Facilities Improvement Plan.
- ~~b. When it is determined that improvements required by this subsection cannot be practicably accomplished at the time of development approval, payment in lieu of identified improvements shall be provided in accordance with [cite applicable section of code establishing standards and requirements for payment in lieu].~~

Note: The above subsection is proposed to be deleted because the Waldport Municipal Code does not provide the option for payment in lieu of improvements.

**City of Waldport
2019 LAND USE / BUILDING PERMIT ACTIVITY**

For the Period July 10, 2019 through September 23, 2019

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
7/10/19	Building Permit	Orlando Trust	C-1	13-11-18DD/1300 1120 Mill St	Relocate bathroom door, add shower stall	Approved 7/22/19
7/11/19	Building Permit	Walt Hoaglund	R-1	13-11-19DB/2400 360 View Dr	Addition to single family dwelling	Approved 7/22/19
7/16/19	On-Site Waste Management Permit	Robert & Toni Jolley	R-1	13-11-20BC/4400 445 Waldport Heights Dr	Site evaluation for new septic system	Approved 7/22/19
7/19/19	Property Line Adjustment	George Partridge	R-1	13-11-19DC/160 580 Ball Blvd Township 13	Property line adjustment	Tentative approval 7/22/19
7/23/19	Building Permit	Hagen Construction	C-1	13-11-19AD/801 425 Lint Slough Rd.	Convert pole barn to brewery	Approved 7/23/19
7/26/19	Building Permit	Steven Marquardt	C-1	13-11-19AA/900 490 Mill Street	New detached garage/storage	Approved 7/29/19
7/26/19	Building Permit	Louis & Shelly Orndorff	R-1	13-11-19CC/110 1160 Norwood Dr	Deck replacement and addition	Approved 7/29/19
8/12/19	Property Line Adjustment	Sam & Vikki Stuckles	D-D	13-11-19BD/6400 & 6700; 155 Maple & 170 Hwy 101	Property line adjustment	Tentative approval 8/13/19
8/27/19	Property Line Adjustment	Terry Thissell	RR-2	13-12-36AB/1200 & 3100; Fernwood Ln	Property line adjustment	Tentative approval 8/27/19
8/28/19	Conditional Use Permit	Steve & Kathy Brandel	I-P	13-11-31BA/1000 219 Dahl Ave	Wood cutting operation	Pending 9/30/19 Planning Commission meeting
9/4/19	Building Permit	Chad & Renee Mulberry	R-3	13-11-19AB/400 240 Grant St	Remodel single family dwelling	Approved 9/10/19
9/12/19	Manufactured Home Placement Permit	Christine Sebastiani	R-1	13-11-30BD/200 1880 S. Crestline Dr	New manufactured home	Approved 9/16/19
9/12/19	Building Permit	Christine Sebastiani	R-1	13-11-30BD/200 1880 S. Crestline Dr	New attached garage	Approved 9/16/19

**City of Waldport
2019 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
9/12/19	Manufactured Home Placement Permit	Kathy & Robert Reischman	R-3	13-11-18DD/2700 1020 Broadway	New manufactured home	Pending application for covered parking
9/16/19	Manufactured Home Placement Permit	Suzanne & Joel McLaughlin	R-1	13-11-20BC/4400 445 Waldport Hts. Dr	New manufactured home	Approved 9/17/19
9/16/19	Building Permit	Suzanne & Joel McLaughlin	R-1	13-11-20BC/4400 445 Waldport Hts. Dr	New attached garage	Approved 9/17/19
9/20/19	On-Site Waste Management	Suzanne & Joel McLaughlin	R-1	13-11-20BC/4400 445 Waldport Hts. Dr	New septic system	Approved 9/23/19