



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

May 29, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Junction City Plan Amendment  
DLCD File Number 002-07



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

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 8, 2007**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator  
Kay Bork, City of Junction City

<paa> ya/email

FORM 2

# DLCD

## Notice of Adoption

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

In person  electronic  mailed

DEPT OF

MAY 21 2007

LAND CONSERVATION  
AND DEVELOPMENT

*Submitted under*

Jurisdiction: **Junction City**

Local file number: **AMD 07-03 (AMD 07-02)**

Date of Adoption: **5/15/2007**

Date Mailed: **5-18-07**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **3/3/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend Floodplain Ordinance based on Community Assistance Visit comments. Specifically, the code amendments will include revisions to definitions for below grade crawlspace and language regulating below grade crawlspaces consistent with NFIP specifications.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **City Wide**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD # 002-07 (15922)*



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Kay Bork**

Phone: **(541) 998-2153** Extension:

Address: **650 Greenwood Ave**

Fax Number: **541-998-3140**

City: **Junction City**

Zip: **97448-**

E-mail Address: **kbork@ci.junction-city.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1166

AN ORDINANCE AMENDING THE CITY OF JUNCTION CITY'S FLOOD DAMAGE PROTECTION ORDINANCE NO. 1063; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission initiated the amendments to address certain issues in the Flood Damage Protection Ordinance (Ordinance No. 1063); and

WHEREAS, the proposed amendments to the Flood Damage Protection Ordinance are consistent with the Junction City Comprehensive Plan and Ordinance No. 1063; and

WHEREAS, the Junction City Planning Commission held a work session to propose amendments to address regulations for construction in the flood hazard area; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the *Tri-County News* April 5, 2007 and notice of the City Council public hearing was published in the *Tri-County News* on April 26, 2007; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on April 17, 2007 and adopted findings of fact and recommended to the City Council that Sections 1(B) and 1(E)(2)(a) of Ordinance No. 1063 be amended as presented in the attached Exhibit A; and

WHEREAS, the Junction City City Council held a public meeting on May 8, 2007 and took testimony on this matter at those meetings, taking said testimony into consideration in making its decision; now, therefore

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. The City of Junction City Flood Damage Protection Ordinance No. 1063, Section 1(B) is hereby amended as follows and subsequent sections are renumbered accordingly:

“ (5) Below-Grade Crawlspace. An area under the lowest floor with its floor subgrade (below ground level) on all sides.

(7) Crawlspace. An area under the lowest floor with at least one side or corner above grade.

(17) Lowest Floor. Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 1E(2)(a)(ii) and Section 1E(2)(a)(iii).”

Section 2. The City of Junction City Flood Damage Protection Ordinance No. 1063, Section 1(E)(2)(a)(i) and (ii) is hereby amended as follows:

“ Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 1C(2), Basis for Establishing the Areas of Special Flood Hazard or Section 1D(3)(b), Use of Other Base Flood Data, the following provisions are required:

(a) Residential Construction.

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

(ii) Fully enclosed areas below the lowest floor including crawlspaces are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

b) The bottom of all openings shall be no higher than one foot above grade.

c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d) the structure must be adequately anchored to resist flotation, collapse, and lateral movements of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

e) portions of the building below an elevation equal to the base flood elevation (BFE) must be constructed by methods and practices that minimize flood damages,

f) that electrical, heating, ventilation, plumbing and air conditioning equipment and other building utility systems within areas below the lowest floor must be elevated above base flood elevation (BFE) so that floodwaters cannot enter or accumulate within the system components during flood conditions and must comply with FEMA standards for utility systems in crawlspaces.

g) if a crawlspace foundation is used anticipated floodwaters velocities should not exceed 5-ft per second. For velocities in excess of 5-feet per second, other foundations types should be used.

(iii) A below-grade crawlspace may be constructed provided the following provisions are met, in addition to the minimum criteria set forth in subsection (2)(a)(ii) above:

a) that the interior grade of the crawlspace is no lower than two (2) feet below the lowest adjacent grade,

b) the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed four (4) feet at any point,

c) there must be an adequate drainage system that removes floodwaters from the interior of the crawlspace within a time after a flood event."

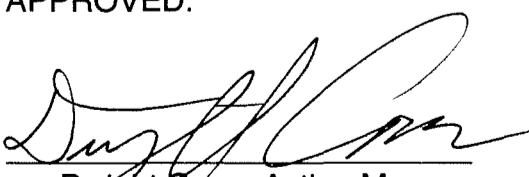
Section 3. Emergency Clause. In as much as this ordinance amends the Junction City Zoning Ordinance, which affect the direction of development in Junction City, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the Council and its approval by the Mayor.

Passed by the Council this 8<sup>th</sup> day of May 2007.  
Approved by the Mayor this 8<sup>th</sup> day of May 2007.

ATTEST:

APPROVED:

  
Kitty Vodrup, City Recorder

  
Dwight Coon, Acting Mayor



COPY

**FINDINGS OF FACT  
AMENDMENTS TO FLOOD DAMAGE PROTECTION  
ORDINANCE 1063 (AMD 07-02)**

1. The Junction City Planning Commission met on March 20, 2007 and April 17, 2007 and recommended the proposed amendments to the City Council for adoption.
2. A public hearing was conducted on April 17, 2007 before the Junction City Planning Commission in accordance with procedures Ordinance 950, Section 111 (A) (4)(d) for proposed amendments to the Junction City development ordinances.
3. The proposed amendments are to include language to allow the construction of below-grade crawlspace within the 100-year flood hazard area in compliance with FEMA standards.
4. Junction City Zoning Ordinance 950 sets forth procedure and notice requirements for amendments to the zoning ordinance in Section 111(A)(4)(d).

“A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the Council is required. Procedures for these hearings are set forth in Section 113. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.”

The Planning Commission held a public hearing on April 17, 2007 and the City Council public hearing is scheduled for May 15, 2007. Notice of the public hearings was sent to affected property owners in Junction City.

5. Ordinance 950 Section 112 (3)(b) reads, “If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the City of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.” And Section 112 (11) reads, “A notice of hearing shall be mailed: (b) If two or more evidentiary hearings are allowed, at least 10 days before the first evidentiary hearing.”

The required notice for an amendment to the Zoning Ordinance has been given by the city in accordance with the provisions in the ordinance. Notice of this proposed amendment was published in the *Tri-County News* on April 5, 2007. In addition, the Department of Land Conservation and Development was also provided with notification of the proposed amendment.

6. The proposed amendments are in conformance with the flood hazard protection ordinance and with the Comprehensive Plan.
7. Referrals were sent to city departments, and relevant local and state agencies and governments.
8. Regarding accordance with Junction City Comprehensive Plan policies, the Junction City Planning Commission finds the following:

The Comprehensive Plan, page 10, Environmental Element, states it is the goal of the city to reduce or eliminate flood damage in flood prone areas.

The Planning Commission finds the proposed amendments are consistent with the Comprehensive Plan policy to reduce or eliminate flood damage in flood prone areas since the proposed amendments are consistent with FEMA Technical Bulletin 11-01, which includes specific standards and language for below grade crawlspace construction.

**SUMMARY AND CONCLUSION**

For all the reasons set forth above, the proposed amendments comply with the Junction City Comprehensive Plan and other Junction City ordinances.

**DECISION**

**IT IS HEREBY ORDERED that the Junction City Planning Commission recommends that the City Council approves the Ordinance, adopting the proposed amendments to the Junction City Flood Protection Ordinance 1063, based on the findings of fact stated in this report.**

Signature:

\_\_\_\_\_  
Robert Nelson, Chairperson  
Junction City Planning Commission

Approval Date: \_\_\_\_\_



## MEMORANDUM

TO: City Council  
FROM: Kay Bork, City Planner  
DATE: April 24, 2007  
RE: Proposed Flood Damage Protection Ordinance Amendments, File Number AMD 07-02

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### **Background**

The proposed code amendments are a Type IV procedure and are subject to review by the Planning Commission and City Council with a minimum of two public hearings, one at Planning Commission and one at City Council. The Planning Commission initiated the code proposed amendments. The Planning Commission held a public hearing April 17, 2007 and made a recommendation to the City Council to adopt the proposed amendments.

In August 2006 the Department of Land Conservation and Development (DLCD) conducted a Community Assistance Visit (CAV) to review the City's floodplain ordinance and the administration of the floodplain program.

DLCD recommended amending the floodplain ordinance, consistent with NFIP regulations, if the city wishes to allow below grade crawlspace construction in the floodplain. The current floodplain ordinance does not allow below grade crawlspaces and requires the lowest floor to be elevated 1 foot above base flood elevation. According to DLCD many communities in Oregon have addressed the NFIP regulations to allow below grade crawlspace construction, a common construction practice in the northwest.

### **Discussion**

If the City wishes to allow below grade crawlspace construction in the floodplain, the floodplain ordinance must be amended. By amending the floodplain ordinance, the City will be able to respond to common construction practices and meet NFIP specifications for below grade crawlspace construction.

### **Action Requested**

The Planning Commission recommends approval of the proposed subdivision and zoning ordinance amendments as shown in the attached Ordinance.

### **Attachments**

Copy of Staff Report to Planning Commission (Staff report only – no attachments)