



Oregon

Theodore R. Kubongoski, 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

3/12/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment
DLCD File Number 005-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 25, 2010

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Luke Pelz, City of Dundee
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
STAMP

DEPT OF
MAR 05 2010
LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **CITY OF DUNDEE**

Local file number: **LURA-09-33**

Date of Adoption: **MARCH 2, 2010**

Date Mailed: **MARCH 3, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:12/29/09

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".

A COMPREHENSIVE PLAN TEXT AMENDMENT REVISING EXISTING FLOOD HAZARD POLICIES, AND A DEVELOPMENT CODE AMENDMENT ADOPTING THE YAMHILL COUNTY FLOOD INSURANCE STUDY AND ASSOCIATED NATIONAL FLOOD INSURANCE RATE MAPS DATED MARCH 2, 2010

Does the Adoption differ from proposal? Please select one
YES

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **FEMA SPECIAL FLOOD HAZARD ZONE**

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 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 file No. _____

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

FEDERAL EMERGENCY MANAGEMENT AGENCY

Local Contact: LUKE PELZ

Phone: (503) 538-3922 Extension:

Address: PO BOX 220

Fax Number: - -

City: Dundee

Zip: ~~97108~~ 97115

E-mail Address: luke.pelz@dundeecity.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF DUNDEE
ORDINANCE NO. 490-2010

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT REVISING EXISTING FLOOD HAZARD POLICIES, AND APPROVING A DEVELOPMENT CODE AMENDMENT TO ADOPT THE YAMHILL COUNTY FLOOD INSURANCE STUDY AND ASSOCIATED NATIONAL FLOOD INSURANCE RATE MAPS DATED MARCH 2, 2010

WHEREAS, The flood hazard areas of Dundee are subject to periodic inundation which may result in: loss of life and property, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief.

WHEREAS, Flood hazard development standards minimize the negative impacts of flooding. Currently the City of Dundee has development standards for flood hazard areas. The existing standards need to be revised in order to adopt the revised Yamhill County flood hazard study and associated flood plain maps.

WHEREAS, In order for local property owners to participate in the National Flood Insurance Program, local governments are required to adopt the Federal Emergency Management Agency Flood Insurance Study, Flood Insurance Rate Maps, and flood hazard development regulations.

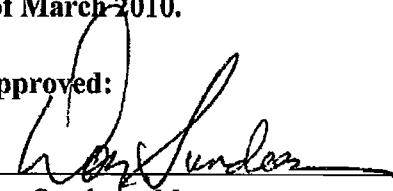
WHEREAS, Property owner eligibility for participation in the National Flood Insurance Program is dependent on immediate adoption of the amendments contained in this Ordinance, thus necessitating emergency adoption of the Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

1. The Dundee Comprehensive Plan is hereby amended as shown in Exhibit "A". Exhibit "A" is hereby incorporated herein.
2. The Dundee Development Ordinance is hereby amended as shown in Exhibit "B". Exhibit "B" is hereby incorporated herein.
3. The findings contained in Exhibit "C" are hereby adopted.
4. An emergency is hereby declared and this Ordinance is declared immediately effective upon adoption.

ADOPTED by the Council this 2nd day of March 2010.

Approved:



Don Sundeen, Mayor

Attest:



Rob Daykin, City Administrator

DUNDEE COMPREHENSIVE PLAN AMENDMENT

Exhibit "A"

File No. LURA-09-33

The following section of the Dundee Comprehensive Plan shall be amended as follows:

***NOTE:** Proposed text shown in double underline font
Deleted text is shown with strikethrough font
Existing text shown in regular font

NATURAL HAZARDS

GOAL: To protect life and property from natural ~~disasters and~~ hazards.

OBJECTIVES

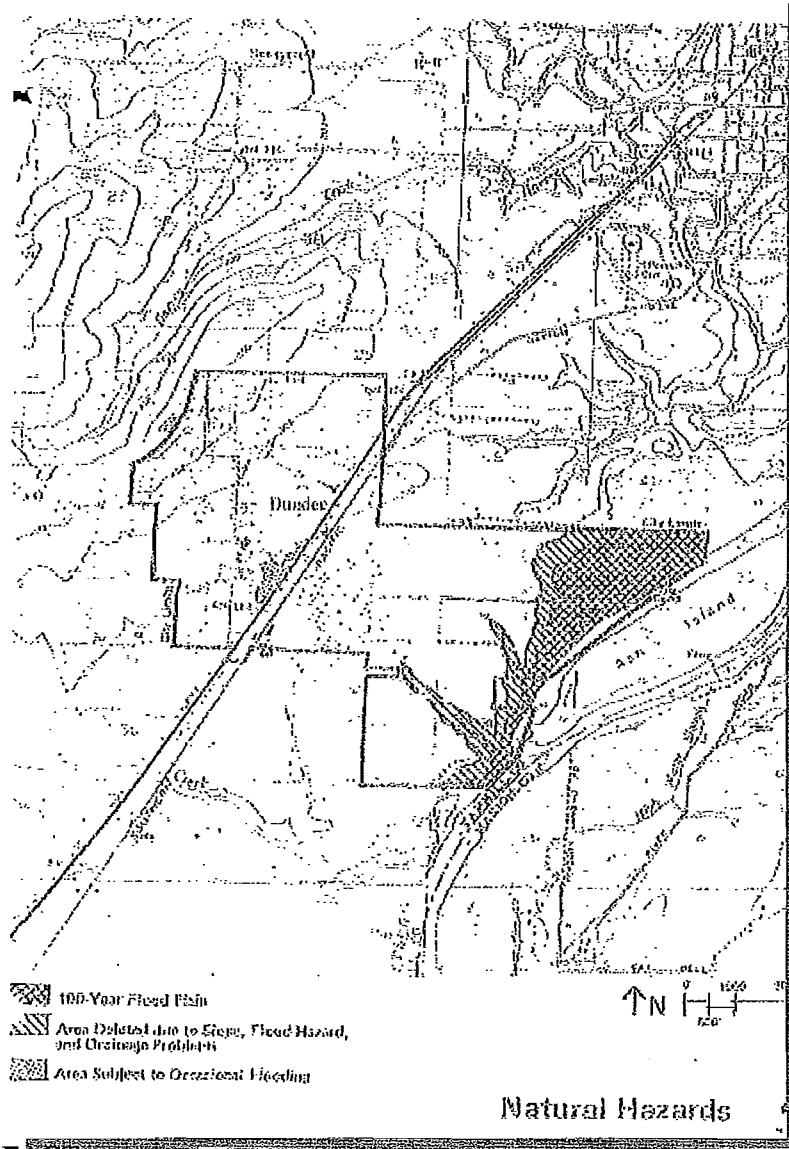
1. Inventory hazard ~~known~~ areas ~~of~~ hazards.
2. ~~Insure~~ Ensure that proper protective measures are taken to prevent potential damage in hazard areas.

EXISTING CONDITIONS

Areas subject to natural hazards are depicted on Figure 3. The 100-year flood plain adjacent to the Willamette River and creeks is the principal water hazard. The official floodplain maps are the FEMA maps, which are adopted by the City. In periods of heavy rainfall, portions of Highway 99W become flooded with excess storm water drainage (See Dundee Zoning Map). An area of potential slide activity exists along the steep slopes above the lower terrace in the southeastern portion of the city. There is currently no development on the lower terrace.

~~ISSUES AND PROBLEMS~~ FINDINGS OF FACT

The potential hazard areas have not created any problems since they lie in undeveloped and agricultural lands. The area could be developed in the future for residential purposes, however. There is currently no development within the 100-year flood plain. The only significant water problem has been the short-term excess storm drainage on Highway 99W.



FINDINGS OF FACT

1. ~~The City will prevent development in the areas of natural hazard, unless special design features adequately insure the safety and protection of life and property.~~
2. ~~Uses that do not require protection through dams, dikes, or levies, will be given priority over other uses in the flood plain. No development will be allowed in the exclusive farm use zone (and flood plain) adjacent to the Willamette River other than farm uses.~~

POLICIES

1. The City will amend the Dundee Development Code Flood Plain Overlay Zone as needed to allow property owners to participate in the National Flood Insurance Program.
2. The City will adopt the Flood Insurance Study for Yamhill County and Incorporated Areas dated March 2, 2010 and associated Flood Insurance Rate Maps.
3. The City will prevent development in the areas of natural hazard, and flood hazard areas as defined by the Flood Insurance Study for Yamhill County and Incorporated Areas dated March 2, 2010, unless special design features adequately ensure the safety and protection of life and property.
4. Uses that do not require protection through dams, dikes, or levies, will be given priority over other uses in the flood plain.
5. No development will be allowed in the exclusive farm use zone (and flood plain) adjacent to the Willamette River other than farm uses.

IMPLEMENTATION

~~The Dundee Building Department will be required to inform the Planning Commission of any building permits filed with the natural hazard areas (including flood plains). The Planning Commission and Building Department shall determine any special conditions that would be required. The City Building Inspector shall administer and implement the policies of the Comprehensive Plan by granting or denying development permit applications in accordance with the provisions of the City Code, its provisions. The City will amend its zoning ordinance to ensure tight restrictions in the exclusive farm use zone area adjacent to the Willamette River.~~

DUNDEE DEVELOPMENT CODE AMENDMENT

Exhibit "B"

File No. LURA-09-33

The following section of the Dundee Development Code shall be amended as follows:

NOTE: Proposed text shown in double underline font
Deleted text is shown with ~~striketrough font~~
Existing text shown in regular font

2.115 FLOOD PLAIN OVERLAY ZONE (FP)

2.115.01 Purpose

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development, which may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

2.115.02 Definitions

For purposes of this Overlay Zone, the following terms shall mean:

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

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

Development means 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 located within the area of a special flood hazard.

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

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 2.115.10.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured 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 foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

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

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

2.115.03 Lands To Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Dundee, Yamhill County, Oregon.

2.115.04 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Dundee-Yamhill County, Oregon and Incorporated Areas", dated March 2, 2010-1, 1982, with accompanying Flood Insurance Maps, is hereby referenced and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the City Recorder, City Hall, Dundee, Oregon."

2.115.05 Warning and Disclaimer of Liability

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

2.115.06 Establishment of Development Permit

A Development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.115.04 3.2 The permit shall be for all structures including mobile homes, as set forth in the "Definitions," and for all other development including fill and other activities, also as set forth in the "Definitions." Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level of floodproofing in any structure;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 2.115.10.(B.2); and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

2.115.07 Designation of the Administrator

The City Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

2.115.08 Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

A. Permit Review

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.115.10 C. 1. are met.

B. Use Of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 2.115.04, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 2.115.10.

C. Information to be Obtained and Maintained

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basements and below grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level), and

- b. maintain the flood-proofing certifications required in Section 2.115.10.

D. Alteration of Watercourses

- 1. Notify adjacent affected communities and the ~~Oregon State Engineer~~ 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.
- 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

2.115.09 Variances

Variances hereto may be issued only in accordance with the guidelines specified in Section 60.6 of the rules and regulations of the National Flood Insurance Program.

2.115.10 Provisions for Flood Hazard Protection

A. General Standards

In all areas of special flood hazards, the following standards are required:

- 1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - i. over-the-top ties be provided at each of the four corners of the mobile homes, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

- ii. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - iii. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - iv. any addition to the mobile home be similarly anchored.
- c. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Administrator that this standard has been met.

2. 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.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. 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; and,
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development, which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits

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

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 2.115.04 or Section 2.115.08 (B) the following provisions are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of 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:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction

New construction and substantial improvement of any commercial,

industrial or other nonresidential structure shall either have the lowest floor as described in 2.115.10 B. 1., including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Said certification shall be provided to the official as set forth in Section 2.115.08(C);
 - d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.115.10(B)(2);
 - e. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
3. Manufactured Homes
- a. All manufactured homes to be placed or substantially improved on sites:

- i. Outside of a manufactured home park or subdivision,
- ii. In a new manufactured home park or subdivision,
- iii. In an expansion to an existing manufactured home park or subdivision, or
- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - i. The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 2.115.10 A. 2.

~~All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 2.115.10 A. 2.~~

4. Recreational Vehicles

- a. Recreational vehicles placed on sites are required to either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. 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
 - iii. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements.

C. Floodways

Located within areas of special flood hazard established in Section ~~2.115.04~~ 3-2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - a. If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.115.10.
 - b. New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
 - i. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 - ii. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria
 - (1) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - (2) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
 - (3) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional

engineer or architect and approved by the authority having jurisdiction;

- (4) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
- (5) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- (6) Any other requirements deemed necessary by the authority having jurisdiction.

~~I. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.~~

FINDINGS

Exhibit "C"

File No. LURA-09-33

I. TYPE IV LEGISLATIVE AMENDMENT CRITERIA:

Proposed amendments shall be consistent with Dundee Comprehensive Plan policies and the State land use goals.

FINDINGS:

The proposed amendments are consistent with the following Comprehensive Plan goals and State land use goals:

Dundee Comprehensive Plan

Natural Hazards

Goal: To protect life and property from natural disasters and hazards.

Objectives: Inventory known areas of hazards.

Insure that proper protective measures are taken to prevent damage in hazard areas.

State Land Use Goals

Goal 7: Areas Subject to Natural Hazards

A. Natural Hazard planning

a. Local governments shall adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards.

b. Natural hazards for purposes of this goal are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

The amendments are consistent with the Plan and State goals because:

The Plan amendments encourage adoption of flood hazard development policies based on the most current FEMA flood hazard study and associate maps. The flood hazard development policies require building practices that reduce risk to people and property from flooding. The Plan amendments encourage adoption of the most up to date FEMA flood hazard study and flood insurance rate maps. By adopting development standards, the FEMA flood hazard study and associated maps property owners may participate in the National Flood Insurance Program. Participating in the NFIP allows property owners to purchase insurance policies that provide financial relief regarding potential flood damaged property.

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