



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 1, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Echo Plan Amendment
DLCD File Number 001-10



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: Monday, August 30, 2010

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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: Diane Berry, City of Echo
Grant Young, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Christine Shirley, FEMA Specialist

<paa> YA





FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

AUG 25 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

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

Jurisdiction: **City of Echo**

Local file number:

Date of Adoption: **August 19, 2010**

Date Mailed: *8/24/10*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? x Yes No Date: June 8, 2010

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".

Adoption of a new floodplain ordinance, floodplain study, and floodplain maps in order to comply with FEMA requirements. The proposed ordinance is attached and the floodplain maps are incorporated by reference as "The Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010.

The floodplain study and new floodplain maps for the city of Echo are available at DLCD through the Natural Hazard Coordinator. The code chapters amended are Definitions 9-2-2 & Flood Hazard Overlay 9-3-5.

Does the Adoption differ from proposal? Please select one

The amendment to the code submitted with the 45 day notice was amended to allow Recreational Vehicles in SubArea A.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ 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 file No. _____

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

DLCD and DHS/FEMA

Local Contact: **Diane Berry**

Phone: (541) 376-8411 Extension:

Address: **PO Box 9**

Fax Number: **541-376-8218**

City: **Echo**

Zip: **97826**

E-mail Address: **ecpl@centurytel.net**

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.

ORDINANCE #358-10

AN ORDINANCE AMENDING THE CODE CHAPTER 9-2 ZONING REGULATIONS DEFINITIONS AND CHAPTER 9-3-5 FLOOD OVERLAY AND DECLARING AN EMERGENCY.

THE CITY OF ECHO ORDAINS AS FOLLOWS:

SECTION 1. The ZONING Code shall be amended to read.

CHAPTER 2

DEFINITIONS

SECTION:

9-2-1: Interpretation

9-2-2: Definitions

9-2-1 *INTERPRETATION:*

Words used in the present tense include the future, the singular form includes the plural, the plural includes the singular.

9-2-2 *DEFINITIONS:*

Access	The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
Access Connection	Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.
Access Classification	A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
Access Management	The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
Accessway	A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross-driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

Accessory Use or Structure	A use or structure incidental and subordinate to the main use of the property, located on the same lot with the main use. Example - home occupation. (Ord. 231-78, 10-18-78)
Addition	A structure added to the original structure at some time after completion of the original. (Ord. 255-84, 5-8-84)
Alley	A street through a block primarily for vehicular access to the back or side of property otherwise abutting on another street. (Ord. 231-78, 10-18-78)
Alterations To Watercourses	Any physical change in the course, configuration, channel, or banks of a flowing or intermittent river, stream, draw, gully, or wash, including, but not limited to, rip-rapping, brushing out, filling, excavating, aggregate mining, damming, bridging, construction of retaining walls or structures, fencing, diking, levying, and tree-planting.
Area of Shallow Flooding	A designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
Area of Special Flood Hazard	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, as identified by the Federal Insurance Administration for major rivers or streams. (Ord. 244B-81, 2-18-81)
Base Flood	See Flood, 100-Year (Ord. 256-84, 5-8-84).
Basement	Any area of the building having its floor subgrade (below ground level) on all sides.
Below-grade crawl space	An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
Bed and breakfast Inn	Accommodations plus breakfast on a daily or weekly basis in an operator or owner occupied home that is primarily used for residential purposes. This use operates as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This shall be considered a Home Occupancy business in residential zones.
Building	Any structure having a roof supported by columns, posts, or walls and intended for the shelter, housing or enclosure of any persons, animals, process, equipment, or business activity, goods or materials of any kind or nature. (Ord. 231-78, 10-18-78; amd. Ord. 255-84, 5-8-84)
Bicycle	A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
Bicycle Facilities	A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
Bikeway	Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- A. Multi-use Path. A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- B. Bike Lane. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- C. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- D. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- E. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Carport	A building (roofed structure) providing primarily for the parking or storage of motor vehicles, either being without walls and/or enclosed on not more than three (3) sides by walls, structural screens, or doors. (Ord. 255-84, 5-8-84)
City	The City of Echo, Oregon.
City Council	The City Council of the City of Echo, Oregon.
Comprehensive Plan	The comprehensive plan of the City of Echo, Oregon. (Ord. 231-78, 10-18-78)
Corner Clearance	The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
Cross Access	A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
Deck	An accessory wooden or metal structure forming a platform raised partially or entirely above ground level, commonly intended for outdoor living activities adjoining or near a dwelling. If roofed, it must be open on at least one side; otherwise it would be classified as a porch, i.e. a building addition.
Development	The construction, reconstruction, conversion, structural alteration, relocation, enlargement or change of use of any structure; any mining, excavation, grading, dredging, landfill, land disturbance, or waterway alteration; any use, extension of use, or man-made change to improved or unimproved real estate. Within the area of special flood hazard area, the storage of equipment or materials is considered development
Driveway	A private roadway providing access for vehicles to a parking space, garage, carport, yard area, dwelling, or other structure; classified as a "structure" and therefore also as a "development". (Ord. 255-84, 5-8-84)
Dwelling Unit	One or more rooms designated for occupancy by one family, containing complete housekeeping facilities. For the purposes of this Title, dwelling unit does not include mobile homes or recreational vehicles.
Dwelling, Single-Family	A detached building containing one dwelling unit
Dwelling, Two-Family	A detached building containing two (2) dwelling units.
Dwelling, Multi-Family	A building containing three (3) or more dwelling units.
Easement	A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Family	An individual or two (2) or more persons related by marriage, blood, legal adoption Or guardianship, and not more than two (2) unrelated persons living together in one dwelling unit; or not more than five (5) unrelated persons living together in one dwelling unit.
Farming, Farm Use	The use of land for raising and harvesting crops, or for the feeding, breeding and management of livestock or for dairying, or for any other agricultural or horticultural use or any combination thereof, including disposal Of Such products by marketing or otherwise. Farming also includes the use arid construction of buildings customarily used in the above activities. (Ord. 231-78, 10, 18-78)
Fence	A structure, and therefore a "development", constructed of any material or combination of materials constituting a barrier erected to enclose or screen areas of land, e.g. yards, patios, parking lots, or fields. (Ord. 255-84, 5-8-84) See 9-3-2.
Flag Lots	See Lots, Flag
Flood Elevation, 100-Year	The water surface elevation of a 100-year flood. (Ord. 256-84, 5-8-84)
Flood Hazard Area, Tentative	An area along a minor watercourse, including intermittent streams or gullies, that would likely be flooded or within which development might serve to worsen flooding of the watercourse. These areas are not scientifically defined and have not been included within flood hazard boundary maps because the floodplains are less than two hundred feet (200') wide Because of their hazard potential, they have been tentatively identified by the City, and should be addressed in the Flood Insurance Study. (Ord.244B-81, 2-18-81)
Flood Insurance Rate Map	The official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones applicable to the community. (Ord.256-84, 5-8-84)
Flood Insurance Study	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 100-year flood. (Ord.244B-81, 2-18-81)
Flood, 100-Year	Also referred to as the "base flood", this is the flood having a one percent (1%) chance of being equaled or exceeded in any given year; in other words, the largest flood expected during an average 100-year period. Designations on maps always include the letter A. (Ord. 267-87, 3-18-87)
Flood or Flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source. (Ord. 244B-81, 2-18-81)
Floodplain, 100-year	That area which would be flooded by a 100-year flood same as an "area of special flood hazard" as idenfied by the "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010 except that a 100-year floodplain can exist along minor streams as well, not just those major flood areas identified by the Federal Insurance Administration. (Ord. 256-84, 5-8-84)
Floodplain, 500-year	The area that has a 0.2% chance of flooding in any given year as idenfied by the "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010.
Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot(1').

Floodway Fringe	The area between the edge of the floodway and the outer perimeter of the 100-year floodplain. (Ord.244B-81, 2-18-81)
Floor Area	The total area of all floors of a wilding as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches, and balconies, excluding open court yards and vent shafts.
Frontage Road	A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
Functional Area	That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
Functional Classification	A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
Garage, Private Residential	A building enclosed on all four (4) sides by walls, structural screens, and doors, which is used for the parking and storage of vehicles as an accessory structure to a dwelling or groups of dwellings, either attached to the dwelling or constituting a separate building. (Ord. 255-84, 5-8-84)
Grade	The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet (5') of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation. (Ord. 231-78, 10-18-78)
Greenhouse, Private Residential	A separate accessory building or addition onto a dwelling or other accessory structure, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of non-hardy, out-of-season, or seedling plants, for the personal use, enjoyment, and occupation of the occupants of a dwelling. (Ord. 255-84, 5-8-84)
Habitable Floor	Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor". (Ord. 244B-811, 2-18-81)
Height of Building	The vertical distance from the grade to the highest point of the coping of a flat roof, to the desk line on a mansard roof, to the mean point between the eaves and highest gable of a pitched or hipped roof.
Home Occupation	Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful and must be conducted in such manner that storage or display of merchandise, equipment, or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of neighboring residents to enjoy the peaceful occupation of their dwelling.
Joint Access/Shared Access	A driveway connecting two or more contiguous sites to the public street system.
Lot	A unit of land that is created by a subdivision of land. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, and complies with the dimensional requirements of this code
Lot Area	The total area within the boundary lines of the lot.

Lot, Corner	A lot abutting on two (2) or more intersecting streets, other than alleys, where the angle of intersection of the streets does not exceed one hundred thirty five degrees (135).
Lot, Flag	A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
Lot, Reverse Frontage	See Lot, Through
Lot, Through	A lot having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
Lot depth	The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
Lot Line	The boundary line of a lot.
Lot Line, Front	The line separating the lot from the street other than an alley or the nearest line to the public street. In the case of a corner lot, the shortest lot line along a street other than an alley.
Lot Line, Rear	The boundary line opposite and most distant from a front lot line. In the case of an irregular, triangular, or other nonrectangular lot, a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.
Lot Line, Side	Any lot line not a front or a rear lot line.
Lot Width	The mean horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (Ord. 321-78, 10-18-78)
Lot Depth	The average distance measured from the front lot line to the rear lot line.
Lot Frontage	That portion of a lot extending along a street right-of-way line.
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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood hazard regulations of this Chapter.
Manufactured Home	A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis, transportable in one or more sections, to which wheels may be attached by which it may be moved upon a highway, irrespective of whether or not such structure has, at any given time, such wheels attached, or is supported upon posts, footings or a foundation. For flood plain management purposes a "manufactured home" also includes parked trailers, travel trailers, and other similar vehicles placed on the site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles
Manufactured Home Park	A place where four (4) or more manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
Mobile Home	See Manufactured Home. (Ord. 267-87, 3-18-87)

Modular Home	A sectional or factory-built house built to meet the housing standards of the Oregon Department of Commerce, designated to be affixed to real property on a permanent foundation.
Neighborhood Activity Center	An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.
New Construction	Structures for which the "start of construction" commenced on or after the effective date of this ordinance.
Nonconforming Access Features	Features of the property access that existed prior to the date of ordinance adopting and do not conform to the requirements of this ordinance.
Owner	The owner of record of real property as shown in the records of the County Assessor, or the registered agent of such owner.
Parcel	A division of land comprised of one or more lots in contiguous ownership.
Parking Space	An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle. (Ord. 231-78, 10-18-78)
Patio	An accessory structure, and therefore a "development", consisting of a surfaced area adjoining or near the principal structure, intended for use as an outdoor living area. If roofed, it must be open on at least one side, otherwise it would be classified as a porch, i.e. a building addition.
Pedestrian Facilities	A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails
Plat	An exact and detailed map of the subdivision of land
Porch	A roofed open area, which may be glassed or screened, attached to, with direct access to, and considered an addition to a building. If the porch is enclosed and is heated or air-conditioned or if the windows comprise less than fifty percent (50%) of the wall surface, the porch becomes a "room" in the building. (Ord. 255-84, 5-8-84)
Private Road	Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
Public Road	A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
Public Use	Building or use such as a city hall, fire station, city shop, school, community center, park, cemetery and similar uses. (Ord. 231-78, 10-18-78; amd. Ord. 237-79)
Reasonable Access	The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the city.
Reasonable Direct	A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
Recreational Vehicle	is: <ul style="list-style-type: none"> (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicles may only be sited in a Recreational Vehicle Park

Recreational Vehicle Park	A lot, which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.
Right-of-way	Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.
Safe & Convenient	Bicycle and pedestrian routes that are: A. Reasonably free from hazards, and B. Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.
Semi-Public Use	Building or use such as a church, hospital, sanitarium, rest home, nursing or convalescent home, utility structure and similar uses. (Ord. 231-78, 10-18-78)
Setback	The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure as defined herein. Note: Where a public access easement abuts the street in lieu of right-of-way, the interior easement line shall become an assumed property boundary for the purposes of setbacks
Shed, Storage	A building, open or enclosed, designed for the storage of goods, equipment or animals but not for human habitation.
Sidewalk	A paved, surfaced or leveled area, the primary purpose of which is to provide pedestrian access between buildings, and between buildings and streets, patios, decks, yards, parking lots, other sidewalks, or other structures classified as a "development". (Ord. 255-84, 5-8-84)
Sight Obscuring Fence	A solid fence or a slat fence at least six feet (6') in height that completely obscures vision.
Sight Obscuring Planting	A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach an average height of at least six feet (6') within thirty (30) months after planting.
Sign	Identification, description or device which directs attention to a product, place, activity, person, institution, or business, and which is affixed to or represented upon a building, structure, or land. Each display surface of a sign structure shall be considered a separate sign. (Ord. 231-78, 10-18-78)
Significant Change in Trip Generation	A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: local-10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State-exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
Start of Construction	Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within one hundred eighty (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 footing, the installation of pipes, 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, footing, 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 the main structure. (Ord. 267-87, 3-18-87)

- Street A public right of way for the use of pedestrian or vehicular traffic. (Ord. 231-78, 10-18-78)
- Structure A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. NOTE: By this definition, all buildings are structures, but not all structures are buildings. Structures include the following: swimming pools, paved areas, decks, tennis courts, retaining walls, fences, levels, etc. (Ord. 255-84, 5-8-84) For the purposes of Section 9-3-5 Flood Hazard Overlay Zone, structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- Stub Out/Stub Street A portion of a street or cross access drive used as an extension to abutting property that may be developed in the future.
- 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 repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
- A. Before the improvement or repair is started, or
 - B. 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. The term does not include either:
 - 1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 256-84, 5-8-84)
- Urban Growth Area That land between the incorporated limits of the City and the Urban Growth Boundary.
- Urban Growth Boudary The boundary designated in the City's Comprehensive Plan which identifies and separates urbanizable land from rural land. (Ord. 231-78, 10-18-78)
- Walkway A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.
- Workshop, Private Residential An enclosed, lockable, separate building provided as an accessory structure to a dwelling for the sole personal use, enjoyment, and occupation of the

dwelling occupants, for such quasiindustrial activities as woodworking, vehicle repair, machining, home repair, and fabrication.

- Yard An open space between a lot line and the buildable area for a dwelling, accessory structure, or other building or structure. Landscaping is permitted, but no structure shall be located within this area, excepting driveways, sidewalks, and in some cases, fences (refer to subsection 9-3-2A of this Title, Clear Vision Areas, and individual zone requirements). These areas are also commonly referred to as "setbacks". (Ord. 255-84, 5-8-84)
- Yard, Front That yard lying between the front lot line and the front of the building.
- Yard, Rear That yard lying between the rear lot line and the rear of the building.
- Yard, Side That yard lying between the front and rear yards, between the building and the side lot line. (Ord. 231-78, 10-18-78)

CHAPTER 3

ZONES, GENERAL REQUIREMENTS

SECTION:

9-3-5: Flood Hazard Overlay Zone

9-3-6: Grading and Drainage

9-3-1 FLOOD HAZARD OVERLAY ZONE:

- A. Intent: The Flood Hazard Overlay Zone is designed to minimize public and private losses due to flooding and to fulfill the requirements of the National Flood Insurance Program.
- B. Warning and Disclaimer of Liability: The degree of flood protection required by this Section 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 Section 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 Section shall not create liability on the part of the City, any officer, employee, or contractee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.
- C. Flood Hazard Area: The flood hazard area includes three (3) distinct sub-areas.
 1. The Umatilla River Floodway and 100-year floodplain within the city of Echo, as shown in the "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010 is Sub-area A. Sub-area A is designated and zoned "permanent open space" and is not available for new development with the exception of the placement of recreational vehicles pursuant to Section 9-3-5.F or the replacement of structures that pre-existed prior to the adoption of the "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010.
 2. The Umatilla River 500-year floodplain as shown as shown in "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010 is Sub-area B. This sub-area is small in extent, but has been included due to being threatened by flooding in past years. It is designated and zoned for urban development.
 3. Tentative flood hazard areas of the various draws, gullies, and streams, which pass through the City, or the Echo urban growth area from the higher land north and east of the City is Sub-area C. These tentative flood hazard areas extend for fifty feet (50') on either side of the centerline of each watercourse, draw, or gully, or to the perimeter of the generally level area along each such feature, whichever is greater. Tentative flood hazard area D between Furnish Ditch and Union Pacific Railroad, as included in the 1981 amendments, is hereby deleted.
- D. Permitted Development:
 1. A development permit from the City is needed for development within flood hazard areas. A conditional use permit is required for a watercourse alteration.
 2. Types of uses permitted within the flood hazard areas shall be determined by the underlying land use zones.
 3. No development or alteration of the land will be allowed within the designated floodway without certification by the Soil Conservation Service, Corps of Engineers, or a registered

engineer that the flood hazard upstream or downstream from the site will not be worsened by development of the project.

4. All proposed developments shall be analyzed to determine effects on the flood carrying capacity and area of flooding.

E. Construction and Siting: The construction and siting of all new structures and additions to existing ones shall comply with the following basic standards:

1. Materials and Methods:

- a) Construction using materials and utility equipment resistant to flood damage.
- b) Construction using methods and practices that minimize flood damage. (Ord. 256-84, 5-8-84)
- c) Mechanical and electrical equipment including electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating with the component during conditions of flooding. In any case all electrical outlets shall be installed at least one and one-half feet (1 ½') above the base flood elevation. (Ord. 267-87, 3-18-87)
- d) Structures may be elevated on extended foundations, stem walls, pilings, columns, or saturation stable compacted fill.

2. Location of Structures: All buildings, fences, walls, hedges, and the like shall be sited so as not to obstruct the flow of floodwaters, utilizing the following principles:

- a) Locate buildings as far back from the floodway or watercourse channel as possible.
- b) Locate buildings on the highest part of the site, if possible.
- c) Locate buildings parallel to watercourse channels or the direction of historical flood flows.
- d) Fences across the watercourse channels shall be designed to float up or easily break away during times of high water. Fences shall be designed to not obstruct floodwaters or to break away or be easily dismantlable during times of flood.
- e) Do not plant hedges across the direction of flood flows and when planting groups of trees or shrubs, leave plenty of open space between clumps, taking into account the size and spread of shrubs at maturity.
- f) Mobile home parks and subdivisions shall be designed to insure that individual mobile homes can be easily elevated one and one half feet (1 ½') above the base flood elevation and that the complex can be easily evacuated during floods. (Ord. 256-84, 5-8-84)

3. First Floor Elevations and Basements Located in Sub-Areas A, B and C:

- a) New Residential Structures and Substantially Improved Structures: Lowest floor, including the basement, shall be elevated to at least one and one-half feet (1 ½') above the base flood elevation for substantially improved structures in Sub-Area A and new structures in flood hazard Sub-area B. New structures shall be elevated at least one-foot (1') above relevant historical flood levels in Sub-area C. Within flood hazard Sub-area C, the following siting location principles noted above should insure most homes are out of the flood hazard area altogether. 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 and must meet or exceed the following minimum criteria:

- (1) A minimum of two (2) 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.
 - (2) The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- b) Non-residential Structures: New construction in Sub-areas B and C and substantial improvement of any commercial, industrial or other nonresidential structure in all Sub-areas shall either have the lowest floor, including basement, elevated to at least one and one-half feet (1 ½') above the base flood elevation; or, together with attendant utility and sanitary facilities shall:
- (1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practices for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the City.
 - (4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 9-3-5E3b(1) above.
 - (5) Applicants flood proofing nonresident buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot (1') below that level). (Ord. 267-87, 3-18-87)
- c) Non-habitable Storage and Accessory Buildings: Buildings intended for use primarily for storage of vehicles, equipment, animals or material need not be elevated above the 100-year flood elevation, but must meet the following:
- (1) Mechanical and electrical equipment and outlets must be elevated one and one-half feet (1 ½') above the base flood elevation.
 - (2) Vents must be provided that meet the requirements in Subsection 3.A.(1) and (2); and
 - (3) Be anchored consistent with the requirements in Subsection 4, below.

4. Anchoring:

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (Ord. 256-84, 5-8-84)

- b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook may be used for additional techniques).
- c) All manufactured homes to be placed in Sub-areas B or C or to be replaced in Sub-area A or substantially improved in all three Sub-areas within the City's flood zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one and one-half feet (1 ½') above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 9-3-5E3a. (Ord. 267-87, 3-18-87)

F. Recreational Vehicles

1. Recreational vehicles may be permitted in any of the three sub-areas in an approved Recreational Vehicle Park and subject to the requirements in F.2 below.
2. Recreational vehicles placed on sites are required to either:
 - (a) Be on the site for fewer than 180 consecutive days
 - (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 have no permanently attached additions.

G. Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters in the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the administrative rules of the Oregon Department of Environmental Quality (DEQ).
4. Backflow valves shall be installed on all water and sewer/septic lines,

H. Streets, Driveways and Bridges: All new streets and all driveways shall be elevated so that they are not more than one foot (1') below the base flood elevation or relevant historical flood elevation, to insure ease of emergency access during times of flooding. New and replacement bridges must be designed to not increase the height of the base flood elevation and to accommodate at least a 20-year flood flow.

I. Alteration or Relocation of Watercourses:

The City shall notify the F.E.M.A., Oregon Department of Land Conservation and Development, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Corps of Engineers, Umatilla County Planning Department, and adjacent communities and immediate downstream jurisdictions and property owners of any proposed alterations to or relocations of watercourses, and submit evidence of such notification to the Federal Insurance Administration.

No permit for a watercourse alteration or relocation may be approved without certification by the Soil Conservation Service, Corps of Engineers or registered engineer that the flood hazard upstream or downstream will not be worsened by the alteration or relocation.

1. Altered or relocated portions of a watercourse shall be maintained in such a manner that flood carrying capacity is not diminished.

J. Enforcement and Interpretation:

Base Flood Elevation: The "Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010, identifies the flood elevations that constitute the legal base flood elevations for the purposes of this Zone. For flood hazard Sub-area C, the City shall obtain, review, and reasonably utilize flood elevation data, records of high water marks, photographs, etc., to determine the elevation necessary to assure that new construction will be reasonably safe from flooding.

1. Flood Hazard Area Boundaries: The City may make interpretations as to the exact location of the boundaries of the flood hazard area when mapped boundaries do not reflect actual field conditions. (Ord. 256-84, 5-8-84)
2. Development Permits: All development permits shall be reviewed to determine that the requirements of this Title have been satisfied. Where elevation data is not available through flood insurance study or by a study as required in subsection 9-3-5111 of this Section, the application for development permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for 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 (2') above grade in these zones may result in higher insurance rates. (Ord. 267-87, 3-18-87)
3. State and Federal Permits: The City shall 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. (Ord. 256-84, 5-8-84)
4. Certification of Flood Elevation and Flood proofing:
 - a) Where base flood elevation data is provided through the flood insurance study or required as subsection 9-3-5111 of this Section, the applicant shall obtain and the City shall record the actual elevation (in relation to mean sea level) of the average ground level and the lower floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b) For all new or substantially improved flood-proofed structures, the applicant shall verify and the City shall record the actual elevation (in relation to mean sea level).
 - c) The City shall maintain for public inspection all records pertaining to the provisions of this Section.
5. Variances: Variances to the requirements of this Overlay Zone shall be processed in accordance with section 60.6 of the National Flood Insurance Program, if the requirements at issue are those found in the NFIP. If the requirements exceed those of the NFIP, the variance shall be processed in accordance with Chapter 11 of this Title. (Ord. 267-87, 3-18-87)
6. Structures on the National Register of Historic Places: Automatic waivers may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the variance procedures set forth in the remainder of this Section. (Ord. 256-84, 5-8-84)

7. Appeals to Federal Floodplain Mapping and 100-Year Elevation Determination: Persons disputing the mapping of the 100-year flood elevations of the Umatilla River floodplain shall file an appeal with the Federal Emergency Management Agency via section 70 of the National Flood Insurance Program. (Ord. 267-87, 3-18-87)
8. Development Density: Within the flood hazard area when portions of a development site are required to be dedicated to the City as floodway rights of way or are otherwise prohibited from being developed, the City may use an overall density calculation rather than the minimum lot area requirements to determine the number of dwelling units allowed in the site. Setback and lot area standards may be varied by the City on the remainder of the site to accommodate the number of units allowed as if the entire project was outside the flood hazard area. All proposed variances must be presented on an overlay development plan, subject to modification and approval by the City. (Ord. 256-84, 5-8-84)
9. Evacuation Plans: Manufactured home park or subdivision developers shall file evacuation plans with the City and Umatilla County Emergency Service Department. (Ord. 267-87, 3-18-87)
10. Additional Information and Special Cases: The City may require a registered engineer's evaluation and development, plan or more detailed floodplain information for a proposed project. In addition, uses not otherwise addressed in the standards of this Zone may be determined by the City on a case-by-case basis. Action may be delayed while the City obtains expert information or advice or if the City requires information that is more detailed and planning from the applicant.
11. Conditions of Approval: The City may place conditions of approval on any development permit issued in this Zone if said conditions are deemed necessary to mitigate hazards to the applicant's project or to neighboring or other impacted properties. (Ord. 256-84, 5-8-84)

Approved this 19th day of August, 2010 by the Common Council of the City of Echo.

Signed this 23rd day of August, 2010.


Eujana Hampton, Council President

Attest:


Diane Berry/City Administrator-Rec.

FINDINGS

August 19, 2010

Consistency with the City of Echo's Comprehensive Plan, Statewide Planning Goal 7, and OAR 660-07

The following findings have been prepared in support of the adoption of amendments to the City Zoning Code relating to Flood Hazards based on digitizing of flood maps by FEMA of for the City of Echo. The City is required by Statewide Planning Goal 07 and OAR 660-07 to plan for residential housing.

The City of Echo held council meetings on July 29 and August 19 to discuss the proposed changes to the City Zoning Code via Ordinance 358-10. Notices were provided in the August City Newsletter, letters to residents send on July 29 and via a public notice published in the East Oregonian on August 8, 2010 letting residents know of the proposed changes and their right to attend the meetings and submit written or oral comments.

Four residents attended the July 29 meeting: Janie Enright, Kathy Enright, Mark Enright and Mike Belloni to ask for more information on the proposed changes and impact on their property. The all owned land in the 500 year flood hazard zone.

One resident attended the August 19 meeting: Steve Gifford asked for more information on the proposed changes and impact on his property. His property is in the 500 year flood hazard zone.

City Administrator Diane Berry explained that the zoning amendments are required by FEMA because the Echo Flood maps were digitized which supposedly makes them more accurate. Berry explained that Council member Pat Wood and Mayor Richard Winter attended a meeting a year ago in May to protest the new Flood Maps and the fact that nearly all of town was placed in the 500 year flood plain. Even though the railroad tracks set much higher than the rest of town and act as a dam, the new flood map crosses the railroad tracks. The city also wrote an appeal based on the fact that the "new" Umatilla River Bridge construction c. 2000 was not factored into the new mapping although it was built as required by FEMA. The city was told that Oregon Department of Transportation did not file and as built for the completed bridge. The city obtained a copy of the As Builts and submitted them, but they will not be considered without filing forms and paying a review fee. The City has stated that the fees and paperwork should be filed by ODOT and they should be required to file such as builts on all similar projects. The city's letter which was not accepted by FEMA is attached.

Correspondence from FEMA indicates that if the City does not approve the proposed changes to the Code by Sept. 3 residents will not be eligible for participation in the Federal Flood Insurance Program.

The city feels that the inclusion of the Terry property on Sprague St. in the 100 year flood plain calls the validity of the entire application of the base elevations into question. A zoning permit to allow construction of the house on the Terry property was approved based on the filing of a survey with the city showing that the site of the home was above the base flood elevation. The new digitized maps show it is below the base elevation.

Final Findings: The Echo City Council agreed to adopt the amendments to the City Code Chapter 9 even though they feel the digitized maps are not accurate and that the city should not have to pay a fee to have the ODOT Main Street/Hwy. 320 Bridge As Builts reviewed. They determined that it is necessary to adopt the changes to meet the FEMA September 3, 2010 deadline.

IMPLEMENTATION

Finding: The City did adopt City Ordinance 358-10 at their August 19, 2010 city council meeting and will enforce such code.

Prepared by Diane Berry, City Administrator & Zoning Administrator

ATTACHMENT A-Letter to FEMA/Feb. 2009

Feb. 05, 2009

Regional Management Center
710 2nd Ave., Suite 1160
Seattle, WA 98104

I have reviewed the Flood Insurance Study for Umatilla County and the City of Echo, FIRM Map panel 927 of 2350. I have noted that the map has S. Bonanza marked as N. Bonanza. In Echo Main Street divides the town north and south and the Union Pacific Railroad divides it east to west. The old FIRMs gave a Base Elevation and I did not see this on the map. Also you have Thielsen Road misspelled as "Thielson".

We have other concerns about the map that we would like to appeal, but I understand from the letter from Mark Carey that this is part of the 90 day appeal process that will be handled separately. However we do have questions about the ramifications of the new maps which no longer show the FIRM as 100 and 500 year flood plain and instead show most of town in a new designation and which places a much larger section of town in the 1% special flood zone.

What are the restrictions and requirement of these two new designations, which ignore the fact Echo sits on a terrace far above the river, historical data, the fact that the Union Pacific Railroad acts as a dam and that flooding goes to west into lower laying fields? What is the significance and how will it be applied for Flood Insurance purposes in not showing the potential flooding as 100 and 500 year events?

The documents also do not reference the fact that the Umatilla River Bridge at Echo was replaced by ODOT Replacement in 1999 and the fact it was supposed to open the channel up. They also list McKay dam as having some flood control impact and do not address the fact that about 10 years ago, the dam actually caused one of the highest Umatilla River floods in 50 or more years, when the reservoir was filled to full and could not contain flash flood water and had to be rapidly emptied causing down river flooding.

Sincerely,

Diane Berry
City Administrator

ATTACHMENT B—June 2009 FEMA letter

June 30, 2009

Chief, Risk Studies Division
Federal Insurance Administration
FEMA
500 C Street, SW
Washington, DC 20472

Denise Atkinson
Floodplain Management Specialist
FEMA
US Dept. of Homeland Security/Region X
130 228th Street, SW
Bothell, WA 98021-9796

I have been directed by the Echo City Council to write this letter of appeal of the January 30 Flood Insurance Study (FIS).

Echo Mayor Richard Winter and Council Member Pat Wood attended the meeting scheduled in Hermiston on April 14 to discuss the changes to the Echo Floodplain map which placed most of the town into the 500 year flood plain and shifted the city's Fort Henrietta Park and a new home built on W. Sprague Street (Linda Terry) into the 100 year flood plain. When they inquired about why the 1999 Umatilla River Bridge Replacement on Oregon State Highway 320 (Main St.) was not included in the FIS, they were told FEMA never received a copy of the AS BUILTS for the bridge and as a result FEMA did not consider the project to have been completed.

I was on the committee that reviewed the plans and location for the new bridge. I was informed by Oregon Department of Transportation Engineers, at that time, that the new bridge had to be wider and could only have one support in the river to meet FEMA standards, and open the channel up so it did not pose a flood hazard. They said the old bridge design restricted the channel and contributed to flooding.

Filing the AS BUILTS with FEMA, if this was not done, was the responsibility of ODOT, not the City of Echo. However their failure to do so or the loss of the AS BUILTS by FEMA, whichever occurred, has a negative impact on the community of Echo, which our residents should not have to bear. Further the City of Echo should not be required to pay any fees for such appeal as these documents should have been filed in 1999 and reviewed and incorporated into the FIS study without our intervention.

I have obtained a copy of the AS BUILTS from ODOT, which are enclosed. The City of Echo is asking that these plans be reviewed and the FIS be amended to reflect the fact that the channel is now more open and less prone to flooding than it was when the original FIRM was created. It is our understanding that the original FIRM was based on the aerial photos from the January 1965 flooding. I have enclosed a copy.

We have other concerns about the map that we would like to appeal. I have marked on this photo the location of the Fort Henrietta Park. You will note that this area was not flooded. Further since these photos were taken, the river channel is wider near the Fort Henrietta Park due to erosion of the bank in high water prior to 1988. To prevent the erosion riprap was placed along the river channel between Main and Buckley Streets.

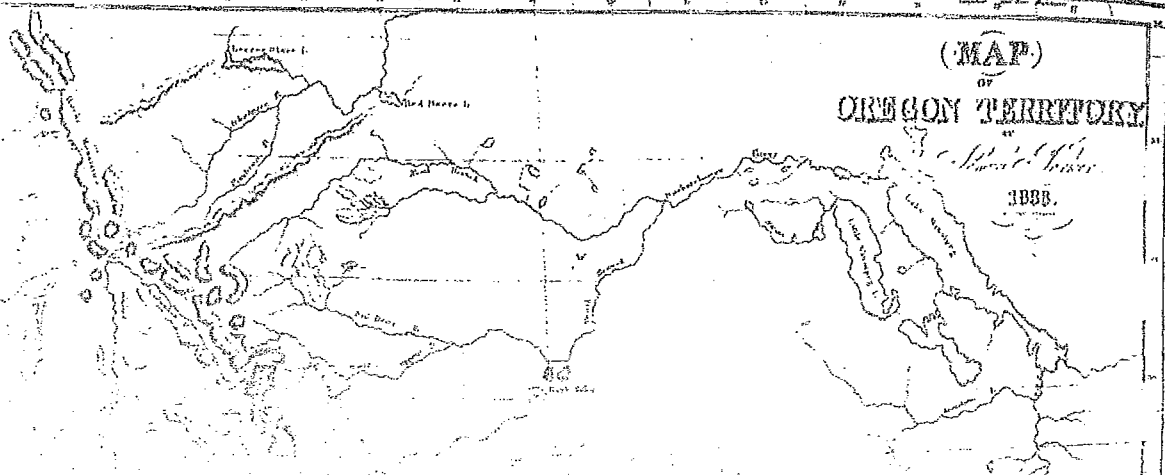
The water showing on the photo between Kennedy St. and Buckley Street did not flow into the hole located on Union Pacific Railroad through flooding, but was pumped into the hole. Because the aerial showed water in this area, it was added to the original flood map and is still showing as part of the flood plain. The flood waters were never close to going over the top of the railroad tracks which are a higher elevation than land on both sides of the tracks.. As a result I am not sure how the “digitalizing” of the flood map from January calculated that the waters would reach the other side of the tracks. The City of Echo allowed construction of the Terry house after a surveyor outlined the area above the base flood elevation. As a result we do not see how changing the maps to digital images can change the elevation on the ground.

We are asking for amendment of the FIS and revised FIRM based on the change to the Umatilla River Bridge and the fact that the removal of the old bridge has removed a structure that contributed to flooding of the Echo area be made as part of the 90 day statutory appeal period. We are also requesting that the areas indicated on the enclosed flood map in yellow also known as the Terry property and Fort Henrietta Park be removed from the 100 year flood plain as the application of the digitalization of the existing map does not accurately reflect the conditions on the ground, the history of flooding in the area or the actual elevations of these properties. We contend that the original FIRM more accurately reflects the potential for flooding than the proposed revised FIRM does.

Sincerely,

Diane Berry
City Administrator

Cc: Senator Ron Wyden
Senator Jeff Merkley
Congressman Greg Walden
Stephen Lucker, DLCD



NOTICE TO PROPERTY OWNERS

July 28, 2010

You are hereby notified that the Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Study (FIS) and adopted new Flood Insurance Rate Maps (FIRM) for the City of Echo. The City of Echo proposes to adopt the new FIRMS and update the Flood Hazard Overlay Zone code and definitions relating to it. If the City of Echo doesn't adopt these changes by September 3, resident will not be eligible to participate in the Federal Flood Insurance Program and this may impact borrowing, grants and loans. Changes in the land use regulations may affect the permissible uses of your property and other properties, the development process for your property and may change the value of your property.

The FEMA Map Modernization Project developed computerized flood maps for the City of Echo. As a result of this project, the Special Flood Hazard Area (floodplain) may have changed on your property. If there are questions please contact the City of Echo. The base flood elevations have not changed by this process, but FEMA believes the digitized maps more accurately overlay the flood hazard onto the maps. An aerial map with an approximate overlay of the 100 Year and 500 year flood plains is on the back of this notice.

The City of Echo will have the first reading of this Ordinance 358-10 on July 29, 2010 at 7:30 pm at city hall, 20 S. Bonanza and will have a final review at the regular meeting on August 19, 2010 at 7:30 p.m. The public is invited to attend either meeting and comment on the proposed code. A copy of the code may be reviewed at city hall, 20 S. Bonanza Monday through Friday from 9 am to 5 pm.

ABOUT THIS NOTICE: In 1998, Oregon's voters passed a law known as Ballot Measure 56. It requires that notices like the one above be mailed to landowners when a change in land-use regulations might limit use of their property. The new law requires us to use the above wording in all such notices. The City of Echo has no way to know how these amendments might affect the value of your property. Please participate in the meetings if you would like to comment. Written submittals will also be accepted.

P. O. Box 9 • 20 S. Bonanza • Echo, Oregon 97826 • Phone: 541-376-8411

Email: ecpl@centurytel.net • Website: www.echo-oregon.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

EO-4830 NOTICE TO PROPERTY OWNERS

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 1 successive and consecutive issues in the following issues:

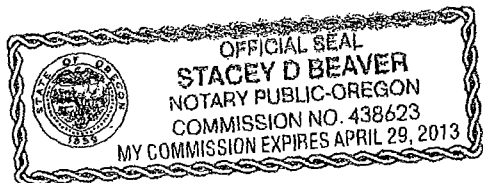
AUGUST 8, 2010

Subscribed and sworn to before me on this, 11 day of

AUGUST 2010

Dayle Stinson

Stacey D Beaver
Notary Public of Oregon



EO-4830
NOTICE TO PROP-
ERTY OWNERS

You are hereby notified that the Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Study (FIS) and adopted new Flood Insurance Rate Maps (FIRM) for the City of Echo. The City of Echo proposes to adopt the new FIRMS and update the Flood Hazard Overlay Zone code and definitions relating to it. If the City of Echo doesn't adopt these changes by September 3, residents will not be eligible to participate in the Federal Flood Insurance Program and this may impact borrowing, grants and loans. Changes in the land use regulations may affect the permissible uses of your property and other properties, the development process for your property and may change the value of your property.

The FEMA Map Modernization Project developed computerized flood maps for the City of Echo. As a result of this project, the Special Flood Hazard Area (floodplain) may have changed on your property. If there are questions please contact the City of Echo.

Ordinance 358-10 adopting the changes required by FEMA will be discussed at the August 19, 2010 City Council meeting at 7:30 p.m. The public is invited to attend and comment on the proposed code. A copy of the code may be reviewed at city hall, Monday through Friday from 9 am to 5 pm. August 8, 2010

11/10/09 9:28 AM

Other: Plan A ment. Spee.

D L C D

635 Capital St. NE, Suik 150

Stations W. 97301 - 2540

