



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/11/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Jacksonville Plan Amendment
DLCD File Number 003-10

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: Wednesday, March 23, 2011

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: Amy Stevenson, City of Jacksonville
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed



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 Jacksonville**

Local file number: **2010-25**

Date of Adoption: **March 1, 2011**

Date Mailed: **March 2, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/21/2010

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".

The City Council adopted the Flood Insurance Study for Jackson County dated 5/3/2011, the associated FIRM panel maps, and the necessary changes to Chapter 15.12, Flood Damage Protection, of the Jacksonville Municipal Code. The signed Ordinance 610 and new Chapter 15. 12 are attached

Does the Adoption differ from proposal? NO Please select one

NO

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: N/A

Local Contact: **Amy Stevenson, City Planner**

Phone: **(541) 899-1231** Extension: **106**

Address: **110 E. Main Street**

Fax Number: **541-899-7882**

City: **Jacksonville** Zip: **97530** E-mail Address: **planner@cityofjacksonvilleoregon.com**

DLCD File No. 003-10 (18660) [16544]

ORDINANCE NO. 610

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 226 AND ORDINANCE NO. 316; CHAPTER 15.12 FLOOD DAMAGE PROTECTION, OF THE JACKSONVILLE MUNICIPAL CODE. THIS REFLECT CHANGES REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND RELATED FIRM MAPS AND "THE FLOOD INSURANCE STUDY (FIS) FOR JACKSON COUNTY AND INCORPORATED AREAS."

WHEREAS, The State of Oregon has, pursuant to State Law and the municipal home rule provisions of the state constitution, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, and

WHEREAS, the City Council finds that portions of the City of Jacksonville lie within federally mapped flood hazard zones, and

WHEREAS, the City of Jacksonville Municipal Code shall be amended as per Exhibit 'A' attached hereto, and incorporated herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, OREGON, ORDAINS AS FOLLOWS:

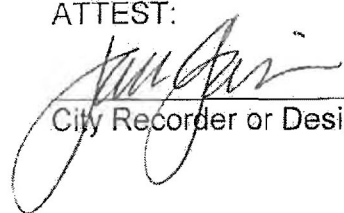
Signed by me in open session in authentication of its passage this 1 day of March, 2011.

This Ordinance shall become effective thirty (30) days after its adoption March 1, 2011. For the purposes of Flood Zone administration and regulating development in designated flood zones, the May 3, 2011 FIRM Maps and Flood Insurance Study shall likewise, become effective within the corporate boundaries of Jacksonville on May 3, 2011.



Paul Becker, Mayor

ATTEST:



City Recorder or Designee

EXHIBIT "A"

CHAPTER 15.12

FLOOD DAMAGE PROTECTION

15.12.010	Statutory Authority
15.12.020	Findings of Fact
15.12.030	Purpose
15.12.040	Methods of reducing flood losses
15.12.050	Definitions
15.12.060	Lands to Which This Chapter Applies
15.12.070	Basis for the Area of Special Flood Hazard
15.12.080	Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division
15.12.090	Establishment of a Floodplain Permit
15.12.100	Interpretation of provisions
15.12.110	Warning and disclaimer of liability
15.12.120	Designation of Flood Plain Administrator
15.12.130	Duties and Responsibilities of the Flood Plain Administrator
15.12.140	Permit Procedures
15.12.150	Requirement to Submit New Technical Data
15.12.160	Watercourse Alteration
15.12.170	Site Improvements and Subdivisions
15.12.180	Zones with Base Flood Elevations But No Regulatory Floodway
15.12.190	Areas of Special Flood Hazard Without Base Flood Elevations
15.12.200	Building Design and Construction
15.12.210	Below Grade Crawlspace
15.12.220	Other Development, including Accessory Structures, in Areas of Special Flood Hazard
15.12.230	Recreational Vehicles
15.12.240	Essential Facilities
15.12.250	Tanks
15.12.260	Fences and Walls
15.12.270	Variance
15.12.280	Criteria for Variances
15.12.290	Variance Decision
15.12.300	Penalties for Violation
15.12.310	Severability
15.12.320	Abrogation

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§ 15.12.010 STATUTORY AUTHORITY

The State of Oregon has delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City of Jacksonville does ordain as set forth in the chapter.

§ 15.12.020 FINDINGS OF FACT

- A. The flood hazard areas of Jacksonville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities.
- C. The City of Jacksonville has the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper management of special flood hazard areas.

§ 15.12.030 PURPOSE

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

- A. Protect human life, health and property;
- B. Minimize expenditure of public money and costly flood control projects;
- C. Minimize the need for rescue, emergency services and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions, access and public service during times of flood;
- E. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of flood prone areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions, and;

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- I. Manage the alteration of areas of special flood hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.

§ 15.12.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter includes methods and provisions to,

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, erosion or velocities;
- B. Require development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;
- C. Preserve and restore natural flood plains, stream channels, and natural protective barriers, which carry and store floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands, and;
- F. Coordinate with and supplement provisions of State and Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.

§15.12.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted according to the meaning they have in common usage.

"Accessory Structure" means a structure on the same or adjacent parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance.

"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. Zones designating areas of special flood hazard on Flood Insurance Rate Maps always includes the letter A or V. Also known as the Special Flood Hazard Area (SFHA).

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"Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the Flood Insurance Study (FIS) to the nearest 0.1 foot.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Below-grade Crawlspace" means 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 four (4) feet at any point.

"Datum" The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, the common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

"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 or storage of equipment or materials located within the area of special flood hazard. Development does not include signs, markers, aids, etc. placed by a public agency to serve the public.

"Digital FIRM (DFIRM)" means the Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

"Encroachment" means the advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a regulatory Floodway.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Essential Facility" or "Critical Facility" means:

- a. Hospitals and other medical facilities having surgery and emergency treatment areas;
- b. Fire and police stations;
- c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- d. Emergency vehicle shelters and garages;

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- e. Structures and equipment in emergency-preparedness centers;
- f. Standby power generating equipment for essential facilities; and
- g. Structures and equipment in government communication centers and other facilities required for emergency response.

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

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Insurance Administration delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means that official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, regulatory Floodway boundaries and water surface elevations of the base flood.

“Floodway (Regulatory Floodway)” means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG information.

“Historic Structure” means a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

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1. By an approved state program as determined by the Secretary of the Interior, or:
2. Directly by the Secretary of the Interior in states without approved programs.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;

Letter of Map Revision (LOMR)

A revision based on technical data showing, due to manmade alterations, changes to flood zones, flood elevations, or floodplain and regulatory Floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area;

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

"Lowest Floor" is 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, is not considered a structure's lowest floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and this ordinance.

"Manufactured Dwelling" or "Manufactured Home" means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Dwelling" or "Manufactured Home" does not include a "Recreational Vehicle".

"Mean Sea Level" means for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88), to which Base Flood Elevations shown on a community's FIRM are referenced.

"New Construction" means a structure for which the "Start of Construction" commenced after May 3, 2011, and includes subsequent substantial improvements to the structure.

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"Recreational Vehicle" means a vehicle that is:

- 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 towed 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.

"Specialty Codes" means the combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.

"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 one hundred eighty 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 or temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

"Structure" means a walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred.

"Substantial Improvement" means reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure is:

- a. The real market value of the structure prior to the start of the initial repair or improvement, or

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b. In the case of damage, the real market value of the structure prior to the damage occurring. The term does not include either:

1. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

"Variance" means a grant of relief from a requirement of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

"Water Surface Elevation" means the height, in relation to a specific datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

§15.12.060 LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Jacksonville. Nothing in this Chapter is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance or Specialty Codes.

§15.12.070 BASIS FOR THE AREA OF SPECIAL FLOOD HAZARD

The Area of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Jackson County, Oregon and Incorporated Areas dated, May 3, 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM) are adopted by reference and declared to be a part of this chapter. The FIS and FIRM are on file at the City of Jacksonville 110 E. Main Street, Jacksonville, Oregon.

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§15.12.080 COORDINATION WITH SPECIALTY CODES ADOPTED BY THE STATE OF OREGON BUILDING CODES DIVISION

Pursuant to the requirement established in ORS 455 that the City of Jacksonville administers and enforces the State of Oregon Specialty Codes, the City Council of Jacksonville does hereby acknowledge that the Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Specialty Codes.

§15.12.090 ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required prior to initiating development activities, including but not limited to building permits and grading permits, in any Areas of Special Flood Hazard established in Section 15.12.070.

§15.12.100 INTERPRETATION OF PROVISIONS

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

- A. Considered as minimum requirements
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes, including state Specialty Codes.

§15.12.110 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

§15.12.120 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Flood Plain Administrator or his/her designee shall be appointed by the City Council and is responsible for administering and implementing this chapter by granting or denying development permit applications in accordance with its provisions.

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§15.12.130 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

- A. Review all proposed development or modifications of any existing development in Areas of Special Flood Hazard or other flood-prone areas:
- B. Review applications for new development or modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of the chapter;
- C. Review proposed development to ensure that necessary permits have been received from governmental agencies from which approval is required by Federal or state law. Copies of such permits shall be maintained on file;
- D. When Base Flood Elevation data have not been established, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, state or other authoritative source in order to administer the provisions of this chapter;
- E. When Base Flood Elevation data are not available from an authoritative source, the Oregon Residential Specialty Code authorizes the building official to require the applicant to determine a Base Flood Elevation where none exists;
- F. Issue development permits when the provisions of this chapter have been met, or deny the same in the event of noncompliance;
- G. Coordinate with the Building Official to ensure that applications for building permits comply with the requirements of this ordinance;
- H. Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures, including manufactured dwellings;
- I. Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no Base Flood Elevation is available, to which any new or substantially improved non-residential buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of elevation to which the structure was flood-proofed from a registered professional engineer or architect;

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- J. Ensure that all records and certifications pertaining to the provisions of this ordinance are permanently maintained in the City of Jacksonville Offices and available for public inspection.
- K. The Flood Plain Administrator shall make interpretations where needed, as to exact location of the boundaries, of the area 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 as provided in Chapter 18.06, Appeal Procedures of the Jacksonville Municipal Code.

§15.12.140 PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator or designee on forms furnished by the Floodplain Administrator or designee prior to starting development activities. Specifically, the following information is required:

(1) Application Stage

- (a) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;
- (b) Delineation of Areas of Special Flood Hazard, including Base Flood Elevations, where available;
- (c) For all proposed structures, elevation in relation to the highest adjacent grade and the Base Flood Elevation, of the:
 - (i) lowest enclosed area, including crawlspace or basement floor;
 - (ii) top of the proposed garage slab, if any, and;
 - (iii) next highest floor
- (d) Locations and sizes of all flood openings, if required, in any proposed building;
- (e) Elevation to which a non-residential structure will be flood-proofed;
- (f) Certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of the NFIP and Specialty Codes;
- (g) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- (h) Proof that application has been made for necessary permits from other governmental agencies from which approval is required by Federal or state law.

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(2) Construction Stage

- (a) Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law must be provided prior to start of construction.
- (b) Development activities shall not begin without an approved Floodplain Development Permit.
- (c) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction;
- (d) Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

(3) Certificate of Occupancy

- (a) In addition to the requirements of the Specialty Codes pertaining to certificate of occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:
 - i. For elevated buildings and structures in non-coastal Areas of Special Flood Hazard (all A zones), the elevation of the lowest floor, including basement or where no Base Flood Elevation is available the height above highest adjacent grade of the lowest floor;
 - ii. For non-residential buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.
- (b) Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a certificate of occupancy until such deficiencies are corrected.

(4) Expiration of Floodplain Development Permit

A Floodplain Development Permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.

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§15.12.150 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

- (1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision from FEMA, or whose development alters a watercourse, modifies floodplain boundaries or Base Flood Elevations shall obtain from FEMA a Letter of Map Revision reflecting the as-built changes to the FIRM.
- (2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (3) Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment or Letter of Map Revision from FEMA.
- (4) The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met all applicable requirements of this ordinance.

§15.12.160 WATERCOURSE ALTERATIONS

- A. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- B. The Floodplain Administrator shall assure that necessary maintenance for the altered or relocated portion of such watercourse is provided so that the flood-carrying capacity is not diminished. It shall be the responsibility of the applicant to perform the required maintenance.
- C. Development shall not diminish the flood carrying capacity of a water course. If any water course will be altered or relocated as a result of the proposed development the applicant must submit certification by a registered professional engineer that the flood carrying capacity of the water course will not be diminished.
- D. Applicant will be responsible for obtaining all necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Division of State Lands regulations.

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§15.12.170 SITE IMPROVEMENTS AND SUBDIVISIONS

- A. All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding . The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.
- B. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- C. Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities such as sewer, gas, electric and water systems, likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.
- D. New and replacement on-site waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.
- E. Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.

§15.12.180 ZONES WITH BASE FLOOD ELEVATIONS BUT NO REGULATORY FLOODWAY

- A. In areas within Zones A1-30 and AE on the community's FIRM with a Base Flood Elevation but where no regulatory Floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- B. Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than 6 months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.

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§15.12.190 AREAS OF SPECIAL FLOOD HAZARD WITHOUT BASE FLOOD ELEVATIONS

- A. When Areas of Special Flood Hazard have been provided but Base Flood Elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic Base Flood Elevation and regulatory Floodway data available from a federal, state, or other source, in order to administer this ordinance. If Base Flood Elevations are not available, subsection (C) shall apply.
- B. Where the Floodplain Administrator has obtained Base Flood Elevation data, Sections 15.12.180 and Sections 15.12.200 through 15.12.250 shall apply.
- C. When Base Flood Elevation data cannot be obtained:
 - (a) No encroachments, including structures or fill, shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless a Base Flood Elevation is developed by a licensed professional engineer, or;
 - (b) The lowest floor of any building or structure, including manufactured dwellings, shall be elevated a minimum of three (3) feet above highest adjacent grade. Below grade crawlspaces are prohibited.

§15.12.200 BUILDING DESIGN AND CONSTRUCTION

Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes, including but not limited to the Residential Specialty Code, the Manufactured Dwelling Installation Specialty Code, and the Structural Specialty Code.

15.12.210 BELOW GRADE CRAWLSPACES

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

- A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is

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not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

- B. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- H. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

§15.12.220 Other Development, including Accessory Structures, in Areas of Special Flood Hazard

- (1) All development (including substantial improvements) in Areas of Special Flood Hazard for which provisions are not specified in this ordinance or Oregon Specialty Codes shall:

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- (a) Be located and constructed to minimize flood damages;
 - (b) Be constructed with materials resistant to flood damage;
 - (c) Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - (d) Have all enclosures below the Base Flood Elevation designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect, or
 - (i) Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
 - (e) Have electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- (2) Walled and roofed accessory structures, including substantial improvement to existing accessory structures, shall meet the requirements of paragraph (1) above and shall:
- (a) Be less than 200 square feet and not exceed one story;
 - (b) Have unfinished interiors and not be temperature controlled;
 - (c) Not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;
 - (d) Not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation.

§15.12.230 RECREATIONAL VEHICLES

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the zoning ordinance must either:

- A. Be placed on the site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

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- C. The Recreational Vehicle shall be elevated on a permanent foundation such that the bottom of the chassis is at or above BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

§15.12.240 ESSENTIAL FACILITIES

Construction of new essential facilities shall be, to the extent possible, located outside the limits of the Area of Special Flood Hazard. Construction of new essential facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

§15.12.250 TANKS

- A. New and replacement tanks in flood hazard areas either shall be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.
- B. New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of 2 feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

§15.12.260 FENCES AND WALLS

New and replacement fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.

§15.12.270 VARIANCE

- A. An application for a variance must be submitted to the City Planning Department on the form provided by the City and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

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- B. The City Council shall hear and decide appeals and requests for variances from the requirements of this chapter.
- C. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.
- D. Upon consideration of the criteria in Section B (Criteria for Variances) and the purposes of this ordinance, the City of Jacksonville may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- E. The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

15.12.280 CRITERIA FOR VARIANCES

- A. Variances shall not be issued within a designated regulatory Floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1-11 in Section G have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon a:
 - 1. Showing of good and sufficient cause;
 - 2. Determination that failure to grant the variance would result in exceptional hardship to the applicant, and;
 - 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
- F. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they

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are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- G. In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
1. Danger that materials may be swept onto other lands to the injury of others;
 2. Danger to life and property due to flooding or erosion damage;
 3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. Relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action if applicable, expected at the site; and,
 11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

§15.12.290 VARIANCE DECISION

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Base Flood Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

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15.12.300 PENALTIES FOR VIOLATION

- A. No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations.
- B. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to Section 1.07.170, Unified Development Code Violations: Civil Penalty, of the Jacksonville Municipal Code.

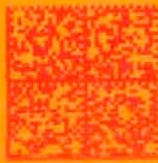
15.12.310 SEVERABILITY

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

15.12.320 ABROGATION

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

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