

**City of Rainier  
Planning Commission Meeting  
February 10, 2021  
6 p.m.  
Rainier City Hall**

Chair Erin O'Connell called the meeting to order at 6:07 p.m.

**Commissioners Present:** Erin O'Connell

**Commissioners Absent:** Paul Langner, Dena Nordstrom and Nina Phillips

**City Staff Present:** City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and Planner Keshia Owens

**Visitors Present:** Terry Deaton, Delilah Laughlin

**Visitor Comments:** Delilah Laughlin said she had called city hall to ask if there were any ordinances in place covering Air BnBs. City Administrator W. Scott Jorgensen said the city doesn't currently have anything. He thought this issue would come up sooner rather than later. There are similar ordinances from other cities that he can bring to the next meeting. Chair Erin O'Connell suggested that he reach out to the Rainier Chamber of Commerce for their input. Her main concern is issues involving compliance with fire, life and safety codes. The city's zoning ordinance also has a section about home occupation that can be included as part of that discussion.

**Consider Approval of the Consent Agenda:** No action was taken due to lack of a quorum.

**New Business:**

- a. Food Cart Ordinance Update—O'Connell said she reviewed the ordinance and thought it looked good. Jorgensen said he obtained a copy of the food cart license application from the City of Scappoose, along with the resolution used to implement the related ordinance. He and Office Manager Sarah Blodgett are reviewing it and presenting those at the next council meeting.
- b. Comprehensive Plan Update—O'Connell went over the changes that were suggested in writing by Commissioner Paul Langner. Terry Deaton spoke on behalf of the draining district. The comprehensive plan states that the district needs to be part of the city's planning efforts. Deaton will bring the current comprehensive plan to the drainage district board and solicit its members' input. O'Connell said the city's urban growth boundary extends into the drainage district area on the west side of town. Deaton said she hopes the city will look at extending its infrastructure to that area. O'Connell agreed that the lack of services helps prohibit development there. Jorgensen asked Deaton if she would like to have the draining district's input on the comprehensive plan be on the agenda for the next Planning Commission meeting. Deaton agreed. There was a discussion about whether the

city had a comprehensive plan inventory. Jorgensen and Blodgett said they don't think it does, but they can start putting one together. O'Connell said it could support and inform the goals included in the comprehensive plan.

- c. Urban Growth Boundary Expansion—O'Connell said some people have been interested in the west side of town for industrial development, but the lack of infrastructure is a limiting factor.

O'Connell adjourned the meeting at 7:47 p.m.

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Erin O'Connell, Chair

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Sarah Blodgett, City Recorder

**City of Rainier  
Planning Commission Meeting  
March 10, 2021  
6 p.m.  
Rainier City Hall**

Chair Erin O’Connell called the meeting to order at 6:04 p.m.

**Commissioners Present:** Erin O’Connell, Paul Langner, Dena Nordstrom and Nina Phillips

**Commissioners Absent:** None

**City Staff Present:** City Administrator W. Scott Jorgensen

**Visitors Present:** Terry Deaton

**Visitor Comments:** There were no visitors at this time.

**Consider Approval of the Consent Agenda:** Consider Approval of the January 13, 2021 and February 10, 2021 Regular Planning Commission Meeting Minutes—Commissioner Dena Nordstrom moved to approve the January 13, 2021 Planning Commission meeting minutes. That motion was seconded by Commissioner Nina Phillips and adopted unanimously. Chair Erin O’Connell had some corrections to the February minutes. Those will be made and brought back to the Commission at its April meeting.

**New Business:**

- a. Drainage District Input on the Comprehensive Plan—Terry Deaton said the Drainage District wants to be an asset to the city and provide information about issues like flood plains and storm drains. The district has concerns about potential development within the city’s Urban Growth Boundary (UGB). There was a project approved by the county without water displacement being considered and the district would like to avoid those kinds of scenarios in the future. They want to make sure projects are done right because structures affect the way water moves. O’Connell said site development reviews are required prior to any development taking place. Perhaps formal notice can be given to the drainage district as part of that process. Language about that could maybe be added to the city’s comprehensive plan. Deaton said there was no communication with the drainage district for the project she had mentioned. Much of the city’s UGB is on prime farmland. It’s important for the district to maintain and there are concerns about chemical discharge. O’Connell said that pre-application meetings at the county could include the district. City Administrator W. Scott Jorgensen asked if the district would like to weigh in on a flood plain ordinance. Deaton said yes. Commissioner Paul Langner said he could provide materials for the commission to consider in helping to put together an ordinance. Deaton said the district could have board members attend

commission meetings regularly throughout the process of updating the comprehensive plan.

- b. Short Term Rental Ordinance—Jorgensen said that a citizen approached the commission at its last meeting about having an AirBnB in town. He looked up the City of Portland’s short-term rental ordinance. Mayor Jerry Cole had recommended the ordinance used by the City of Bend as a model. O’Connell said she wants an ordinance that will address fire, life and safety issues but that is enforceable. There was a discussion about the need for an updated ordinance governing RVs. Jorgensen said that came up at a city council goal setting work session the night before and was identified as a top priority. Langner said the county’s road department is working on an RV ordinance and suggested that Jorgensen reach out to the county legal counsel about it. He said that Seaside and Cannon Beach have good short-term rental ordinances. Langner wants to see the ordinance kept simple and the Air BnBs to reflect the surrounding neighborhoods. Any ordinance needs to address concerns about the impacts on those neighborhoods. O’Connell said there should be a business license with a renewable so it can be tied to any history of complaints. Jorgensen said he had spoken with the planner in Scappoose and she recommended the Portland ordinance because she lives there and uses Air BnB to rent out rooms in her house. There is a section of the Portland ordinance that requires the homeowner to notify their neighbors of the Air BnB as a condition of approval. Commissioner Nina Phillips said the City of Clatskanie has a good short term rental ordinance. Jorgensen asked about allowing commercial activities in the Air BnBs, as the Portland ordinance includes that. O’Connell said no. Commissioners agreed by consensus. Jorgensen asked about the number of rooms. Portland’s ordinance has different license types, depending on how many rooms are rented out. O’Connell and Langner said they didn’t want that addressed in any Rainier ordinance. O’Connell said she liked the section of the Portland ordinance that set standards for the rooms to be rented. Perhaps there should be language to say that if the county adopts a transient tax, that would become effective in Rainier. There was a discussion about the riverfront trail and a possible, eventual extension to the west of town to connect with county parks that direction.

O’Connell adjourned the meeting at 7:23 p.m.

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Erin O’Connell, Chair

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Sarah Blodgett, City Recorder

COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES  
Planning Division  
COURTHOUSE  
ST. HELENS, OREGON 97051  
Phone: (503) 397-1501 Fax: (503) 366-3902

March 26, 2021

**REFERRAL AND ACKNOWLEDGMENT**

**To:** City of Rainier

On May 3, 2021 at 6:30 PM, the Columbia County Planning Commission will hold a public hearing to make a recommendation to the Board of Commissioners regarding adoption of Ordinance No. 2021-2, In the Matter of Amending the Columbia County Zoning Ordinance, Section 1100, Flood Hazard Overlay Zone, to Adopt the State of Oregon 2019 Model Flood Hazard Management Ordinance and Comply with the National Flood Insurance Program Regulations. During the COVID-19 global pandemic, the Columbia County Planning Commission will be holding their public hearing via virtual format. Please use the links below if you wish to participate in the public hearing through either the online platform or by telephone.

**From your computer, tablet or smartphone:** <https://global.gotomeeting.com/join/512758765>

**Dial in using your phone:** United States (Toll Free): 1 866 899 4679 or  
United States: +1 (571) 317-3116

**Access Code:** 512-758-765

**THIS APPLICATION IS FOR:** ☐ Administrative Review; ☒ Planning Commission, Hearing Date: **May 3, 2021**

**PLEASE RETURN BY:** **04/05/2021**

**Planner:** **Matt Laird**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision.

Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. ☒ We have reviewed the enclosed application and have no objection to its approval as submitted.
2. ☐ Please see attached letter or notes below for our comments.
3. ☐ We are considering the proposal further, and will have comments to you by \_\_\_\_\_.
4. ☐ Our board must meet to consider this; we will return their comments to you by \_\_\_\_\_.
5. ☐ Please contact our office so we may discuss this.
6. ☐ We recommend denial of the application, for the reasons below:

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

## **NOTICE OF LAND USE ACTION – Required by Measure 56**

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### **Notice for Adoption of Oregon Model Flood Ordinance**

**This is to notify you that the Columbia County Board of Commissioners have proposed an amendment to a land use regulation that may affect the permissible uses of your property and other properties. Our records indicate you own land that has been identified as a Special Flood Hazard Area (SFHA) and will be affected by the proposed land use amendments that regulate activities within a floodplain. (Please note, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Columbia County will not be amended with this proposal).**

The Columbia County Board of Commissioners has initiated amendments to Section 1100 of the Columbia County Zoning Ordinance relating to the Flood Hazard Overlay for Columbia County. The proposed amendments will adopt the State of Oregon Model Flood Hazard Management Ordinance prepared by the State of Oregon Department of Land Conservation and Development (DLCD) and reviewed and approved by the Federal Emergency Management Agency (FEMA), Region X. Adoption of the ordinance language provided will ensure County compliance with the minimum standards for participation in the National Flood Insurance Program (NFIP). The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in the Code of Federal Regulations (CFR's), Oregon's statewide land use planning Goal 7 (Natural Disasters and Hazards), and the Oregon specialty codes.

Adoption of the proposed amendments may affect the permissible uses of your property, and other properties located within a Special Flood Hazard Area (SFHA), and this may change the value of your property or other properties located in the SFHA.

On May 3, 2021 at 6:30 PM, the Columbia County Planning Commission will hold a public hearing to make a recommendation to the Board of Commissioners regarding adoption of Ordinance No. 2021-2, In the Matter of Amending the Columbia County Zoning Ordinance, Section 1100, Flood Hazard Overlay Zone, to Adopt the State of Oregon 2019 Model Flood Hazard Management Ordinance and Comply with the National Flood Insurance Program Regulations. During the COVID-19 global pandemic, the Columbia County Planning Commission will be holding their public hearing via virtual format. Please use the links below if you wish to participate in the public hearing through either the online platform or by telephone.

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**Dial in using your phone:** United States (Toll Free): [1 866 899 4679](tel:18668994679) or

United States: [+1 \(571\) 317-3116](tel:+15713173116)

**Access Code:** 512-758-765

The proposed amendments are available for inspection in the Land Development Services Department (LDS) at the Columbia County Courthouse located at 230 Strand Street, St. Helens, Oregon. Please note, due to the COVID-19 global pandemic you must call 503-397-1501, Extension 1 to schedule an appointment prior to visiting the Courthouse. A copy of the proposed amendment may be purchased at the LDS office at a cost of \$0.25 per page. A copy of the proposed amendments can also be obtained by visiting our website at:

<https://www.columbiacountyor.gov/departments/landdevelopment/planning>

For additional information concerning these amendments proposed in Ordinance No. 2021-2, you may call the Columbia County Department of Land Development Services at (503) 397-1501, Extension 1 and ask to speak with Planning Manager, Matt Laird or LDS Director, Karen Schminke.

# ARTICLE 5. SPECIAL DISTRICTS

To Scott

## **SECTION 5.1000. FLOOD HAZARD OVERLAY (FHO)**

### **Section 5.1010. Purpose**

The purpose of the flood hazard overlay district is to identify those areas of the County subject to the hazards of periodic flooding and establish standards and regulations to reduce flood damage or loss of life in those areas. This district shall apply to all areas of special flood hazards within the unincorporated areas of Clatsop County as identified on Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps. In advancing these principles and the general purposes of the Clatsop County Comprehensive Plan, the specific objectives are:

- 1) To promote the general health, welfare and safety of the County;
- 2) To prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;
- 3) To minimize the need for rescue and relief efforts associated with flooding;
- 4) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities located in flood hazard areas;
- 6) To insure that potential home and business buyers are notified that property is in a flood area.

The areas of special flood hazard are identified in "The Flood Insurance Study (FIS) #41007CV001B and #41007CV002B, dated June 20, 2018, Version Number 2.3.2.0, for unincorporated areas of Clatsop County" and in "The Flood Insurance Study (FIS) #41007CV001A and #41007CV002A, dated September 17, 2010, for unincorporated areas of Clatsop County".

### **Section 5.1020. Definitions**

The following words and phrases shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

**"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. A separate insurable building should not be classified as an accessory or appurtenant structure

**"ALTERATION OF A WATERCOURSE"** includes, but is not limited to, any dam, culvert, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area or capacity, which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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**"AREA OF SHALLOW FLOODING"** means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of 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"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A or V. Also known as the Special Flood Hazard Area (SFHA)

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

**"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 FIS to the nearest 0.1-foot.

**"BASEMENT"** means any area of the 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 4 feet at any point.

**"BREAKAWAY WALL"** means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**"BUILDING"** means a building or structure subject to building codes.

**"BUILDING 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.

**"COASTAL HIGH-HAZARD AREA"** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any



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other area subject to high velocity wave action from storms or seismic sources. The area is designated in the FIRM as Zone V1-V30, VE or V.

**“CRITICAL FACILITIES”** means those structures or facilities which produce, use, or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials; hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and public and private facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

**“DATUM”** is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). 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 manmade change to improved or unimproved real property, 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.

**“DIGITAL FIRM (DFIRM),”** means 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 floodway which may impede or alter the flow capacity of a floodplain.

**“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.

**“EXISTING BUILDING OR STRUCTURE”** means a structure for which the “start of construction” commenced before July 3, 1978.

**“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION”** means one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before the effective date of Clatsop County’s floodplain management regulations July 3, 1978. The “construction of facilities includes, at a

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minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**"FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)"** means the agency with the overall responsibility for administering the National Flood Insurance Program.

**"FLOOD" or "FLOODING"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

**"FLOOD HAZARD BOUNDARY MAP"** means the official map used by the Federal Insurance Administrator where the boundaries of the areas of special flood hazard have been designated.

**"FLOOD INSURANCE RATE MAP (FIRM)"** means an official map of a community, on which the Federal Insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**"FLOOD INSURANCE STUDY (FIS)"** means the official report provided by the Federal Insurance Administrator that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

**"FLOOD PROOFING"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"FLOODPLAIN ADMINISTRATOR"** means the Community Development Director, or an individual or committee that is designated by the Director, to implement and administer the provisions of this ordinance.

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

**"HIGHEST ADJACENT GRADE"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"HISTORIC STRUCTURE"** means a structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary

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- of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (A) By an approved state program as determined by the Secretary of the Interior, or
    - (B) Directly by the Secretary of the Interior in states without approved programs.

**“LATERAL ADDITION”** means an addition that requires a foundation to be built outside of the foundation footprint of the existing building.

**“LETTER OF MAP CHANGE (LOMC)”** means an official FEMA determination, by letter, to amend or revise effective 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 incorrectly 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 that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. 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.

**Letter of Map Revision Based on Fill – (LOMR-F)**

A modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM), based on the placement of fill outside the existing regulatory floodway.

**Conditional Letter of Map Revision (CLOMR)**

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

**"MANUFACTURED DWELLING"** (aka manufactured housing) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured dwelling" does not include a recreational vehicle.

**"MANUFACTURED HOME PARK OR SUBDIVISION"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"MEAN SEA LEVEL (MSL)"** means the North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the flood insurance rate map are referenced.

**"NATURAL ELEVATION"** means the elevation of natural grade, or the grade in existence before July 3, 1978.

**"NEW CONSTRUCTION"** means a structure for which the "start of construction" commenced after July 3, 1978 and includes subsequent substantial improvements to the structure.

**"NEW MANUFACTURED HOME PARK OR SUBDIVISION"** means a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Clatsop County.

**"RECREATION VEHICLE"** means a vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal

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projection, (3) designed to be self-propelled or permanently towed by a light-duty truck, and (4) designed primarily not for use as temporary living quarters for recreational, camping, travel or seasonal use.

**"SPECIAL FLOOD HAZARD AREA (SFHA)"** means areas subject to inundation from the waters of a one-hundred-year flood.

**"START OF CONSTRUCTION"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 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 a 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 walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"STRUCTURE"** 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 the damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50-percent of the market value of the structure before the damage occurred.

**"SUBSTANTIAL IMPROVEMENT"** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

- (1) the appraised value of the structure prior to the start of the initial repair or improvement, or

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- (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:
  - (a) 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
  - (b) Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

**"VERTICAL ADDITION"** means the addition of a room or rooms on top of an existing building.

**"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-DEPENDENT"** means a use or use and activity which can only be carried out on, in or adjacent to water areas because the use requires access to the waterbody for water-borne transportation, recreation, energy production, or source of water.

**"WATER SURFACE ELEVATION"** means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

## **Section 5.1030. Interpretation**

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

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

## **Section 5.1040. Floodplain Administrator Duties and Responsibilities**

- 1) Permit Review  
The Floodplain Administrator duties shall include, but not be limited to, the following:
  - (A) Review all development permit applications to determine whether proposed new development will be located in Areas of Special Flood Hazard and to determine that all new development complies with the requirements of this ordinance;

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- (B) Review applications for modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of this ordinance;
  - (C) Review proposed development to assure that necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. Copies of such permits shall be provided and maintained on file.
  - (D) Review all development permit applications for property in a Special Flood Hazard Area to determine if the proposed development is located in the floodplain or floodway, and if located in a floodway, ensure that the encroachment standards of Section 5.1140 are met.
  - (E) Issue floodplain development permits when the provisions of this ordinance have been met, or disapprove the same in the event of noncompliance;
  - (F) Coordinate with the Building Official to assure that applications for buildings permits comply with the requirements of this ordinance.
- 2) Use of Base Flood Data
- (A) Interpret flood hazard area boundaries, provide available flood hazard information, and provide base flood elevations, where they exist;
  - (B) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.
  - (C) When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.
- 3) Interpretation of FIRM Boundaries
- (A) Make interpretations, as needed, of the exact location of boundaries of the Areas of Special Flood Hazard, including regulatory floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.1090.
- 4) Obtain and Maintain Information
- (A) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, of the lowest floor level, including basements and below-grade crawlspaces, of all new construction or substantially improved buildings and structures.
  - (B) Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no

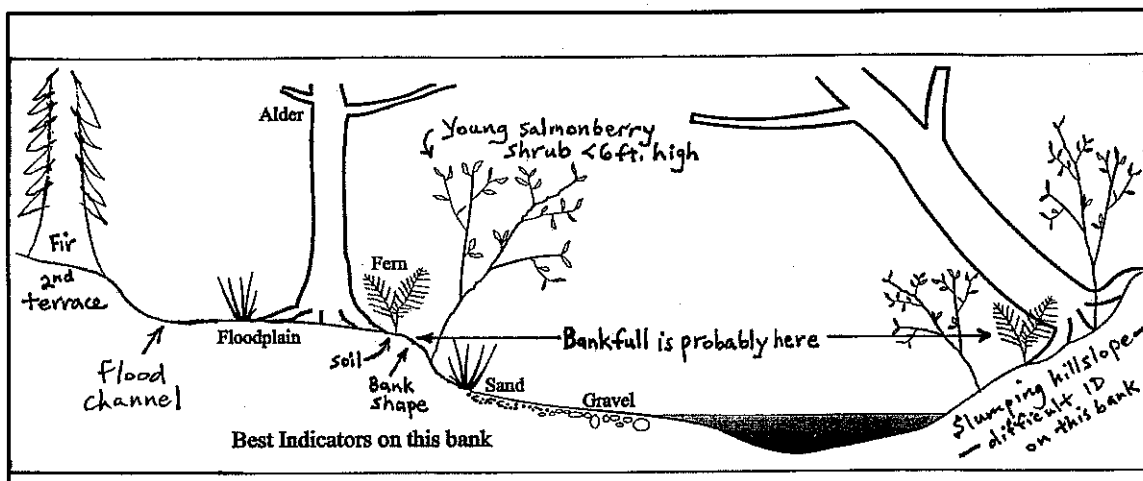


# ARTICLE 5. SPECIAL DISTRICTS

- BFE is available, to which any new or substantially improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect;
- (C) Ensure that all records pertaining to the provisions of this ordinance are permanently maintained in the office of Community Development and shall be open for public inspection.
  - (D) Make inspections in Areas of Special Flood Hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that development is undertaken in accordance with this ordinance, and verify that existing buildings and structures maintain compliance with this ordinance;
  - (E) Coordinate with the Building Official to inspect areas where buildings and structures in flood hazard areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure;
  - (F) Make Substantial Damage or Substantial Damage determinations based on criteria set forth in Section 5.1110 of this ordinance.

## Section 5.1050. Alteration of Water Courses

- 1) The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished.





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- 2) The applicant shall notify adjacent communities, the U.S. Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Land Conservation and Development prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.
- 3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished.
- 4) The applicant shall meet the requirements to submit technical data in Section 5.1200 when the alteration of a watercourse, including the placement of culverts, results in the relocation or elimination of the special flood hazard area.

## **Section 5.1060. Non-Conversion of Enclosed areas below the Lowest Floor**

To ensure that the areas below the BFE continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

- 1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
- 2) Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with Clatsop County. The agreement shall be recorded with the Clatsop County Clerk as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
- 3) Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

## **Section 5.1070. Floodplain Inspection and Enforcement**

- 1) The Administrator or designee shall make periodic inspections of floodplain areas to establish that development activities within the floodplain are being performed in compliance with an approved floodplain development permit. The Administrator or designee shall prepare a field report listing non-complying conditions to be delivered to the Code Compliance Officer within 5 business days.
- 2) Upon receipt of the report the Code Compliance Officer shall take action in accordance with Clatsop County Code of Regulations to effect the abatement of such violation.

# ARTICLE 5. SPECIAL DISTRICTS

- 3) If the violation is not resolved through code enforcement the Floodplain Administrator shall request to the Administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to section 1316 of the National Flood Insurance Act of 1968 as amended.

## **Section 5.1080. Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create a liability on the part of Clatsop County or by an officer, or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

## **Section 5.1090. Appeals**

An appeal of a Floodplain Administrator decision pursuant to this chapter may be appealed in accordance with Section 2.2190. Appeals of a decision by the Hearings Officer pursuant to this chapter may be appealed in accordance with Clatsop County Code of Regulations.

## **Section 5.1100. Permit Procedures**

A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the Administrator or the Administrator's 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 flood hazard areas, floodway boundaries including base flood elevations, or flood depth in AO zones, where available;
  - (C) For all proposed structures, elevation in relation to the highest adjacent grade and the base flood elevation, or flood depth in AO zones, of the:
    1. lowest enclosed area, including crawlspace or basement floor;
    2. bottom of the lowest horizontal structural member in coastal high hazard areas (V Zones);

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3. top of the proposed garage slab, if any, and;
    4. next highest floor
  - (D) Locations and sizes of all flood openings;
  - (E) Elevation to which any 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 building codes;
  - (G) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- 2) Construction Stage:
- (A) 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 .
  - (B) 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 building codes pertaining to certificate of occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered surveyor or engineer;
    1. For elevated buildings and structures in non-coastal Areas of Special Flood Hazard (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;
    2. For buildings and structures in coastal Areas of Special Flood Hazard (V zones), the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor.
  - (B) Failure to submit certification or failure to correct violations shall be cause for the Building Official to withhold a certificate of occupancy or delay a final building inspection until such deficiencies are corrected.
- 4) Expiration of Floodplain Development Permit
- (A) Floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.
  - (B) Commencement of work includes start of construction, when the permitted work requires a building permit.

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## **Section 5.1110. Substantial Damage and Substantial Improvement Determination**

For applications for permits to improve buildings and structures, including additions, repairs, renovations, and alterations, the Floodplain Administrator, shall:

- 1) Estimate the market value, or require the applicant to obtain a professional appraisal of the market value, of the building or structure before the proposed work is performed; when repair of damage is proposed, the market value of the building or structure shall be the market value before the damage occurred;
- 2) Compare the cost of improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (A) Except as indicated in subsections (D) and (E) below, all costs to repair substantial damage, including emergency repairs, must be included;
  - (B) The costs associated with the correction of pre-existing violations of state or local health, sanitary, or safety code specifications that were identified by the building official, the director of environmental health, or any other local code enforcement official prior to the improvement or repair and that are the minimum necessary to ensure safe living conditions shall not be included;
  - (C) Except as indicated in subsections (d) and (e) below, the costs of complying with any county, state, or federal regulation other than those described in subsection (b) must be included;
  - (D) Costs associated with the following items are not included:
    1. The preparation and approval of all required plans, calculations, certifications, and specifications;
    2. The performance of surveys or other geotechnical or engineering studies and resulting reports;
    3. Permit and review fees;
    4. The construction, demolition, repair, or modification of outdoor improvements, including landscaping, fences, swimming pools, detached garages and sheds, etc.;
  - (E) Proposed alterations of a designated historic building or structure is not to be considered substantial improvement unless the alteration causes a loss of said designation.
- 3) The Floodplain Administrator shall make the final determination of whether the proposed improvement and/or repair constitutes a substantial improvement or substantial damage;
- 4) The Floodplain Administrator shall notify the applicant of the results of the determination by letter,
- 5) Applicant has the right to appeal the determination pursuant to Section 5.1090.

## **Section 5.1120. Variances**

A request for a variance from a standard contained in this chapter shall be reviewed in

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accordance with the procedures of Section 2.8000-2.8030. The burden to show that the variance is warranted and meets the criteria is on the applicant.

When considering a variance application, the deciding body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4) The importance of the services provided by the proposed facility to the community;
- 5) The necessity to the facility of a waterfront location, where applicable;
- 6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- 7) The compatibility of the proposed use with existing and anticipated development;
- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10) The 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) The 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.

Upon consideration of the factors identified above and the purposes of this ordinance, the deciding body may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

The floodplain administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

The following standards are applicable to a variance request, not those of Section 2.8010:

- 1) 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 5.1120 have been fully considered. As the lot size

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- increases the technical justification required for issuing the variance increases
- 2) Variances shall only be issued upon:
    - (A) A showing of good and sufficient cause,
    - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  - 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - 5) Variances may be issued for a water dependent use provided that
    - (A) The criteria of paragraphs (1) through (4) of this section are met, and;
    - (B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
  - 6) Variances may be issued for the repair restoration or rehabilitation 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.
  - 7) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they 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.
  - 8) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with building codes.
  - 9) When a variance is granted, the county shall give written notice to the property owner within five days after the decision is final. The notice shall state that:
    - (A) The structure or manufactured home will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation, and
    - (B) That the issuance of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance as high as twenty-five dollars for every one hundred dollars of insurance coverage, and
    - (C) Such construction below the base flood level increases the risk to life and property.

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- (D) The above notification shall be maintained with a record of all variance actions.
- 10) Variance Time Limit. Authorization of a variance shall conform to the requirements of Section 2.8030.

## Section 5.1130. Development Standards

### 1) General Standards

In all areas of special flood hazards as presented on the FIRM, the following standards shall apply for all new construction and substantial improvements:

#### (A) Subdivisions:

1. All proposed new development and subdivisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
2. Residential building lots shall have adequate buildable area outside of floodways.
3. All new development proposals and subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
4. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated and/or provided for subdivision proposals and all other proposed developments that contain at least 50 lots or five acres, whichever is less.
6. All new development in a subdivision shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
7. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

#### (B) Coastal High Hazard Area:

In coastal high hazard areas (V Zones), alteration of sand dunes shall be prohibited unless it has been demonstrated by engineering analysis that the alteration will not increase potential flood damage.

#### (C) Tsunami Inundation Zone:

1. New essential and new special occupancy structures shall not be constructed in the Tsunami Inundation Zone. The Tsunami Inundation Zone may include V, A, and potentially other flood



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zones. If an exception is granted then the Coastal High Hazard Area construction standards in this ordinance shall apply to the building of these new structures in the Tsunami Inundation Zone.

(D) Building Design and Construction:

1. 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 Section R322 of the Residential Specialty Code and Section 1612 of the Structural Specialty Code.

(E) Construction Materials and Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to one foot above flood level so as to prevent water from entering or accumulating within the components during conditions of flooding.

(F) Review of Development Permits:

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

(G) Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured dwellings 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.

(H) Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;



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2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  3. C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality regulations.
  - (I) Foundation Protection: A registered professional civil engineer shall develop or review the structural design, specifications and plans for the foundation of the building and shall certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion and scour, undermining, and the effects of water and wind acting simultaneously on all building components during the base flood.
- 2) Specific Standards
- In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-A30, AH and AE) as set forth in this ordinance, the following provisions are required:
- (A) Manufactured Dwellings:
    1. New and replacement manufactured dwellings are within the scope of the building codes; and,
    2. All new manufactured dwellings and replacement manufactured dwellings shall be installed using methods and practices which minimize flood damage and shall be securely anchored to prevent flotation, collapse and lateral movement during the base flood. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. Additional techniques may be found in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
    3. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 5.1130(1)(E), above.
    4. Electrical crossover connections shall be a minimum of 12 inches above BFE.
  - (B) Critical Facilities:

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE

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(or depth number in AO zones) or to the height of the 0.2 percent (500-year) flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances or persistent 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 critical facilities to the extent possible.

(C) Residential Construction:

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

(D) Non-Residential Construction:

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot 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 water tight 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 standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design,

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specifications and plans. Such certification shall be provided as set forth in Section 5.1060(2).

4. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
5. If construction will be elevated instead of floodproofed, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(E) Below-grade crawl spaces:

1. 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 2) below. Because of hydrodynamic loads, crawlspace construction is 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.
2. 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.
3. 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

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BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

4. 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 be either placed above the BFE or sealed from floodwaters.

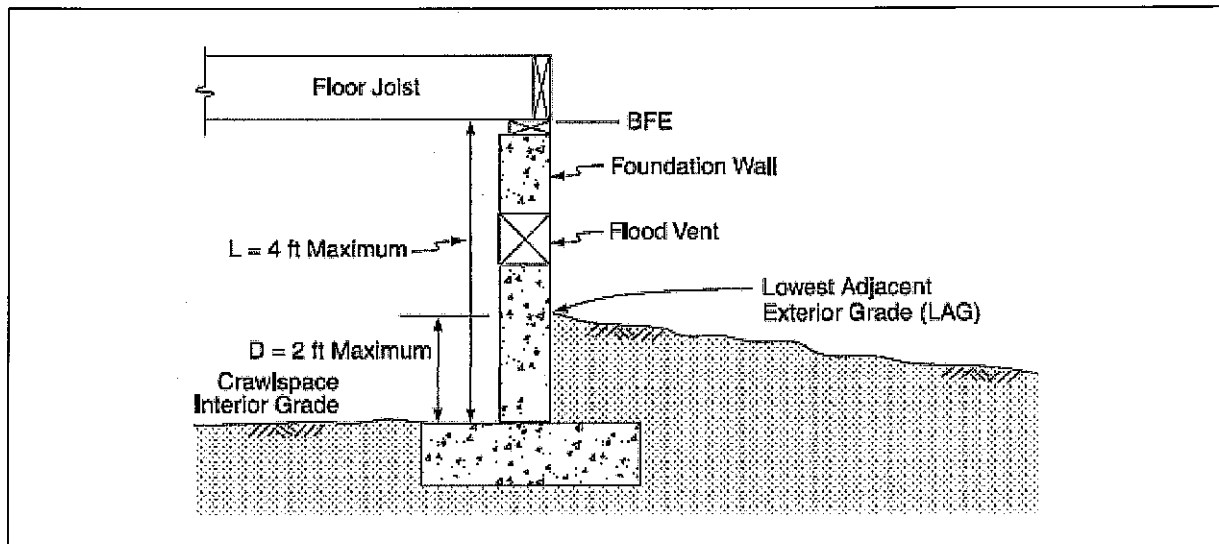


Figure 2. Requirements for below-grade crawlspace construction. (Provided by FEMA)

5. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The crawlspace shall not be temperature controlled.
7. 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.
8. 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.

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9. 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.
  10. If the crawlspace provisions listed in 1) through 8) above are used written notice shall be given that the structure will be rated for flood insurance as having its lowest floor below the base flood elevation, and that the cost of flood insurance will be commensurate with that rating.
- (F) Fences and Walls:
1. New 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.
- (G) On-site Sewage Systems:
1. Soil absorption systems shall be located outside of flood hazard areas. Where suitable soil absorption sites outside of the flood hazard area are not available, the soil absorption site is permitted to be located within the flood hazard area provided it is located to minimize the effects of inundation under conditions of the base flood.
  2. Mound systems in flood hazard areas shall be prohibited.
- (H) Tanks:
1. Underground tanks in flood hazard areas shall 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.
  2. Above-ground tanks in flood hazard areas shall be:
  3. Attached to and elevated to or above the base flood elevation (or depth number in AO zones) on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood; or be
  4. Anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.
  5. Tank inlets, fill openings, outlets and vents shall be:
    - a. A minimum of 2 feet above BFE 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; and
    - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of

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buoyancy, during conditions of the design flood.

(I) Recreation Vehicle:

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and highway ready; or
3. Be elevated and anchored.

(J) Accessory Structures:

1. Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 200 square feet and not exceeding one story in height. Such a structure must meet the following standards:
2. The accessory structure is not temperature controlled;
3. The accessory structure shall be located on property with a dwelling;
4. The accessory structure shall not be used for human habitation and shall be used solely for parking of vehicles or storage of items having low damage potential when submerged.
5. Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below BFE, or where no BFE is available lower than three feet above grade, unless confined in a tank installed in compliance with this ordinance;
6. The accessory structure shall be constructed of flood resistant materials.
7. The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
8. The accessory structure shall be firmly anchored to prevent flotation;
9. All service facilities, such as electrical and heating equipment associated with the accessory structure, shall be elevated or flood proofed to or above the flood protection elevation, and;
10. It shall be 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
  - a. 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;
  - b. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor

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immediately below the opening;

- c. 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.

(K) Temporary Structures, Storage, and Bridges:

1. A floodplain development permit is required for construction or placement of temporary structures, temporary storage associated with non-residential uses, and temporary bridges located in areas of special flood hazard:
2. Temporary structures, not including bridges, shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant a one-time extension, not to exceed 45 days, for demonstrated cause; such cause shall reaffirm the temporary nature of the structure. Temporary structures shall be anchored to prevent flotation, collapse, or lateral movement.
3. Temporary storage of materials shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant a one-time extension, not to exceed 45 days, for demonstrated cause; such cause shall reaffirm the temporary nature of the storage. Stored material shall be anchored or contained to prevent flotation or release outside the assigned storage area. Hazardous materials or materials deemed to be persistent organic pollutants by the Oregon Department of Environmental Quality shall not be stored in the floodway.
4. Temporary encroachments in the floodway for the purposes of capital improvement projects (including bridges) require a floodplain development permit. No CLOMR/LOMR is required.

## Section 5.1140. Development in Floodways

- 1) Except as provided in paragraphs (3) and (4), encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachments shall not result in any increase in base flood or floodway elevations when compared to pre-project conditions.
- 2) Any fill allowed to be placed in the floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.



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- 3) Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) before an encroachment in the floodway is permitted that will cause any increase in the base flood elevation. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.
- 4) Construction of new fencing is prohibited, unless the fencing is designed to collapse or break-away, and is anchored at one end and cabled together so as to not create debris. As an alternative to a break-away design, a new fence may be designed to allow the passage of water by having a flap or opening in the areas at or below the base flood elevation sufficient to allow floodwaters to pass freely.

## **Section 5.1150. Zones with Base Flood Elevation but no Floodway**

- 1) In areas within Zones A1-30 and AE on the community's FIRM with a base flood elevation, or where a base flood elevation is developed according to Section 5.1130(2) 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.
- 2) Applicants of proposed projects that increase the base flood elevation more than one foot should obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.

## **Section 5.1160. Zones Without Base Flood Elevations**

- 1) These standards apply in riverine areas of special flood hazard where no base flood elevation data have been provided (A Zones):
- 2) When 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 floodway data available from a federal, state, or other source, in order to administer this ordinance. If data are not available from any source, only then subsection 3 shall apply.
- 3) Where the floodplain administrator has obtained base flood elevation data, 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. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.
- 4) In special flood hazard areas without base flood elevation data, 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



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flood elevation is developed by a licensed professional engineer.

## **Section 5.1170. Coastal High Hazard Area**

All other development in coastal high hazard areas (V Zones) for which specific provisions are not specified in this ordinance or building codes, shall:

- 1) All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
  - (A) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
  - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent change of being equaled or exceeded in any given year (100-year mean recurrence interval).
- 2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of 1(A) and 1(B) of this section.
- 3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- 4) All new construction shall be located landward of the reach of mean high tide.
- 5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - (A) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

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- (B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- 6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- 7) Prohibit the use of fill for structural support of buildings.
- 8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- 9) All manufactured homes to be placed or substantially improved within Zones V1-V30, V and VE that are:
  - (A) Outside of a manufactured home park or subdivision;
  - (B) In a new manufactured home park or subdivision;
  - (C) In an expansion to an existing manufactured home park or subdivision, or
  - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a floodshall comply with the requirements of Section 5.1170(1)-(8). Manufactured homes placed or substantially improved on all other sites in an existing manufactured home park or subdivision shall comply with the requirements of Section 5.1130(2)(A).
- 10) Recreational vehicles places on sites within Zones V1-V30, V and VE shall:
  - (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 systems and attached to the site only by quick disconnect type utilities and security devices, and have to permanently attached additions; or
  - (C) Meet the requirements of Section 5.1170(1)-(8).

## Section 5.1180. Non-Coastal High Hazard Areas

- 1) All development in non-coastal high hazard areas (A zones) for which specific provisions are not specified in this ordinance or building codes, shall:
- 2) Be located and constructed to minimize flood damage;
- 3) Be designed so as not to impede flow of flood waters under base flood conditions;
- 4) If located in a floodway, meet the limitations of Section 5.1150 of this ordinance;
- 5) Be anchored to prevent flotation or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

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- 6) Be constructed of flood damage-resistant materials; and
- 7) Have electric service and or mechanical equipment elevated above the base flood elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements.

## **Section 5.1190. Specific Standards for Areas of Shallow Flooding (AO and AH Zone)**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- 1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- 2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - (B) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 5.1130(2)(E).
- 3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- 4) Recreational vehicles placed on sites within AO zones on the community's FIRM either:
  - (A) Be on the site for fewer than 180 consecutive days, and
  - (B) Be fully licensed and ready for high use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (C) Meet the requirements of Section 5.1170(1)-(8).

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## **Section 5.1200. Requirement to Submit New Technical Data**

- 1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision (CLOMR) from FEMA, or whose development modifies floodplain boundaries, modifies base flood elevations, or alters a watercourse, shall obtain from FEMA a Letter of Map Revision (LOMR) 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 (CLOMR) or Letter of Map Revision (LOMR) 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) Clatsop County shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.

## **SECTION 5.2000. TSUNAMI INUNDATION ZONE**

### **Section 5.2010. Review Required**

Pursuant to OAR 632-05-050 Tsunami Inundation Zone, persons proposing new construction of or the conversion to essential facilities, hazardous facilities, major structures, or special occupancy structures are required to contact the Oregon Department of Geology and Mineral Industries (DOGAMI) at the earliest reasonable date for a consultation regarding the requirements of ORS 455.446 and 455.447 that pertain to their proposed facility or structure. As used in this section, "essential facility" means hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, 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, emergency vehicle shelters and garages, structures and equipment in emergency-preparedness centers, standby power generating equipment for essential facilities, and structures and equipment in government communication centers and other facilities required for emergency response. As used in this section, "hazardous facility" means structures housing supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released. As used in this section, "special occupancy structure" means covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons, buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers, buildings for colleges or adult education schools with a capacity greater than 500 persons, medical facilities with 50 or more resident, incapacitated patients not included in facilities mentioned above, jails and detention facilities, and all structures and occupancies with a capacity greater than 5,000 persons.

**Section 1100 FLOOD HAZARD OVERLAY FH**

1101 Purpose: It is the purpose of this ordinance 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:

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

1102 Definitions:

- .1 "AREA OF SPECIAL FLOOD OVERLAY" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- .2 "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- .3 "BASE FLOOD ELEVATION (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
- .4 "BASEMENT" means the portion of a structure with its floor sub grade (below ground level) on all sides. *[Add. Ordinance 2010-6, eff. 11.26.10.]*
- .5 "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 4 feet at any point. *[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .6 "BUILDING 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. *[Add. Ordinance 2010-6, eff. 11.26.10.]*
- .7 "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 located within the area of special flood hazard. *[Amd by Ordinance No. 2008 - 3, eff. July 9, 2008.]*
- .8 "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, and/or
  - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- .9 "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .10 "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- .11 "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- .12 "HISTORIC STRUCTURE" means a structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of 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:
  - i. By an approved state program as determined by the Secretary of the Interior, or;
  - ii. Directly by the Secretary of the Interior in states without approved programs.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .13 "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used 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 Building Code. [ modified for clarity 2010] *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - .14 "MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
  - .15 "NEW CONSTRUCTION" means structures for which the "start of construction" commenced after August 23, 1977 and includes subsequent substantial improvements to the structure. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - .16 "PRIMARY ZONE" means the underlying zone upon which the Flood Hazard Overlay Zone is superimposed.
  - .17 "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.
- [Add. Ordinance 2010-6, eff. 11.26.10.]*
- .18 "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a structure on a site, such as the pouring of slab or footings, the



installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*

- .19 **"STRUCTURE"** means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- .20 **"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 50 percent of its market value before the damage occurred. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- .21 **"SUBSTANTIAL IMPROVEMENT"** means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:
- (a) The appraised real market value of the structure prior to the start of the initial repair or improvement, or
  - (b) In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:
    - i. 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
    - ii. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .22 **"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.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

1103      Application:

- .1 This zone shall apply to all areas of special flood hazards within the jurisdiction of Columbia County.

1104      Basis for Special Flood Hazard Areas

- .1 The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Columbia County, Oregon and Incorporated areas", dated November 26, 2010, with accompanying Flood Insurance maps is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at the Columbia County Department of Land Development Services office, County Courthouse, St. Helens, Oregon. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*

1105      Development Permit

- .1 A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1104. The permit shall be for all structures allowed by the underlying zone, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions". The following exceptions apply for the storage of equipment or materials:
  - A. any temporary storage within any zoning district, and
  - B. permanent storage connected with residential use located out of the floodway.

*[Amd Ordinance 2008 - 3, eff 07.09.08.]*

1106      Administration

- .1 The Land Development Services Administrator, or his designee, is appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- .2 Duties of the Administrator shall include, but not be limited to, reviewing all development permits to determine:
  - A. That the permit requirements of this ordinance have been satisfied.
  - B. That all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
  - C. If the proposed development is located in the floodway, assure that the encroachment provisions of Section 1110) are met.
- .3 When base flood elevation data has not been provided in accordance with Section 1104, Basis for Special Flood Hazard Areas, the Administrator shall

obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 1109 Specific Standards, and 1110 Floodways.

Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 1106.3, the Administrator will obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

- .4 For all new or substantially improved floodproofed structures, the Administrator will:
  - A. Verify and record the actual elevation (in relation to mean sea level), and
  - B. Maintain the floodproofing certifications required in Section 1109.2.A(3).
- .5 The Administrator will maintain for public inspection all records pertaining to the provisions of this ordinance.
- .6 For alteration of water courses the Administrator shall:
  - A. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### 1107 Interpretation, Appeals and Variances

- .1 The Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- .2 The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).
- .3 Variances to the standards of flood hazard areas shall be administered according to Section 1504 of this Ordinance and shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

[Amd. Ordinance 2010-6, eff. 11.26.10.]

1108      General Standards

.1      Anchoring

- A.      All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas").

.2      Construction Materials and Methods

- A.      All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B.      All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

.3      Utilities

- A.      All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the administrative rules of the Oregon Department of Environmental Quality.  
*[Amd. Ordinance 2010-6, eff. 11.26.10.]*

.4      Subdivision Proposals:

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

- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- D. 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).

.5 Building Permit Review

- A. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 1106.3), Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes uses of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

1109 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 1104 or 1106.3, the following provisions are required:

.1 Residential Construction

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

.2 Nonresidential Construction

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) be floodproofed 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 practice 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 official as set forth in Section 1106.5.
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 1109.1.B.
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

*[Amd Ordinance 2008 - 3, eff 07.0908].*

### .3 Manufactured Homes

- A. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 1108.1.B.

### .4 Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- (i) Be on the site for fewer than 180 consecutive days
- (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (iii) Meet the requirements of 3(A) above and the elevation and anchoring requirements for manufactured homes.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

1110 Floodways

- .1 Located within areas of special flood hazard established in Section 1104 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - B. If Section 1110.1A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 1108 through 1111.

1111 Standards for Shallow Flooding Areas (AO Zones)

- .1 Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
  - A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated or floodproofed to at least one foot above the depth number specified on the FIRM, or at least 3 feet above highest adjacent grade when no depth number is specified. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
    - (1) have the lowest floor (including basement) elevated 2 feet above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
    - (2) together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 1109.2.A(3).  
*[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - C. Require adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.



1112      Standards for Areas Where Elevations are Determined (AE Zones)

In areas within Zones A1-30 and AE on the community 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 and anticipated development, will not increase the water elevation of the base flood more than one foot at any point within the community.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

1101 Purpose: It is the purpose of this ordinance 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:

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

1102 Methods of Reducing Flood Losses: In order to accomplish its purposes, this ordinance includes methods and provisions for:

- .1 Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- .2 Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the

time of initial construction;

- .3 Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- .4 Controlling filling, grading, dredging, and other development which may increase flood damage;
- .5 Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

1103 Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

- .1 "APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.
- .2 "AREA OF SHALLOW FLOODING" means a designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- .3 "AREA OF SPECIAL FLOOD OVERLAY" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- .4 "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- .5 "BASE FLOOD EVELATION" means the elevation to which floodwater is anticipated to rise during the base flood.
- .6 "BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

- .7     "BELOW-GRADE CRAWL SPACE" 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 4 feet at any point.
- .8     "BREAKAWAY WALL" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- .9     "BUILDING" See "Structure".
- .10    "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- .11    "DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- .12    "ELEVATED BUILDING" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.
- .13    "FLOOD OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1)    The overflow of inland or tidal waters, and/or
  - (2)    The unusual and rapid accumulation of runoff of surface waters from any source.
  - (3)    Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces

of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- .14 "FLOOD ELEVATION STUDY" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- .15 "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .16 "FLOOD INSURANCE STUDY (FIS)" See "Flood Elevation Study"
- .17 "FLOODPLAIN OR FLOOD PRONE AREA" means any land area susceptible to being inundated by water from any source. See "flood or flooding."
- .18 "FLOODPLAIN ADMINISTRATOR" means the community official designated by title to administer and enforce the floodplain management regulations.
- .19 "FLOODPLAIN MANAGEMENT" means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
- .20 "FLOODPLAIN MANAGEMENT REGULATIONS" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, stormwater and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- .21 "FLOOD PROOFING" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

- .22 "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."
- .23 "FUNCTIONALLY DEPENDENT USE" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.
- .24 "HAZARDOUS MATERIAL" means the Oregon Department of Environmental Quality defines hazardous materials to include any of the following:
- (1) Hazardous waste as defined in ORS 466.005;
  - (2) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
  - (3) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
  - (4) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
  - (5) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
  - (6) Material regulated as a Chemical Agent under ORS 465.550;

- (7) Material used as a weapon of mass destruction, or biological weapon;
  - (8) Pesticide residue;
  - (9) Dry cleaning solvent as defined by ORS 465.200(9).
- .25 “HIGHEST ADJACENT GRADE” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- .26 “HISTORIC STRUCTURE” means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior or
    - b. Directly by the Secretary of the Interior in states without approved programs.
- .27 “LETTER OF MAP CHANGE” means an official FEMA determination, by letter, to amend or revise effective Flood

Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (1) “Conditional Letter of Map Amendment (CLOMA)”: A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (2) “Conditional Letter of Map Revisions (CLOMR)”: A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (3) “Conditional Letter of Map Revision based on Fill (CLOMR-F)”: A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- (4) “Letter of Map Amendment (LOMA)”: An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- (5) “Letter of Map Revision (LOMR)”: A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially



revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

(6) “Letter of Map Revision base on Fille (LOMR-F)”: A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

(7) “PMR”: A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective baes flood elevations, or the special flood hazard area.

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

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

.30 “MANUFACTURED DWELLING PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

.31 “MEAN SEA LEVEL” means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

- .32 "NEW CONSTRUCTION" for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by Columbia County and includes any subsequent improvements to such structures.
- .33 "RECREATIONAL VEHICLE" means a vehicle which is:
- (1) Build on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- .34 "REGULATORY FLOODWAY" See "Floodway".
- .35 "SHEET FLOW AREA" See "Area of shallow flooding".
- .36 "START OF CONSTRUCTION" Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of

construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- .37 "STRUCTURE" for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured dwelling.
- .38 "SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- .39 "SUBSTANTIAL IMPROVEMENT" means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- .40 "VARIANCE" means a grant of relief by Columbia County from the terms of a flood plain management regulation.
- .41 "VIOLATION" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- .42 "WATER DEPENDENT" means a structure for commerce or

industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

- .43 “WATER SURFACE ELEVATION” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

1104 GENERAL PROVISIONS:

- .1 Lands to which this ordinance applies: This zone shall apply to all areas of special flood hazards within the jurisdiction of Columbia County.
- .2 Basis for Establishing the Special Flood Hazard Areas
- A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Columbia County, Oregon and Incorporated Areas, dated November 26, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Columbia County, Department of Land Development Services, 230 Strand Street, St. Helens, OR 97051, located in the Columbia County Courthouse Annex building.
- .3 Coordination with State of Oregon Specialty Codes
- A. Pursuant to the requirement established in ORS 455 that Columbia County administers and enforces the State of Oregon Specialty Codes, Columbia County does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
- .4 Compliance and Penalties for Noncompliance:
- A. Compliance: All development within special flood hazard areas is subject to the terms of this ordinance and required

to comply with its provisions and all other applicable regulations.

- B. Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor infraction subject to the penalties and citations found in the Columbia County Enforcement Ordinance with authority from Oregon Revised Statutes 153.005 to 153.064. Nothing contained herein shall prevent Columbia County from taking such other lawful action as is necessary to prevent or remedy any violation.

.5 Abrogation and Severability:

- A. Abrogation: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- B. Severability: This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

.6 Interpretation: In the interpretation and application of this ordinance, 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.

.7 Warning and Disclaimer of Liability

- A. Warning: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability: This ordinance shall not create liability on the part of Columbia County, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

1105 ADMINISTRATION:

- .1 Designation of the Floodplain Administrator: The Columbia County Land Development Services Director, and their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- .2 Duties and Responsibilities of the Floodplain Administrator: Duties of the floodplain administrator, or their designee, shall include, but not be limited to:
  - A. Permit Review
    - 1. The permit requirements of this ordinance have been satisfied;
    - 2. All other required local, state, and federal permits have been obtained and approved.
    - 3. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 1106.2(D) are met; and

4. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 1106.1(G); and
  5. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a floodplain development permit.
  6. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 1103.
  7. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 1106.1(A).
  8. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.
- B. Information to be Obtained and Maintained: The following information shall be obtained and maintained and shall be made available for public inspection as needed:
1. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 1106.1(G).
  2. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 1106.2(D) and 1105.2(A)(2) are adhered

to.

3. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
4. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
5. Maintain all Elevation Certificates (EC) submitted to Columbia County;
6. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 1106.1(G).
7. Maintain all floodproofing certificates required under this ordinance;
8. Record and maintain all variance actions, including justification for their issuance;
9. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 1106.2(D).
10. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 1105.2(D).
11. Maintain for public inspection all records pertaining to the provisions of this ordinance.



C. Requirement to Notify Other Entities and Submit New Technical Data

1. Community Boundary Alterations: The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
2. Watercourse Alterations: adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
  - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
  - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
  - iii. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 1105.2(C)(3). Ensure compliance with all applicable

requirements in sections 1105.2(C)(3) and 1106.1(A).

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

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

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

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

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application,

until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

- D. Substantial Improvement and Substantial Damage Assessments and Determinations: Conduct Substantial Improvement (SI) (as defined in section 1103) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 1105.2(B). Conduct Substantial Damage (SD) (as defined in section 1103) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 1104.2) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

.3 Establishment of Development Permit:

- A. Floodplain Development Permit Required: A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 1104.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 1103, including fill and other development activities.
- B. Application for Development Permit: Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:
1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section

1105.2(B).

2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 1106.2(C)(3).
4. Description of the extent to which any watercourse will be altered or relocated.
5. Base Flood Elevation data for subdivision proposals or other development when required per sections 1105.2(A) and 1106.1(F).
6. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
7. The amount and location of any fill or excavation activities proposed.

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

A. Conditions for Variances:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 1105.3(A)(3) and (5), and 1105.3(B). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
2. Variances shall only be issued upon a determination

that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 1105.3(A)(2) – (4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Variance Notification:

1. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 1105.2(B).

1106 PROVISIONS FOR FLOOD HAZARD REDUCTION:

- .1 General Standards: In all special flood hazard areas, the following standards shall be adhered to:
  - A. Alteration of Watercourses: Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 1105.2(C)(2) and 1105.2(C)(3).
  - B. Anchoring:
    1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    2. All manufactured dwellings shall be anchored per section 1106.2(C)(4).
  - C. Construction Materials and Methods:
    1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - D. Utilities and Equipment:
    1. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems:
      - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- 2. Electrical, Mechanical, Plumbing, and Other Equipment: Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at minimum 1-foot above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:
  - i. If replaced as part of a substantial improvement shall meet all the requirements of this section.
  - ii. Not be mounted on or penetrate through breakaway walls.

E. Tanks:

- 1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- 2. Above-ground tanks shall be installed at minimum 1-foot above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.
- 3. When elevated on platforms, the platforms shall be

cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

F. Subdivision and Partition Proposals and Other Proposed Developments:

1. All new subdivision and partition proposals and other proposed new developments (including proposals for manufactured dwelling parks and planned unit developments), greater than 5 acres in size shall include within such proposals, Base Flood Elevation data.
2. All new subdivision and partition proposals and other proposed new developments (including proposals for manufactured dwelling parks and planned unit developments), shall:
  - i. Be consistent with the need to minimize flood damage.
  - ii. When possible, be designed to provide a building pad area on each lot or parcel that is outside of the SFHA.
  - iii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
  - iv. Have adequate drainage provided to reduce exposure to flood hazards.

G. Use of Other Base Flood Data: When Base Flood Elevation data has not been provided in accordance with section 1104.2 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 1106. All new subdivision and partition proposals and other proposed new developments (including proposals for manufactured dwelling parks and planned unit developments) must meet the requirements of section 1106.1(F).



Flood Elevations shall be determined for development proposals that are in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. Historical floods of record in Columbia County occurred in 1894, 1933, 1948, 1956, 1964, 1972, 1974, 1987, 1996, 2007, 2011, and 2017.

Structures in unnumbered A zones shall be elevated at minimum 1-foot above the historical high water mark or at least two feet above highest adjacent grade, whichever is higher.

- H. Structures Located in Multiple or Partial Flood Zones: In coordination with the State Oregon Specialty Codes:
  - 1. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
  - 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- I. Critical Facilities: Construction of new critical facilities including but not limited to schools, hospitals, and fire stations, shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure toxic substances will not be displaced by or released into floodwaters. Reference Critical Facility definition in Section 1103.

- .2 Specific Standards for Riverine (Including All Non-Coastal) Flood Zones ( A1-A30, AH, and AE): These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 1106.1 of this ordinance.
- A. Flood Openings: All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
  1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
  2. Be used solely for parking, storage, or building access;
  3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
    - i. A minimum of two openings;
    - ii. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
    - iii. The bottom of all openings shall be no higher than one foot above grade.
    - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
    - v. All additional higher standards for flood openings in the State of Oregon Residential

Specialty Codes Section R322.2.2 shall be complied with when applicable.

B. Garages:

1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
  - i. If located within a floodway the proposed garage must comply with the requirements of section 1106.2(D).
  - ii. The floors are at or above grade on not less than one side;
  - iii. The garage is used solely for parking, building access, and/or storage;
  - iv. The garage is constructed with flood openings in compliance with section 1106.2(A) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
  - vi. The garage is constructed in compliance with the standards in section 1106.1; and
  - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 1106.2(C)(6) or non-residential structures in section 1106.2(C)(3) depending on the square footage of the garage.

- C. For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations: In addition to the general standards listed in section 1106.1 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.
1. Before Regulatory Floodway: In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  2. Residential Construction:
    - i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at minimum 1-foot above the Base Flood Elevation (BFE);
    - ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 1106.2(A).
  3. Non-Residential Construction:
    - i. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
      - a. Have the lowest floor, including basement elevated at minimum 1-foot above the Base Flood Elevation (BFE);  
Or,
      - b. Together with attendant utility and

- sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - d. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 1105.2(B).
- ii. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 1106.2(A).
  - iii. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).
  - iv. Applicants floodproofing non-residential buildings shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all

associated hardware, and any materials or specialized tools necessary to seal the structure.

- v. Applicants floodproofing non-residential buildings shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

4. Manufactured Dwellings:

- i. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 1106.2(1);
- ii. The bottom of the longitudinal chassis frame beam shall be at minimum 1-foot above Base Flood Elevation(BFE);
- iii. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- iv. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

5. Recreational Vehicles: Recreational vehicles placed on sites are required to:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the

- site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - iii. Meet the requirements of section 1106.2(C)(4), including the anchoring and elevation requirements for manufactured dwellings.
6. Appurtenant (Accessory) Structures: Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:
- i. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 1106.2(D).
  - ii. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
  - iii. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
  - iv. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
  - v. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of

the base flood.

- vi. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 1106.2(A);
- vii. Appurtenant structures shall be located and constructed to have low damage potential;
- viii. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 1106.1(E).
- ix. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

7. Below-Grade Crawl Spaces:

- i. 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 flood openings stated in Section 1106.2(A). Because of hydrodynamic loads, crawlspace construction is 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.
- ii. 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.
- iii. 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.
  - iv. 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.
  - v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
  - vi. 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.
  - vii. 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.

- viii. The velocity of floodwaters at the site shall 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.

D. Floodways: Located within the special flood hazard areas established in section 1104.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

Federal Regulations, section 65.12 are fulfilled.

- iii. If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria:
  - a. Is for the purpose of fish enhancement,
  - b. Does not involve the placement of any structures (as defined in section 2.0) within the floodway,
  - c. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
  - d. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,
  - e. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
  - f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

Then an approved CLOMR may not be required prior to approval of a floodplain permit

- 2. If the requirements of section 1106.2(D)(1) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 1106.

- E. Standards for Shallow Flooding Areas: Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to

three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow.

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

1. Standards for AH Zones: Development within AH Zones must comply with the standards in sections 1106.1, 1106.2, and 1106.2(E)(1).
2. Standards for AO Zones: In AO zones, the following provisions apply in addition to the requirements in sections 1106.1 and 1106.2(E)(1):
  - i. New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated at minimum 1-foot above the highest grade adjacent to the building, or at minimum 1-foot above the Base Flood Elevation depth number specified on the Flood Insurance Rate Maps (FIRM), whichever is higher, or at least three (3) feet above highest adjacent grade if no depth number is specified. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
  - ii. New construction and substantial improvements of non-residential structures within AO zones shall either:
    - a. Have the lowest floor (including basement) elevated at minimum 1-foot above the highest grade adjacent to the building, or at minimum 1-foot above the Base Flood Elevation depth number specified on the Flood Insurance Rate Maps (FIRM), whichever is higher, or at least two (2) feet above highest adjacent

- grade if no depth number is specified; or
  - b. Together with attendant utility and sanitary facilities, be completely floodproofed to at minimum 1-foot above the highest grade adjacent to the building or at minimum 1-foot above the Base Flood Elevation depth number specified on the Flood Insurance Rate Maps (FIRM), whichever is higher, or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 1106.2(C)(3)(i)(d).
- iii. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
- a. Be on the site for fewer than 180 consecutive days, and
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the elevation requirements of section 1106.2(E)(2)(i), and the anchoring and other requirements for manufactured dwellings of section 1106.2(C)(4).

- iv. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 1106.2(C)(6).
- v. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 1106.2(C)(6).

## Chapter 17.77 SHORT-TERM RENTALS

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### 17.77.010 Purpose.

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The purpose of this chapter is to protect the character of the city's residential neighborhoods by limiting and regulating the short-term rental of dwelling units. The city permits three categories of short-term rentals. The three categories are: lifetime unlimited permits, five-year unlimited permits and fourteen-day permits. (Ord. 19-5 § 1; Ord. 17-5 § 1)

### 17.77.020 Definitions.

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"Five-year unlimited permit" allows the property owner to rent the property any and all days of the year. This permit expires and cannot be renewed at the end of five years.

The five-year period begins on the date that the permit is issued.

"Fourteen-day permit" allows the property owner to rent the property to one tenancy group once in a fourteen-day period of time.

"Lifetime unlimited permit" allows the property owner to rent the property any and all days of the year. Upon the sale or transfer (see definition in this section), the lifetime unlimited permit is void.

"Persons," for the purposes of this chapter, means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his or her property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a rental permit. If the owner is a business entity such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a rental permit.

"Professional management", for purposes of this chapter, means management of a short-term rental unit by a licensed property management company holding a Cannon Beach business license, engaged primarily in the business of managing rental property, and with a physical office in Cannon Beach or within the distances specified in Section 17.77.080(A).

"Sale or transfer," for purposes of this chapter, means any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. A permit holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the short-term rental permit held, in all or part, by the transferor shall be void. (Ord. 19-5 § 1; Ord. 17-5 § 1)

### 17.77.030 General provisions.

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A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit in the RVL, RL, R1, R2, R3, MP and RAM zones for short-term rental occupancy except:

1. A dwelling for which there is a short-term rental permit (either a lifetime unlimited permit, a five-year unlimited permit or a fourteen-day permit) issued to the owner of that dwelling by the city; or
2. A dwelling which has been approved by the city for use as a bed and breakfast establishment.

B. No person shall be issued a new short-term rental permit who holds another short-term rental permit. All types of rental permits are issued to a specific owner of a specific dwelling unit. The rental permit shall be void when the permit

holder sells or transfers the real property, as defined in this chapter, which was rented pursuant to the short-term rental permit.

C. Solid Waste Collection. Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental pursuant to this chapter.

D. Permit Posting. The rental permit shall be posted within the dwelling adjacent to the front door. In addition, a tsunami evacuation route map shall also be posted in the rental dwelling. (Ord. 19-5 § 1; Ord. 17-5 § 1)

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#### **17.77.040 Taxes.**

The rental of a dwelling for short-term rental occupancy shall be subject to compliance with the requirements of Municipal Code, Chapter 3.12, Transient Room Tax. (Ord. 19-5 § 1; Ord. 17-5 § 1)

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#### **17.77.050 Lifetime unlimited and five-year unlimited permits.**

A. It is the city's intention to allow lifetime unlimited permits and five-year unlimited permits to remain in force until revoked or terminated pursuant to this chapter. When a lifetime unlimited permit is revoked or terminated pursuant to this chapter, it will not be replaced. When a five-year unlimited permit is revoked or terminated pursuant to this chapter, it will not be replaced.

B. The maximum period of time that a person may hold an unlimited five-year rental permit is five consecutive years. At the end of the five-year period such permit will expire and may not be renewed. (Ord. 19-5 § 1; Ord. 17-5 § 1)

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#### **17.77.060 Fourteen-day permit occupancy requirements.**

A. The fourteen-day permit issued by the city authorizes the owner to rent the dwelling once, one individual tenancy, within fourteen consecutive calendar days.

B. An individual tenancy shall commence on the first day that the person(s) that constitute the individual tenancy occupy or are entitled to occupy the dwelling unit.

C. For the purposes of this subsection, an individual tenancy means a specific person or group of persons who together occupy or are entitled to occupy a rental with a fourteen-day permit.

D. Occupancy of the rental unit by the individual tenancy for the entire fourteen-day period is not required. However, no additional occupancy, with the exception of the property owner, shall occur within the minimum fourteen-day occupancy period that begins on the first day of an individual tenancy.

E. A fourteen-day rental permit is issued to a specific owner of a dwelling unit. When the permit holder sells or transfers the real property, the original fourteen-day permit is revoked and the new owner may apply for a new fourteen-day rental permit.

F. A person who holds a lifetime unlimited or five-year unlimited permit shall not be permitted to hold a fourteen-day permit.

G. A fourteen-day permit application may be submitted to the city at any time and, if approved, the fourteen-day permit shall last for one year from the date of issuance. (Ord. 19-5 § 1; Ord. 17-5 § 1)

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#### **17.77.070 Inspection.**

A. At the time of application for any new short-term rental permit pursuant to this chapter, the dwelling unit shall be subject to inspection by the building official or designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the Oregon State Building Code. Prior to the issuance of a rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official.

B. A dwelling with a short-term rental permit pursuant to this chapter shall be subject to inspection at any time with proper notice to the owner. The owner of the dwelling unit shall make any and all necessary alterations to the dwelling required by the building official. A failure to complete the alterations within the specified time period may result in the revocation of the permit. (Ord. 19-5 § 1; Ord. 17-5 § 1)



#### **17.77.080 Local representative.**

A. The property owner shall designate a local representative who permanently resides within the Cannon Beach urban growth boundary or a licensed property management company with a physically staffed office within ten vehicular miles of the Cannon Beach urban growth boundary. The owner may be the designated representative where the owner permanently resides within the Cannon Beach urban growth boundary. Where the owner does not reside within the Cannon Beach urban growth boundary, the owner shall designate either a resident within the Cannon Beach urban growth boundary, or a licensed property management company within ten vehicular miles of the Cannon Beach urban growth boundary as his or her representative.

B. The property owner or the designated local representative shall maintain a guest register for all tenancies of the rental. The register shall include the names, home addresses and phone numbers of the tenants; and the dates of the rental period. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation, and is grounds for a penalty pursuant to this chapter.

C. The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for rental purposes. The local representative must respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the standards for rental occupancy, as well as other pertinent city ordinance requirements pertaining to noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol, or the use of illegal drugs. The failure of the local representative to respond to complaints, or the failure of the local representative to respond to queries from city staff, is a violation of this chapter and is subject to the penalties listed in this chapter to include revocation of the short-term rental permit.

D. If the police department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to this chapter and the permit is subject to suspension and possible revocation.

E. If the designated local representative is replaced, the permit holder must file a revised permit local representative certification form that includes the name, address and telephone number of the new local representative. The owner must submit this form to the city within thirty days of the replacement. Failure to do so is considered a violation of this chapter and the permit is subject to suspension or revocation.

F. The city will post the name, address and telephone number of the owner or the local representative on the city website. The purpose of posting this information is so that adjacent property owners and residents can contact the responsible person to report and request the resolution of problems associated with the operation of the rental. (Ord. 19-5 § 1; Ord. 17-5 § 1)

#### **17.77.090 Occupancy and parking.**

A. Off-street parking is required as specified below. Occupancy is limited by the number of bedrooms, and by the number of available off-street parking spaces as specified in the following table.

Bedrooms (a)	Maximum occupancy (b) (c)	Minimum off-street parking (d)
1	6	2
2	6	2
3	8	3
4	10	4
5	12	4

Notes:

(a) A bedroom consists of a room that meets the definitional requirements of the State of Oregon Building Code.

(b) Occupancy includes only those persons 2 years of age and older.

(c) In no event shall the occupancy of a dwelling exceed 12 persons, unless a short-term rental permit issued prior to January 1, 2005 established an occupancy of more than 12 persons.

(d) Each off-street parking space must be located entirely on the property, and must be at least 9 feet wide by 18 feet long, and must be accessible from a driveway or public street.

(Ord. 19-5 § 1; Ord. 17-5 § 1)

### **17.77.100 Violations and penalties.**

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A. The following conduct shall constitute a violation for which the penalties specified below may be imposed. Note that each day of a violation is considered a separate violation for the purposes of the sanctions below.

1. The owner has failed to comply with any of the standards listed in this chapter; or
2. The owner has failed to pay the transient room tax and/or file a transient room tax return as required by Municipal Code, Chapter 3.12.

B. Penalties. For violations of this chapter, the following penalties will be imposed:

1. For the first violation within a twenty-four-month period, the penalty shall be a warning notice.
2. For the second violation within a twenty-four-month period, the penalty shall be a suspension of the permit for thirty days.
3. For the third violation within a twenty-four-month period, the penalty shall be a suspension of the permit for ninety days.
4. For the fourth violation within a twenty-four-month period, the penalty shall be a revocation of the permit.

C. Notice. The city shall notify the permit holder and local representative in writing of any penalties imposed under this chapter.

1. The city may seek injunction or other equitable relief in court to enjoin any violation of this chapter and may recover the costs of such actions. The city may seek such criminal or civil penalties as are authorized by Oregon law. Each day of violation may be considered a separate violation. Each violation may result in a fine of up to five hundred dollars.

2. After the revocation of a permit, or after the enforcement taken under Section 17.92.020 of the general provisions of Section 17.77.030 for renting without a license, where a penalty is awarded under the provisions of Section 17.94.010, the owner(s) will be prohibited from participation in the short-term rental program for two years from the time of the revocation or penalty. (Ord. 19-5 § 1; Ord. 17-5 § 1)

### **17.77.110 Appeal.**

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A. The permit holder may appeal the penalty to the city council by filing a letter of appeal with the city manager within ten days after the date of the mailing of the order. The city council shall conduct a hearing on the appeal within sixty days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision to suspend or revoke the permit based on the evidence it received.

B. A person who has a rental permit revoked shall not be permitted to apply for short-term rental permits until a period of two years has passed from the date of revocation.

C. A person renting a property without a valid rental permit shall be in violation of the Cannon Beach Municipal Code and shall be subject to a fine of up to five hundred dollars for each day the dwelling has been rented without a permit. (Ord. 19-5 § 1; Ord. 17-5 § 1)

### **17.77.120 Professional management**

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Self-managed short-term rental permit holders with two or more violations within a twenty-four month period may defer the penalties in Section 17.77.100 by placing their short-term rental unit under professional management as defined in Section 17.77.020 for a minimum period of two years. If additional violations accrue during the period of professional management, the penalties in Section 17.77.100 are applicable, including deferred penalties. (Ord. 19-5 § 1)

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View the [mobile version](#).

<b>Short Term Rentals</b>	<b>Initial License</b>	<b>Annual Fee</b>	<b>Initial Inspection Fee</b>	<b>Re-inspection Fee</b>	<b>Notes</b>
<b>Cannon Beach</b>	275	75	106		
<b>Astoria</b>	500/2yr	150/2 year	300		Allow independent inspections
<b>Bend</b>	275	200			
<b>Gearhart</b>	600	600	125	50	Only accepting applications from R3 zone and condos; some condos have their own rental pool, not licensed through the city
<b>Manzanita</b>	250	250	75	75	Reinspection required every 5 years, proposed for every 3 years
<b>Newport</b>	300	230	80		
<b>Seaside (5 or less occupancy)</b>	450	450			\$20 Initial processing fee; \$430 Initial Planning Review Fee
<b>Seaside (6-10 occupancy)</b>	500	500			Planning Review Fee goes to \$670 if it goes to the PC, when near
<b>Seaside (11-12 occupancy)</b>	550	550			other STRs; Inspection and reinspection fees are included in Fees;
<b>Sisters</b>	100	100			

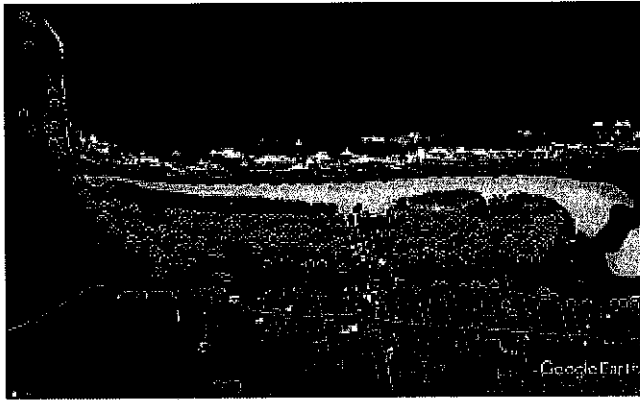


CITY OF  
**SEASIDE**  
OREGON

Published on Seaside, OR (<https://www.cityofseaside.us>)

[Home](#) > [Government](#) > [Departments](#) > [Planning Department](#) > Vacation Rental Application and Information

## Vacation Rental Application and Information



The City of Seaside requires all owners of Vacation Rental Dwellings (VRDs) to go through a land use application process to use their homes as a short term rental (rentals less than 30 days). Not all homes in Seaside will qualify to be used as a VRD. The policies set by the Seaside Planning Commission, the Seaside City Council, and the Seaside Zoning Ordinance determine the eligibility requirements for properties within the City of Seaside boundary.

### **Download the VRD Application**

#### **Download the Vacation Rental Condo Application**

#### **VRD Supported Areas**

VRDs are not supported in certain areas of the city. A map of the areas where VRDs are currently allowed can be found [here](#).

#### **Spatial Distribution**

Currently the City of Seaside does not have a cap on the number of VRDs allowed in the city. The current policies set certain density requirements for spatial distribution depending on the zone where the applicant property is located. More information on VRD spatial distribution can be found [here](#).

#### **Accessory Use**

The VRD conditional use permit is issued by the Planning Commission or the Planning Director as an accessory use for the property. The primary use should be the applicant's personal residence,

second home, or other primary residential uses. The current policy of the Planning Commission is to only support the approval of one VRD conditional use permit per owner or ownership.

## **Site Inspections**

VRDs should be in substantial compliance with building codes. All new VRD conditional use permits require annual compliance inspections. More information on VRD site inspections can be found [here](#).

## **Parking Requirements**

All VRDs are required to meet the minimum off-street parking requirements set by the Seaside Zoning Ordinance. A minimum of two off-street parking spaces are required plus one additional off-street parking space for each bedroom over two bedrooms. More information on VRD parking requirements can be found [here](#).

## **Occupancy**

The occupancy for a VRD is calculated by multiplying the number of bedrooms by 3. Additional criteria could factor in during the review of an application that could further restrict the occupancy of a VRD. More information on VRD Occupancy can be found [here](#).

## **Required Postings**

All VRDs are required to have [Vacation Rental Good Neighbor Guidelines](#) or [Vacation Rental Condo Good Neighbor Guidelines](#), a [Tsunami Evacuation Map](#), and a Parking Map posted inside the dwelling in a conspicuous place. Additional postings for a [Fire Pit](#) and a [Hot Tub](#) will also be required if those amenities are offered by the VRD owner or property manager.

**Source URL:** <https://www.cityofseaside.us/planning-department/pages/vacation-rental-application-and-information>



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Published on *Seaside, OR* (<https://www.cityofseaside.us>)

[Home](#) > VRD Parking Requirements

## VRD Parking Requirements



All VRDs are required to meet off-street parking requirements set by the City of Seaside Zoning Ordinance and policies of the Seaside Planning Commission. Each VRD is required to have a minimum of two parking spaces plus one additional space for each bedroom over two bedrooms. **On-street parking by VRD guests is not allowed.**

Each parking space must be at least 9'x18'. Parking spaces inside of a garage are allowed so long as the VRD's garage does not have items inside that would prohibit its use. A parking map is required to be posted inside of the VRD, in a conspicuous place, and should clearly show guests where the required off-street parking spaces are located.

If a VRD has fewer parking spaces than bedrooms, the VRD's occupancy will be adjusted based on the availability of off-street parking. In no case shall fewer than two off-street parking spaces be allowed.

In the event guests arrive with more vehicles than the available off-street parking spaces can accommodate, the guests must make other arrangements for their additional vehicles. **On-street parking is not allowed at any VRD.**

The Seaside Visitors Bureau has limited overnight parking available for extra vehicles and unoccupied RVs or travel trailers. The parking spaces are available by permit only and are free of charge. Guests may obtain a parking permit at the Visitors Bureau located at 7 N Roosevelt (Hwy 101) Seaside, OR.

**Source URL:** <https://www.cityofseaside.us/planning-department/pages/vrd-parking-requirements>





# Vacation Rental Good Neighbor Guidelines



**Welcome to the BEACH!** Thank you for choosing Seaside as your vacation destination. The beach house you are staying in is available as a vacation rental by virtue of a permit issued by the City of Seaside. This permit could be placed in jeopardy if the surrounding neighborhood is impacted by your stay. We kindly ask that you please limit your impact on your neighbors and other visitors by following basic principles of common decency and respect.

**Here are a few simple guidelines for your stay in Seaside:**

## ***PARKING, PARKING, AND MORE PARKING...***



Please utilize the off-street parking spaces provided in the driveway, parking area, or garage of this vacation rental. The posted parking map will show you where to park your vehicles. In many areas of Seaside, parking is limited. Guests are asked to only park in the designated parking area at this vacation rental in order to keep the limited on-street parking available for residents and other visitors to use.

## ***WHAT'S WITH ALL THE NOISE...***



Please refrain from creating excessive noise at any time. Although the City's noise ordinance regulates loud, disturbing, and unnecessary noise; visitors should always consider how their actions are impacting the neighboring property owners, residents, and guests. If your vacation rental is equipped with a fire pit or hot tub, please remember your voice carries much farther at night.

## ***BE A GREAT NEIGHBOR....***



Please be considerate of the people that live in this neighborhood and around this vacation rental. Treat your neighbors the way you would like to be treated if you lived next door. Renting a vacation home in Seaside is a privilege and we kindly ask that you refrain from disrupting the local residents or other visitors in the surrounding homes.

## ***WOOF, WOOF, MEEOWWW....***



If your vacation rental allows pets, please bring them to enjoy the beach, boardwalk, and our community. Please be a good pet owner and limit your animal's impact on the surrounding neighborhood. Please keep your pet on a leash and prevent them from trespassing on neighboring properties. Please clean up after your pets and dispose of their waste in the proper trash receptacles. Please keep your dogs from being disruptive and excessively barking.

## ***DON'T LOSE YOUR \$\$\$....***



Please remember the property owner or property manager may levy additional fees for bending these guidelines or other rules specific to this vacation rental. Please be respectful of the owners of this home. Be sure to read your rental agreement and be familiar with the owner's and property manager's requirements for staying in their beach house.

**Thank you for being respectful of the surrounding neighbors, visitors, and to our community. We really hope you enjoy your stay in Seaside and at this beach house. For things to do, a calendar of events, tide tables, the history of Seaside, and so much more, please visit**

**[www.seasideor.com](http://www.seasideor.com)**

**Enjoy your time at the beach and we hope to see you in Seaside again soon!**

Seaside Police/Fire Emergency:  
911

Seaside Police/Fire Non-Emergency:  
503-738-6311

Seaside Visitors Bureau:  
503-738-3097



# City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

## Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT	ADDRESS	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
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### PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

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(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS	ADDRESS
PHONE / EMAIL	PHONE AND EMAIL
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

**FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE**

### CHECK TYPE OF PERMIT REQUESTED:

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S)	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

**CITY OF SEASIDE  
VACATION RENTAL DWELLING (VRD) APPLICATION**

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

In addressing the following questions, additional information and supporting evidence can be referenced and attached to the submittal.

**SUBMITTAL INFORMATION**

- 1. Applicant's Name:** \_\_\_\_\_
- 2. Mailing Address:** \_\_\_\_\_
- 3. Telephone #:** Home \_\_\_\_\_, Work \_\_\_\_\_,  
Fax \_\_\_\_\_, E-Mail \_\_\_\_\_
- 4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.**
- 5. VRD Street Address:** \_\_\_\_\_
- 6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use?** \_\_\_\_\_. *The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.*
- 7. How many bedrooms are in the dwelling?** \_\_\_\_\_. **Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed?** \_\_\_\_\_. **Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD** \_\_\_\_\_. *The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.*
- 8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas?** \_\_\_\_\_. *The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.*
- 9. Who will be acting as the local responsible party for the VRD owner?**  
**Name:** \_\_\_\_\_ **Phone #** \_\_\_\_\_  
**Address:** \_\_\_\_\_. *The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding*

the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

**10. What is the zone designation of subject property?** \_\_\_\_\_. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

**11. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and off street parking spaces (existing & proposed). In addition to the site plan, a floor plan(s) must be included which clearly indicates the intended use of all interior areas (e.g. bedrooms, kitchen, living room, storage etc.).**

**12. The following is a list of standard conditions that apply to VRDs:**

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

**Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request?** \_\_\_\_\_.

**By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.**

**Applicant's Signature:** \_\_\_\_\_, **Date:** \_\_\_\_\_.

-----**For Office Use Only**-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants \$550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

## From Zoning Ordinance 6 in the CODE OF ORDINANCES OF THE CITY OF SEASIDE

### Section 6.137 VACATION RENTAL DWELLING (VRD)

1. **Purpose.** The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing Vacation Rental Dwellings, a permit shall be issued as an accessory use in accordance with the administrative conditional use provisions provided the applicant can demonstrate by written application that all of the following standards are met:
  - A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
  - B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
  - C. **Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
  - D. **Local responsible party.** A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
  - E. **Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review.

Failure to meet this standard will require a public hearing and review by the Planning Commission under the provisions of Subsection 5.
3. **Notice and Administrative Decision.** Upon submittal of a complete application, notice of the request shall be mailed to all property owners within 100 feet in accordance with Section 10.031 (2). The notice and final decision by the Planning Director must comply with the provisions in Section 10.032 through Section 10.035 of the Ordinance.
4. **Appeals.** Within fifteen (15) days of the administrative decision, the decision may be appealed in accordance with the provisions in Section 10.037 and 10.040 of the Ordinance
5. **Planning Commission review.** The Planning Commission will review VRD's which do not conform with the provisions of Subsection 2.E., in accordance with the conditional use procedures in Section 6.030 through 6.050 of the Ordinance. The applicant must address the following criteria in addition to the standards in Subsection 2.A-D of this Section. A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

- A. The use of the property as a VRD will be compatible with the surrounding land uses.
- B. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

**6. Approval conditions.** All approval must include the following conditions:

- A. Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- B. Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- C. It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- D. Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with this Section.
- E. A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- F. Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application

**7. Prior Approvals.** Vacation rental dwellings approved under prior standards shall comply with the provisions of Section 6.137; 2B. 2D., & 6A. within one year of the amendments in this Section.

*(Amending Ordinance No, 2000-09, adopted 11-27-2000)*

**8. Complaints.** Any complaint procedures concerning violations of the VRD Provisions are in addition to the "Remedies" specified in Article 12 of the Zoning Ordinance.

# **VACATION RENTAL DWELLING**

## **GOOD NEIGHBOR RULES**

This home is available for short term rental by virtue of a permit which may be revoked if renters violate parking, occupancy, and general noise limitations. Because these rentals are permitted within residential neighborhoods, all renters should minimize their potential impacts on the neighboring properties by following rules of common decency and respect for your neighbors. These would include but they are not limited to:

- No excessive noise at any time. Although the City's noise ordinance regulates loud, disturbing, and unnecessary noise; renters should always consider how their actions are impacting the neighboring property owners.
- Only utilize the off-street parking that is provided for the rental. In many areas, on-street parking is very limited and utilizing this parking can have a negative impact on the surrounding residents.
- In general, be considerate of the residents that live around the rental dwelling you are staying in. Treat your neighbors the way you would like to be treated if you lived next door. Keep in mind that an agreement to rent a dwelling in Seaside is a privilege and it is not an authorization to annoy, disturb, or disrupt the local residents.
- Pet owners should prevent their animals from causing a disturbance due to excessive barking, trespassing onto neighboring property, or running at large. They must also abide by the leash requirements in Code of Seaside Section 92.03.



**BASIC CHECKLIST (2020)**  
**VACATION RENTAL DWELLING OR TRANSIENT RENTAL CONDOMINIUM**  
**(Additional Requirements May Apply)**

**Address** \_\_\_\_\_

**Owner** \_\_\_\_\_ **Phone#** \_\_\_\_\_

**Local Contact** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**OCCUPANT LOAD PROPOSED FOR THIS BUILDING:** \_\_\_\_\_ **# OF BEDROOMS:** \_\_\_\_\_

Note: The Zoning Ordinance sets a maximum occupancy based on three persons (over the age of three) per bedroom but it may be further limited based on the number of available off-street parking spaces. Irrespective of the number of bedrooms, occupancy of no more than 10 people (regardless of age) can be authorized unless the building is protected by an approved sprinkler system.

**1. GENERAL REQUIREMENTS**

- A. The **address** must be visible from the street.
- B. A **NOAA Weather Radio** with public alert must be accompanied by an informational sheet that summarizes the warning capabilities of the radio. Radios can be purchased from the city.
- C. 50% of all required **yards must be landscaped** so that they are not dominated by parking.
- D. The off-street required **parking spaces must be paved** or provided with an approved surface as permitted by the Planning Director.
- E. **Exterior lighting** fixtures must be shielded in a manner to prevent glare from being visible from the surrounding properties when having bulbs exceeding 450 lumens (equivalent to a 40 watt incandescent light bulb).

**2. WEATHER PROTECTION**

- A. No broken windows or damaged doors and in condition to provide a weather resistive barrier.
- B. Doors must be weather-stripped, have working locks, and openable from the inside without a key or special knowledge.
- C. **Roof and exterior wall coverings** must be in good shape. There must be no excessive chipped or peeling paint.
- D. All dwelling units shall be **mold** free.

**3. MECHANICAL/ELECTRICAL**

- A. **Chimneys** serving wood fireplaces and stoves shall be lined and have the proper clearances to combustibles (interior chimneys 2-inches & exterior chimneys 1-inch). Chimneys must be cleaned each year. If a fireplace does not have a chimney in compliance with code, it must be **secured or signed "not for use"** in addition to installing decorative feature, such as a plant, to deter the use. The fireplace can also be converted for use of a gas appliance when it is installed under a permit and according to its listing.
- B. An openable window or an approved mechanical **venting system is required in bathrooms** and kitchens.
- C. **Electrical Panels** shall be accessible to the tenants and be provided with 36 inches clearance in front of the panel.

**4. SANITATION & HEATING**

- A. Provide two **garbage cans** with lids, and suitable storage. Weekly garbage service is required.
- B. An approved heating source for all habitable spaces shall be provided.

## 5. SAFETY

- A. **Smoke alarms** are required in all sleeping areas, the hallway serving them, and every floor.
- B. **Carbon Monoxide Alarms** – shall be located in each bedroom or within 15 ft of each bedroom door. Bedrooms on separate floor levels in a structure shall have separate carbon monoxide alarms serving each story.
- C. Basements and all sleeping rooms shall be provided with an approved **egress opening** (windows must be made accessible if sills are more than 44" above the floor & protected less than 24"), directly to the outdoors, large enough for escape from a fire as determined by the Building Official (current code min. 5.7 sq. ft., except grade or below 5 sq. ft.). Exception: Basements used only to house mechanical equipment not exceeding 200 sq. ft.
- D. All stairs, decks, and balconies over 30" above grade, shall have a **guardrail**, 36" in height, with intermediate rails spaced so a 4 inch sphere cannot pass through.
- E. All stairs with four or more risers shall have a **handrail**, not less than 34", or more than 38" high. The gripping surface shall comply with R311.7.7 of the State Dwelling Code. Handrail ends shall be returned against a wall or post. Stairs are required to have a clearance at a plane above the nose to any vertical overhead finish of approximately 6 feet 8 inches.
- F. A **fire extinguisher** having a minimum rating of **2:A 10:BC** must be mounted 3-4 ft. above the floor in the kitchen area approximately 5 – 10 ft. from the cooking stove.
- G. **Steps** are a min. of 4" & max of 8" (R311.7.5.5). The greatest **stair riser height & tread** in any flight shall not exceed the smallest by more than **3/8"** (R311.7.5.1).
- H. **Means of Egress** are governed by code section R311 & covers **doors, floors, & landings**.
- I. **Tempered Glass** or security film (min. 4mm) protection is required for windows within 2' of egress doors & <60" from floor, along interior stairs, and fall zones from bathtubs & showers (within 60" & <60" from floor).
- J. **Hot Tubs and Saunas** must have locking lids and doors

## 6. PARKING REQUIREMENTS

- A. A minimum of two off-street **parking spaces** (each space, 9'X18') shall be available, plus one additional for each bedroom over two or occupancy will be further limited. Tenants are required to park in the spaces provided on-site & **prohibited from using on-street parking**.
- B. Required off street parking must be **paved** (asphalt, concrete, or alternative surface approved by the Planning Director).

## 7. POSTINGS REQUIRED

- A. **Good neighbor rules** and maximum number or occupants must be posted inside the front door.
- B. A **parking map** must be posted in the rental unit that identifies the on-site parking spaces & include a statement noting **"ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE."**
- C. The owner shall post or otherwise provide a **tsunami evacuation map** in a conspicuous location within the rental unit that also indicates **"You Are Here"**.
- D. The **business license** noting the maximum occupants (over age of 3).
- E. **Hot Tub and Fire Place rules** must have posted hours of use and safety instructions.

**Please note that this is just a basic checklist, additional requirements may apply. An inspection must be scheduled at the Community Development Department. A reinspection is required if any corrections are noted. There can be additional notification and administrative action needed to complete the approval process.**

## **EXAMPLE CONDITIONS ROUTINELY APPLIED TO VACATION RENTAL DWELLINGS**

Each conditional use permit request for a vacation rental dwelling is a unique; however, at a minimum, any approval would be subject to conditions that are similar to the following:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(20-000VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

**Please be advised the VRD has undergone a preliminary compliance inspection. Any corrections must be completed and verified prior to any transient rental unless an alternative time period for completion is identified for specific items.**

2. **Parking spaces: Two (2) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. **The map must clearly indicate:**

**ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.**

**☒ Off-Street Parking Area & Access:** The off-street parking area is currently graveled, so it does not conform to the surfacing requirements in the ordinance. The access & off-street parking area must be paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within 1 year from the date of this decision, while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

3. **Maximum number of occupants: Six (6) persons over the age of three (no more than 10 regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.

**☒ If the availability of the of the third bedroom in the house results in a reoccurrence of occupancy violations, the Planning Director will require the additional bedrooms to be locked off for the private use by the owners so they will not be available to the transient renters.**

4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas;
6. **Local Contact:** **Rental Management Inc., 111 N Roosevelt, Seaside OR; is identified as the local contact for the VRD and they can be reached at (503) 440-0000.** The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

**☒ The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.**

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40 watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

Although Airbnb pays the transient room tax directly to the city, owners/applicants that utilize their service are still required to report the Airbnb revenue on their quarterly returns.

13. **Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
14. **Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
15. **Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.  
**☒ The VRD will be subject to an annual compliance inspection when the City hires a Compliance Officer whose job will be to perform regular inspections of VRDs. The owners will be notified when the annual inspections are required.**
16. **Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates **"You Are Here"**. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
17. **Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked

by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant's expense based on the review fee applicable to the request at the time of review.

**20. Spa/Hot Tub Restriction: If a spa or hot tub is installed, use of the outdoor spa/hot tub will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be NO EXCESSIVE NOISE AT ANY TIME and renters should be considerate of the residents that live around the rental dwelling they are staying at.**

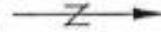
**If these hours prove to be insufficient to protect the neighboring property owner's from unwanted noise, they will be further restricted by staff. The additional restriction can include prohibiting use of the spa/hot tub entirely by VRD tenants.**

The aforementioned conditions include the standards applicable to vacation rental dwellings (VRDs) identified in the Seaside Zoning Ordinance and they include specific conditions that are intended to reduce potential impacts to the adjacent properties.

Adherence to these conditions is a matter of compliance with the Seaside Zoning Ordinance. Violations can be subject to the penalties identified in Article 12 of the Ordinance.

STREET NAME

SCALE=3/32in



AREA

Lot size 5000 sq. ft.  
Footprint residential 1540 sq. ft.  
garage 280  
Lot coverage 1820 or 36.4%

- Plot plan should include:
1. Scale and north arrow
  2. All structures on property (including decks & porches)
  3. Setbacks from ALL property lines and structures
  4. Access point
  5. Off-street parking area
  6. Lot dimensions
  7. Lot coverage

NOTE:  
A minimum of 5 feet must be maintained between building. Two parking spaces per dwelling unit for one and two family dwellings. A parking space must be a minimum of nine feet in width and 18 feet in length.

