



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, September 23, 2019 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of September 9, 2019.

[Draft PC Work Session 09-09-19](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of September 9, 2019.

[Draft PC Reg Session 09-09-19](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

4.A Appoint Greg Sutton as Planning Commission Advisory Committee Member.

5. PUBLIC HEARINGS

5.A File No. 4-Z-16, Amendments to NMC 14.20, Flood Hazard Area.

[Staff Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

[Attachment G](#)

[Attachment H](#)

[Attachment I](#)

5.B File 4-Z-19: Amendments to NMC Chapter 14.16, Accessory Uses and Structures.

[Staff Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
September 9, 2019
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Bill Branigan, Gary East, Jim Hanselman, and Mike Franklin.

PC Citizens Advisory Committee Members Present: Dustin Capri

Public Members Present: Madeline Shannon

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.** None were heard.
3. **New Business.**
- A. **Review Draft Amendments to NMC Chapter 14.20, Flood Hazard Areas.** Tokos reviewed the changes that were required for the NMC Chapter 14.20. He noted that the City didn't have a lot of play in the amendments and any changes would need to be run by FEMA first. Berman asked if there was anything serious brought up in the FEMA audit. Tokos said the City did well overall and the audit was pretty routine, but there was some enforcement that the City needed to follow up with.

Berman asked if there had been an effort to get people who received FEMA payouts to not build in the same spot. Tokos said the regulations were set up that if the new buildings were designed to the standards they would not get damaged. A discussion ensued regarding disaster mitigation and how funds are distributed.

Tokos reviewed the "Definitions" section next and noted he removed the definitions that weren't referenced anywhere else in the code other than in the definition section. "Critical Facilities" was being handled by the State and was taken out. Franklin asked if they were using the study from 1929 for the "Mean Sea Level" or were they using LIDAR. Tokos explained that for the purpose of gathering data this was a way of measuring and was why they were calling it out. Berman noted that "Recreational Vehicles" definition is 400 square feet or less, but a 45 foot 5th wheel with pushouts would be over 400 square feet. He asked how this type of RV applied. Tokos would look into this. He thought this was in the statutory regulations and was how they defined what was measured. Tokos explained FEMA was trying to match up with Federal standards. He reminded that tiny homes did not fall under RVs. Capri thought that NAVD 88 replaced MGB 129 and asked if it was the old code. Tokos would look into it.

Tokos noted that the "Administration" section had been altered quite a bit by adding more detail on what the City would be looking at and record retention. Tokos explained that the latest maps were LIDAR maps. Tokos reviewed the "Substantial Improvement" changes pointing out that this was about making sure the City saved their work and showed how the work was performed.

Tokos reviewed the "Provisions for Flood Hazard Reduction" next. Patrick questioned why it was better to require over the top tie downs. Tokos thought it was just another layer of reinforcement to keep buildings from dislodging from the foundation. Tokos noted that under "Construction Materials" there were some guidelines and technical views on construction materials that were more resistant. FEMA didn't require it in

the code and why it was left out. After a discussion on tie downs, it was determined that alternate methods for anchoring needed to be looked at.

Patrick asked how above ground septic systems were considered in regards to tanks. Tokos said there wasn't much in the way of this for Newport but this gave the City standards.

Tokos noted that standards for RVs had been added. A discussion ensued regarding RVs and how they are treated in mobile home parks. Tokos reviewed Floodways and how developers would have to compensate for the amount of water that was raised when fill was added when developing in the floodways. Tokos noted that there were standards put in place for shallow flood areas, even though there were none at that time in Newport.

Tokos explained that FEMA didn't expect a report every time a single pile was replaced on the bay. They would require it if the whole dock was being replaced in the Port. Tokos reported that a notice was sent out that day to everyone who owned property in the floodplain to notify them of the public hearing. Tokos said the City was on a timeframe and had to have the changes adopted in November.

Adjourned at 6:44 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
September 9, 2019

Planning Commissioners Present: Gary East, Lee Hardy, Bob Berman, Mike Franklin, Jim Hanselman, Bill Branigan, and Jim Patrick.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners East, Hardy, Berman, Franklin, Hanselman, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of August 26, 2019.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission work and regular session meeting minutes of August 26, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Appointment of a New Planning Commission Representative for the Vision 2040 Advisory Committee.**

MOTION was made by Commissioner Franklin, seconded by Commissioner Berman to appoint Commissioner Gary East as the new Planning Commission representative for the Vision 2040 Advisory Committee. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Franklin and Hardy reported a drive by for both location. Hanselman reported a site visit. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 1-AX-19 / 3-Z-19.**

Tokos gave his staff report. Berman asked for more information on the zoning for residential in industrial. Tokos said the existing Comprehensive Plan called for the entire corridor to be light industrial. The applicant chose I-1 zoning because it best met their needs. It didn't preclude a mobile home park from continuing but meant it would be a nonconforming use in that zone. Franklin asked if the park could replace mobile homes with that zoning designation. Tokos said they would be able to replace units in the existing park without review. If they added to the number of homes they would need a review.

Hanselman asked if the wetlands on this property were protected or if the rules would change. Tokos said it didn't affect this at all because the City hadn't adopted any Goal 5 protections for light industrial zoning and the Department of State Lands would be reviewing it.

Proponents: Adam Springer addressed the Commission stating he represented the applicant. He noted that the property was currently nonconforming in the county. He said since the property was going from a septic system to a sewer hookup it would be better for the wetlands. Branigan asked if their plan was to continue as a mobile home park if they were annexed. Springer confirmed they would because they would be on the City sewer system. Hardy asked if the sewer system would have to be reconfigured if the use of a mobile home park was to be discontinued and the use was converted it to light industrial. Springer said the sewer system already came through the property through an easement and it was configured currently to handle 14 mobile homes.

Opponents: none were heard.

Hearing closed at 7:14 p.m.

Branigan wasn't opposed to the request and recommended it go forward to the City Council. Hanselman thought it fit with the overall plan for the City and was pleased it would continue as housing. Franklin thought it was exactly what the City hoped to see when a County property needed to connect to city services. Berman agreed and didn't have a problem with approving. Hardy didn't have a problem with the request. East supported the request. Patrick supported the request and said it was nice to see residential units being added to the City.

MOTION was made by Commissioner Branigan, seconded by Commissioner Franklin to approve File No. 1-AX-19 / 3-Z-19 and forward a favorable recommendation to the City Council to designate an I-1 light industrial zoning; remove the property from the Newport Rural Fire Protection District, the Seal Rock Water District; and the Lincoln County Library District, and an include the staff recommendation for conducting a proper survey. The motion carried in a unanimous voice vote.

B. File 1-CP-19.

Tokos reviewed his staff report noting the printed copies of the public comments by Wendy Engler and Chris Torp that were provided to the Commission. Hardy asked if there had been any discussions concerning enforcement mechanics. Tokos reported there had been and was always on the radar. There was an expectation that enforcement would be scaled to whatever program the City chose to use for managing parking.

Public Testimony:

Terry Obteshka addressed the Commission. As a concerned citizen of Newport, he didn't think parking meters were good for Newport and asked why the city would jeopardizing economic success. Obteshka gave examples on how he thought parking meters will alter tourists visiting Newport. He felt meters in Nye Beach would create a new issue with parking enforcement and congestion. Obteshka reminded that Newport would be the only beach community with parking meters.

Eileen Obteshka addressed the Commission. She felt meters were the opposite of what Newport wanted. Obteshka felt there needed to be more signage, which would direct people to use underutilized parking lots such as the Hurbert Street lot. She felt metering was a death sentence for the Nye Beach community. Local residents shouldn't be charged more than what they were already being charged.

Gary Lahmen addressed the Commission. He asked the Commission to include electric vehicle usage in the recommendation.

Chris Torp addressed the Commission. He was a former member of the Advisory Committee (AC) and was there to answer any questions. Patrick asked why he thought there wasn't parking on Bay Blvd and Hatfield Drive. Torp said it was because it wasn't stripped, but noted the city was using it as stripped inventory.

Jeanne Bailey-Moe addressed the Commission and said she was a business owner in the Nye Beach area. She had 34 signatures from business owners who were against meters in Nye Beach. Bailey-Moe wanted to see parking enforced and noted that the three hour parking hadn't been enforced in Nye Beach. She thought meters would send tourists to Depoe Bay to shop and eat. Hanselman asked how many times she drove out of a town because they had meters. She said she wouldn't shop in a town with meters and would choose to park in another areas without meters.

Jay Feuerbacher addressed the Commission. He had five properties on Coast Street. He explained that when the Nye Beach Hotel was allowed to use City streets as part of their parking, it took away most of the parking for his houses near the hotel. Feuerbacher was opposed to meters in front of his homes in Nye Beach. He noted how often he wasn't able to park by his home with his accessible sticker which made it difficult to get to his home. Feuerbacher wanted something fair implemented for parking in the area and didn't think meters would make a difference with people parking for long periods of time. He didn't think he should pay for parking in front of his home.

Rolland Woodcock addressed the Commission. He agreed with what people were saying and felt the issue of people looking for parking was worse. Woodcock liked the idea of a trolley to pick people up from the PAC parking lot because it was underutilized. He noted that when he lived in Portland they implemented meters and didn't change people coming to the city. He felt some people wouldn't care about meters and there were others would. There should be provisions for people for whom the cost for meters was a factor in their budget. He felt they needed to figure out how to provide parking outside of Nye Beach that would get visitors into Nye Beach. He asked the Commission to consider all the different people who visited Newport.

Lisa Hall addressed the Commission and said she owned a business on the Bayfront. She explained how she wouldn't go to downtown Corvallis because of their meters and wouldn't pay extra money for parking to shop at Nye Beach. Hall thought there was a problem at the Bayfront. She asked people coming into her business if they would visit the Bayfront if there were meters. Most said no. Hall didn't feel parking meters were the answer.

Greg Morrow addressed the Commission and said he owned property on the Bayfront and another property at Nye Beach that had its own parking lot. He asked how the Parking District money was used, how parking licensing funds were used, and how meter funds were used. Morrow said managing his own parking lot was hard but having parking was good for his business. He wasn't for meters because he had his own parking lot and that meant people would come to his business. Morrow suggested diagonal parking to help with parking because a lot of people didn't know how to parallel park. Berman asked for his thoughts on metering for the Bayfront. Morrow said he had no solution with the Bayfront. He noted that he wasn't opposed to putting a parking structure on his property. Morrow didn't see anything positive with metering but felt something should be done. He liked the idea of a trolley system.

Carol Pike addressed the Commission. She had a business on the Bayfront and noted that a lot of employees used the parking on the Bayfront. Pike like the idea of a trolley and said her issue was if people were limited on the time they spent on the Bayfront it would make them spend less money there.

Jeanne Bailey-Moe addressed the Commission again and thought signage would help with Nye Beach.

Robert Hayes addressed the Commission and said he owned two properties on the Bayfront. He was scared of parking meters. He liked the idea of a trolley and felt all the business owners would pitch in for this. At one point there was a fund used in Nye Beach that business owners contributed to. Hayes reminded that the waterfront was a working waterfront and was something that brought people there. Money from meters

would only go to managing the meters and replacing them. They would drive people off the waterfront and kill businesses there.

Janet Webster addressed the Commission. She had businesses on the Bayfront and lived there. Webster was on the AC and she wanted to clarify that the AC voted to send the report to the Commission without a consensus on the report. She said there needed to be additional outreach and some broader thinking on what the AC couldn't address. There were three different distinct districts that needed three different plans. Webster reminded that the AC didn't propose meters in Nye Beach. She also noted that restaurants and the fish plants on the Bayfront had a large number of staff parking there. The AC looked into a Trolley and the issue was with funding. The AC felt this could be a solution, especially for staff parking. Webster said it would be a big cost but it didn't mean the City shouldn't look into it. She felt there needed to be incentives to use permits. Parking was now a year round issue for the Bayfront instead of just seasonal.

Woodcock addressed the Commission again and asked if ongoing overhead costs were more for meters or a trolley system. Tokos said he could speak on this after public testimony was completed.

Dan Stackada addressed the Commission and agreed with the trolley system. It would be something that people would want to come to Newport to do for a small fee.

Fran Matthews addressed the Commission and said she has been a business owner for many years on the Bayfront. The fisheries and tourists overlapped on the Bayfront and there was a way to look at working together. The City tried a trolley before and the challenge was that it took too long to do the circle. Staff were spending 45 minutes on the trolley to get to work. Matthews suggested putting together a shuttle system from the Hurbert Street parking lot to the Bayfront. She would be willing to subsidize this for employee use and thought other businesses would contribute. Matthews asked if the report said anything about value of parking space. Tokos said there was nothing calculated in the report for this but that it was large. Matthews thought diagonal parking signage would be advantageous. She thought if businesses knew the parking value of each space, people would look at the parking different by seeing that they are losing money by taking up the parking. Matthews wasn't opposed to parking meters and having them be seasonal.

Dylan McEntee addressed the Commission and said he had a businesses on the Bayfront. Employee parking on the Bayfront was a problem. The City has said that parking enforcement didn't mark tires and there were people who abused this. McEntee wasn't 100 percent for meters but didn't think they would be a problem for 60 percent of the year. He felt they should work with Officer Garbarino to find solutions. He didn't think the fisheries should be able to use any parking spot they wanted to.

Greg Morrow addressed the Commission again and said he thought a trolley would alleviate some of the pressure on parking.

Matthews addressed the Commission again and said they had demonstrated that group transportation was good businesses. It would be forward thinking for the city to progressively look into to group transportation.

Hayes addressed the Commission again and said the Sea Food and Wine Festival people work for tips. If there was a trolley system for tips, it could be operate on tips.

Chris Torp said the City had a trolley system from the hotels to different areas before. He thought a shuttle system could work. Hood River was doing this and got a grant for \$50,000 for 8 weeks to run a shuttle. He said Lincoln County Transit was figuring it would cost around \$200,000 a year to do a transit loop. Van pools were another discussion the AC had. Business owners and fish plants said they would support shuttles. There needed to be a lot more work done before it could be a part of the Comprehensive Plan.

Woodcock said if it was a requirement that the Trolley system as a 15 minute loop, design the system to a 15 minutes.

Tokos addressed some of the public member's questions. He said that the parking approach for Nye Beach was altered by the AC and framed in the document to conduct outreach with Nye Beach to see if metering or a non-metering was preferable. The recommendation for the Bayfront was to do a hybrid permit/metering. Tokos noted that employee behavior was key. The metering would be done with kiosks and with the thought to change behavior. A tourist loop had been discussed. A 15 minute loop was included in the report. The capital costs, maintenance, and cost of someone to run this was around \$200,000 for the concept in the report. Tokos discussed the maintenance needs for current parking. Metering would be an upfront of \$430,000 and it would be paid off in 2-3 years. Then there would be revenue to pay for different things. The fees for the parking district was used for sidewalk work and other smaller projects for sidewalks and stripping. The Harbor sidewalk project and City Center surface lot resurfacing was partially funded by parking district funds. Tokos explained that anything that would be implemented would be seasonal. There was recognition that the Bayfront was a working waterfront and was unique to the Oregon coast. Tokos explained that the license through the AC's work said that solutions from the outcome of the report weren't going to be a deterrent to people visiting the Bayfront.

Hearing closed at 8:50 p.m.

East thought there were big problems that needed to be dealt with. He felt a lot of the public comments presented had been touched on in the report. East would make a recommendation to move forward with the process of implementing the report, along with the comments made at the meeting.

Hardy said there hadn't been any definite finite answers arrived at the meeting. She felt having a standing committee address this formally and carefully with the eye to the financial impact and the efficacy that they tried to do in terms of enforcement will be valuable and important going forward.

Berman thought the matter was complex and there wasn't any easy answers. After listening to the testimony, it became apparent to him that metering wasn't a viable alternative. He couldn't forward a favorable recommendation to the City Council as long as it included a key element of metering.

Franklin thought that in light of the testimony he felt that the Comprehensive Plan needed some things such as staff parking taken care of first. He thought they needed to fully explore properties the city owned for parking in areas such as the Skate Park area and the corner next to Don and Ann Davis Park. Franklin liked the trolley idea and thought a 15 minute loop needed to be explored more. He thought it could be privately run and needed to be pitched to local cab companies. Franklin was nervous of meters and the testimony at the meeting made him think they shouldn't push a recommendation to the City Council.

Hanselman appreciated the public comment. He thought the study didn't look at the people who were turning away from the Bayfront because there was no parking. Hanselman thought that the City needed to work with employers to keep their staff from parking on the Bayfront, find a way to monetize parking spaces, and look at how much meters would cut into additional business they might gain. He felt parking was a big problem and didn't think meters were the worst thing, but also didn't think they were the solution.

Branigan said he served on the Advisory Committee (AC) and the process had dragged on for many years. He said the members of the AC did a great job because trying to solve parking issues was an impossible job. They looked at trolleys and building a parking structure on the Bayfront. He felt staff parking and the fish plants were a major problem. Branigan acknowledged that people came to Newport for the Bayfront and the fishing experience. This meant there would be trucks on the Bayfront and there wasn't a lot to be done about because they needed to park when the fleets came in. Meters didn't bother Branigan because they would be used to try to change behavior. If they could persuade a lot of the employees to park elsewhere it would help. Branigan felt they needed to create a permanent committee and have them take a look at trolleys. He reminded that the AC's discussions had been that meters wouldn't be operable 24 hours a day. There also wouldn't be meters, they would be kiosks. Branigan recommended moving forward with the plan as laid out along with forwarding the public comments to the City Council.

Patrick said he read the textbook for public parking. The main point of it was that for every block face there should be one open parking spot. Metering would stop the congestion and should be the goal. Patrick wasn't fond of metering but felt as long as metering wasn't treated as revenue, and not treated as a way to manage parking spots, they would be successful. He noted that a surface parking lot cost \$20,000 to \$40,000 a spot, a parking structure was around \$100,000 a spot, and a trolley could cost anywhere from \$100,00 to \$200,000. He reminded that everything needed a funding source and without a funding source they couldn't do anything. There was a current shortfall and the money needed to come from either the businesses, tourists, or locals, and was something to think about. Patrick's takeaway was that the City Center didn't care, and Nye Beach didn't want meters but needed more studies and buy in. He had no problem recommending this to the City Council. The Bayfront needed some combination with meters and permits. They needed to start trying things, and see if they could manage the conditions. He reminded that there were no fishermen or fish plant representatives at the meeting saying they were against it, so there was some buy in on the Bayfront.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to amend NMC Chapter 2 to add Section 2.05.085 establishing a Parking Advisory Committee. The motion carried in a voice vote. Franklin was a nay.

MOTION was made by Commissioner Branigan, seconded by Commissioner East to forward a favorable recommendation for the Public Parking Facilities Element of the Newport Comprehensive Plan to the City Council as submitted, with the caveat that the Nye Beach area be studied in more depth before any distinct plans were made as to how it was effected; the Bayfront would go forward with the plan as is; and there would be a continued review by the Parking Advisory Committee on a frequent basis with actions made as they go along.

Franklin said he was mainly against the City's direction of forcing parking meters in all areas as a goal and looking at them as a source of revenue. He felt they needed to look into other options first because metering was too big of a jump. Branigan said the AC had been looking at it for three years already and he thought it needed to go forward and not relitigate it again. Hanselman said that Branigan's motion left it open ended with the Nye Beach area and said he could support it if there was a timeframe for them to look at it. He felt they couldn't just keep rehashing it. Branigan agreed. He reported that based on the outreach meetings on metering he went to, Nye Beach wanted to see the results of utilizing meters on the Bayfront before they would buy into them. He suggested giving a timeframe of within one year after the installation on the Bayfront for review. Hanselman thought that was an attempt to put a timeline and felt it was important. Berman agreed there was a need to go forward but there were ideas given to the Commission at the meeting that weren't addressed in the report such as shuttles, adjustments to time limits, and better enforcement. He thought the new standing committee could look at these things but felt that if these items weren't mentioned as goals or implementation measures, they wouldn't be addressed. Berman wanted to see the goals and implementations measures reworked without meters and include some of the other suggestions the Commission heard at the meeting. Hanselman asked if Berman thought this was something they should do. Berman said yes, and he wanted to see it done before they forwarded a positive recommendation to the City Council.

Patrick didn't think a year was enough time to review and reminded that everything needed a funding source. He thought they needed to give metering a try. Patrick didn't think meters would be a funding source but would possibly pay for enforcement. Franklin asked what would happen if meters were a drain on funding. Patrick said they would pulled them out. He felt the new standing committee needed to watch over them to make sure they were doing what they were supposed to do without becoming a funding source. Hardy noted that she was in favor with establishing a new committee but not with the meters because there wasn't enough information yet.

MOTION was made by Commissioner Branigan, seconded by Commissioner East to forward a favorable recommendation for the Public Parking Facilities Element of the Newport Comprehensive Plan to the City Council as submitted, with the caveat that the Nye Beach area be formally studied in more depth before any

distinct plans were made as to how it was effected within a year of the implementation of parking meters on the Bayfront; the Bayfront would go forward with the plan as is; and there would be a continued review by the Parking Advisory Committee on a frequent basis with actions made as they go along. Commissioners Branigan, Patrick, and East were a yes. Commissioners Hardy, Berman, Franklin, and Hanselman were a nay. Motion failed.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin, that the soon to be new Parking Advisory Committee, established by the approved ordinance, revise the goals and policies of the Public Facilities Element of the Comprehensive Plan related to public parking, in conformance with the opinions expressed at this evening; deemphasize or eliminate parking meters; and bring revisions back to the Planning Commission for consideration. The motion carried in a voice vote. Branigan and Patrick were a nay.

Patrick didn't think the Commission could give the problem back to the standing committee and then direct them to come back with something that didn't include meters. He didn't think this process was right. Hardy asked Berman if what he was saying was that he wanted the standing committee to be formed but not to have the decisions predisposed for them. Berman confirmed it was.

6. New Business.

A. City Council Appointment of Gary East as a Planning Commission Member.

Tokos acknowledged that the City Council appointed Gary East as a new Planning Commission Member.

B. C-2 Zoning Restriction on Residential Development on the Ground Floor.

Tokos reviewed his staff report. Richard Engelmann addressed the Commission. He explained they wanted to build on a lot and was told they couldn't do it because the bottom floor needed to be commercial in a C-2 zone. Engelmann felt it was a good question for the Commission to look into. Patrick thought the discussion should be sent to a work session. He felt it wouldn't hurt to take another look at it and think long term with it.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to hold a work session meeting to further discuss the C-2 Zoning restriction on residential development on the ground floor. The motion carried unanimously in a voice vote.

7. Unfinished Business. None were heard.

8. Director Comments. None were heard.

9. Adjournment. Having no further business, the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

PLANNING STAFF MEMORANDUM
FILE No. 4-Z-16

- I. **Applicant:** Initiated by motion of the Newport Planning Commission on May 13, 2019.
- II. **Request:** Amends Newport Municipal Code Chapter 14.20, Flood Hazard Area, to comply with the Oregon State Model Flood Ordinance, updated August 5, 2019, and adopts the Federal Emergency Management Agency's Flood Insurance Study (FIS) and Flood Insurance Rate (FIRM) Maps for the City of Newport, effective October 18, 2019.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Municipal Code are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
- Attachment "A" – Draft amendments to NMC Chapter 14.20, Flood Hazard Area, dated 9/19/19
Attachment "B" – FEMA CAV code audit with cover email, dated 9/2/19
Attachment "C" – FEMA Appeal Resolution Letter, dated 9/24/18
Attachment "D" – FEMA letter transmitting revised FIRM and FIS documents, dated 9/28/18
Attachment "E" – FEMA letters advising that the FIRM and FIS documents are final and effective 10/18/19 and steps the City must take to adopt them (various dates)
Attachment "F" – Email from Robert Glenn, dated 9/16/19
Attachment "G" – Minutes from the 5/13/19 Planning Commission regular session
Attachment "H" – Notice of the 5/4/17 Open House
Attachment "I" – Notice of the 9/23/19 Planning Commission public hearing
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendments on August 8, 2019. Notice of the Planning Commission hearing was mailed to affected property owners on September 6, 2019 and published in the Newport News-Times on September 13, 2019 (Attachment "I").
- VI. **Comments:** One comment was received in response to the notice, an email from Robert Glenn, dated September 16, 2019 (Attachment "F").
- VII. **Discussion of Request:** At the end of 2016, the Federal Emergency Management Agency (FEMA) issued an updated set of FIRM maps used to establish whether or not a property is likely to be impacted by a 100-year flood event. This was followed by a public open house, on May 18, 2017, at which representatives from FEMA were in attendance to explain the methodology behind the changes, and the steps that would need to be followed before they became official. The City provided notice to land owners potentially impacted by the changes, encouraging them to attend the open house (Attachment "H"). A total of 621 notices were mailed.

One of the first steps in the adoption process following the open house, was a period within which affected owners could appeal the map changes. Appeals of this nature are involved as the appellants must provide technical evidence establishing that the proposed mapping was in error. An appeal was

filed by a group of Southshore residents and, after much back and forth, FEMA determined that the appeal was valid. On September 24, 2018, the City was informed that the appeal was approved (Attachment "C") and on September 28, 2018 FEMA issued a revised map for that area (Panel 0504E) and updated Flood Insurance Studies containing the technical data to support the changes (Attachment "D"). Hard copies of the maps and studies will be available for review at the hearing. They can also be accessed through the City of Newport's website at: <https://newportoregon.gov/dept/cdd/FEMAFIRMMaps.asp>.

On April 18, 2019, FEMA notified the City of Newport that the Agency's flood hazard determinations, developed and publicly vetted over the last couple of years, will become final effective October 18, 2019 (Attachment "E"). They further advised that, prior to the effective date, the City of Newport must amend its flood hazard regulations and zoning overlay map to be consistent with the new Flood Insurance Rate Maps and Flood Insurance Study. Floodplain development ordinance regulatory changes, required to meet minimum National Flood Insurance Program standards, must also be implemented. Lastly, FEMA notes that failure to enact these changes would put the City at risk of being suspended from participation in the National Flood Insurance Program. These points have been affirmed in subsequent letters dated July 15, 2019 and September 13, 2019. The Planning Commission initiated the legislative process to amend the City's flood hazard regulations and zoning overlay map at its May 13, 2019 regular meeting (Attachment "G").

On May 27, 2019, the City of Newport was informed that FEMA Region X had identified Newport for a Community Assistance Visit (CAV), and that FEMA staff would be coordinating with City staff directly on any updates the City needs to make to its flood development regulations (i.e. NMC Chapter 14.20). The CAV was conducted on August 27, 2019 and on September 2, 2019 FEMA provided the City with a checklist of requested ordinance amendments (Attachment "B").

Changes requested by FEMA are based upon an Oregon State Model Flood Ordinance that was released on August 5, 2019. The principal difference between the model ordinance and the City's existing 2009 ordinance, is the detail in which it spells out procedures and record keeping requirements. Some construction standards were updated and clarified, and there are a number of new "informational" sections that the city would not normally include in the Municipal Code. FEMA; however, has indicated that the informational sections are mandatory. The substantive provisions of the code remain the same, which is:

- A. The lowest floor of habitable structures must be elevated at least one (1) foot above base flood elevation.
- B. Non-habitable portions of a structure must be constructed out of flood resistant materials and be designed to withstand the hydrodynamic and hydrostatic forces of a flood, and the techniques used are different in inland versus coastal areas.
- C. Utilities located below the base flood elevation must be water-tight.
- D. Construction in a floodway (i.e. area of active flow during a 100-year event) is subject to "no rise" analysis, meaning the development cannot measurably impact the flood carrying capacity of a tributary. As an FYI, the City has very little in the way of floodways, with Big Creek being the prime example.

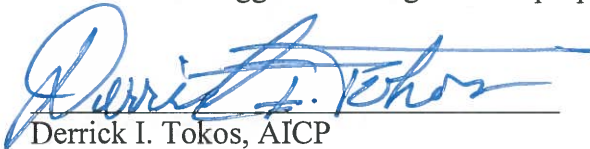
FEMA has indicated that the City cannot deviate materially from the state model code. The City's land use ordinances are not normally subject to review and approval from a state or federal agency; however, in this case FEMA approval is required in order for persons owning property within the 100-year floodplain to remain eligible for federally subsidized flood insurance.

The Planning Commission reviewed the draft amendments to NMC Chapter 14.20 at a work session on September 9, 2019. Notice was mailed to property owners impacted by the FIRM changes and one comment was received in response to the notice. The comment, an email from Robert Glenn, sought confirmation that the maps show his residence as being situated outside the 100-year floodplain (Attachment "F"). This was the result of his successful appeal and I let him know that the amended map panel shows the residence outside of the floodplain.

On September 19, 2019, City staff received feedback from FEMA on the draft code reviewed by the Commission at the September 9, 2019 work session. Minor revisions were requested, and they are illustrated in redline on the draft set of amendments included with this report (Attachment "A")

With respect to the approval standard for legislative amendments, it would be reasonable for the Commission to conclude that these changes are necessary and further the general welfare of the community given that the map and code revisions will, over time, reduce loss of property and life and allow those that own property in a floodplain to obtain federally subsidized flood insurance.

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council. The Commission recommendation can include suggested changes to the proposed amendments.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

September 19, 2019

CHAPTER 14.20 FLOOD HAZARD AREA

Attachment "A"

4-Z-16

14.20.005 Authority

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Newport does ordain as follows:

- A. The flood hazard areas of the City of Newport are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

Staff: This is a new section that specifically calls out the City's authority to implement flood hazard regulations. We would typically include this in the ordinance, but not code. FEMA wants it in the code. This change addresses Sections 1.1 and 1.2 of the 9/2/19 FEMA Code Audit.

14.20.010 Purpose

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a special flood hazard area
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

Staff: The Purpose section of the code has been expanded upon to include additional reasons why a flood hazard code is necessary. The changes address Section 1.3 of the 9/2/19 FEMA Code Audit.

14.20.015 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. 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;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

Staff: This is a new section that explains how the regulations outlined below go about achieving the purpose of the code. It responds to Section 1.4 of the 9/2/19 FEMA Code Audit.

14.20.020 Definitions

Words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage and to give this Code its most reasonable application.

1. Appeal: A request for a review of the interpretation of any provision of this Chapter or a request for a variance.
2. Area of shallow flooding: A designated Zone AO, AH, AR/AO, AR/AH, or VO 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 (1) to three (3) 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 hazard: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".
4. Base flood: the flood having a 1% chance of being equaled or exceeded in any given year.
5. Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.
6. Basement: Any area of the building having its floor or subgrade (below ground level) on all sides.

7. Breakaway walls: 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.
8. Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.
9. Development: 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.
10. Flood or flooding:
 - A. general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow in inland or tidal waters;~~;~~.
 - ii. The unusual and rapid accumulation or run-off of surface waters from any source;~~;~~.
 - iii. 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.
 - B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(i) of this definition.

11. Flood elevation study: 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.
12. Flood insurance rate map (FIRM): the 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. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
13. Flood insurance study: See “Flood elevation study.”
14. Floodproofing: 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.
15. Floodway: The channel of a river or other water-course 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.”
16. Functionally dependent use: 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. Uses classified as “water-dependent” in NMC Chapter 14 are considered functionally dependent uses.
17. Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic structure: Any structure that is:
 - A. 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;

- B. 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;
- C. 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
- D. Individually listed on a local inventory of historic places in 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.

19. Lowest floor: The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for the 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.
20. Manufactured dwelling: 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."
21. Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.
22. Mean sea level (MSL): 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.

23. New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Newport and includes any subsequent improvements to such structures.
24. Recreational vehicle: A vehicle which 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 towable by a light duty truck; and
 - D. designed primarily not for uses as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
25. Special flood hazard area: See "Area of special flood hazard" for this definition.
26. 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 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 dwelling on a foundation. Permanent construction does not include land preparation (such as clearing, grading, and filling), the installation of streets and/or walkways, excavation (for a basement, footings, piers, or foundation or the erection of temporary forms), or 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 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.

27. Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above the ground, as well as a manufactured dwelling.
28. Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
29. Substantial improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The 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."
30. Variance: A grant of relief by the City of Newport from the terms of a flood plain management regulation.
31. Violation: 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 Chapter is presumed to be in violation until such time as that documentation is provided.

Staff: Definitions were updated or added to comply with the Oregon State Model Flood Ordinance. Definitions for "below grade crawl space," "critical facility," "elevated building," "state

building code,” and “water dependent” have been deleted as unnecessary, redundant, or outdated. For example, water-dependent is now addressed under the definition for “functionally dependent use.” Definitions for existing, expansion, and new Manufactured Dwelling Parks are deleted as the circumstances they speak to are adequately addressed in the code. These changes address Section 2.0 of the 9/2/19 FEMA Code Audit.

14.20.025 Lands to Which this Chapter Applies

This Chapter shall apply to all special flood hazard areas within the jurisdiction of the City of Newport.

Staff: This is a new section that specifically links this code chapter to “special flood hazard areas.” This is a clarification, as the existing code applies to special flood hazard areas as well (it was just framed differently). This change addresses Section 3.1 of the 9/2/19 FEMA Code Audit.

14.20.030 Basis for Establishing the Special Flood Hazard Areas

The special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Lincoln County, Oregon and Incorporated Areas," dated ~~September 28, 2018~~October 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs) 41041C0354E, 41041C0360E, 41041C0362E, 41041C0364E, 41041C0366E, 41041C0368E, 41041C0369E, 41041C0502E, 41041C0504E, 41041C0506E, 41041C0507E, 41041C0508E, 41041C0515E, and 41041C0520E are hereby adopted by reference and declared to be part of this Chapter. The FIS and FIRM panels are on file at the Community Development Department located at Newport City Hall (169 SW Coast Hwy, Newport).

Staff: This section has been amended to reference the latest flood insurance study and to specifically call out the FIRM map panels relevant to this code chapter. It addresses Section 3.2 of the 9/2/19 FEMA Code Audit.

14.20.035 Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that the City of Newport administers and enforces the State of Oregon Specialty Codes, the City of Newport 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 Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

Staff: This is a new section that acknowledges the Oregon Specialty Codes apply to new construction and that both codes are to be applied within special flood hazard areas. That is the current practice, so this is a clarification not a substantive change to how the two codes are applied. This revision addresses Section 3.3 of the 9/2/19 FEMA Code Audit.

14.20.040 Compliance

All development within special flood hazard areas is subject to the terms of this Chapter and required to comply with its provisions and all other applicable regulations.

Staff: This is a new section that stipulates development in special flood hazard areas must adhere to the requirements of this chapter. It is somewhat redundant, as NMC Chapter 14.55 already requires this for the whole of Chapter 14. FEMA though wants the language in the flood hazard chapter. This change addresses Section 3.4.1 of the 9/2/19 FEMA Code Audit.

14.20.045 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction subject to penalties set forth in NMC Chapter 14.57. Nothing contained herein shall prevent the City of Newport from taking such other lawful action as is necessary to prevent or remedy any violation.

Staff: This new section cross-references to the existing Chapter that spells out penalties for non-compliance. The penalties themselves are unchanged. This revision addresses Section 3.4.2 of the 9/2/19 FEMA Code Audit.

14.20.050 Abrogation

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other provisions of the Newport Municipal Code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Staff: This new section adds language explaining the relationship between the code chapter and private binding agreements such as easements and covenants. Even without the additional language, the practice would be that the most stringent restrictions prevail, so this is really a clarification of existing practice. The change addresses Section 3.5.1 of the 9/2/19 FEMA Code Audit.

14.20.055 Severability

This Chapter and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Chapter 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 Chapter.

Staff: This is a new section. The issue is already addressed under Chapter 14.59; however, FEMA wants the language in the code chapter proper. The change addresses Section 3.5.2 of the 9/2/19 FEMA Code Audit.

14.20.060 Interpretation

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

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

Staff: This new section articulates what is already existing law. The change addresses Section 3.6 of the 9/2/19 FEMA Code Audit.

14.20.065 Warning

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

Staff: This new section is informational, not regulatory. It addresses Section 3.7.1 of the 9/2/19 FEMA Code Audit.

14.20.070 Disclaimer of Liability

This Chapter shall not create liability on the part of the City of Newport, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

Staff: This new section is informational, not regulatory. It addresses Section 3.7.2 of the 9/2/19 FEMA Code Audit.

14.20.075 Designation of the Floodplain Administrator

The Community Development Director is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

Staff: This new section establishes that the Community Development Director, or designee, is responsible for implementing this Code Chapter. The Building Official also has a role in implementing the Chapter. The language codifies existing practice, and addresses Section 4.1 of the 9/2/19 FEMA Code Audit.

14.20.080 Administration

- A. Establishment of Building/Development Permit. A Building/Development Permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area

established in [Section 14.20.030](#). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in [Section 14.20.020](#), including fill and other development activities.

- B. Application for Permit. Application shall be made on forms provided by the Community Development Department for this purpose 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 [Subsection 14.20.080\(F\)](#).
 2. In coastal flood zones (V zones and coastal A zones), the proposed 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 structures, and whether such structures contain a basement.
 3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 4. Certification by a registered professional engineer or architect, licensed in the State of Oregon, that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in [Subsection 14.20.095\(B\)\(4\)](#); and
 5. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
 6. Base Flood Elevation data for subdivision proposals or other development when required per [Subsection 14.20.080\(C\)](#) and [Subsection 14.20.095\(A\)\(6\)](#).

7. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 8. The amount and location of any fill or excavation activities proposed.
- C. Duties and Responsibilities. The duties of the Community Development Director, or their designee, shall include, but not be limited to, permit review to determine:
1. That the permit requirements of this ~~Code~~ Chapter have been satisfied;
 2. That necessary permits have been obtained and approved from those Federal, State, or local governmental agencies from which prior approval is required.
 3. Whether or not the proposed development is located in the floodway. If located in the floodway, assure that the floodway provisions of Subsection 14.20.095(B)(8) are met.
 4. 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 Subsection 14.20.080(E).
 5. If the proposed development qualifies as a substantial improvement as defined in Section 14.20.020.
 - ~~G~~6. If the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Subsection 14.20.080(I).
 - ~~H~~7. If the proposed development activity includes the placement of fill or excavation.
- D. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.

E. Use of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with this Section, the Community Development Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer [Section 14.20.095](#) (Specific Standards) and [Subsection 14.20.095\(B\)\(8\)](#) (Floodways).
2. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of [Subsection 14.20.095\(A\)\(6\)](#).
3. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser 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. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

F. Information to be obtained and maintained by the Community Development Director:

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 [Subsection 14.20.080\(E\)](#).
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 [Subsection 14.20.095\(B\)\(8\)](#), [Subsection](#)

[14.20.095\(C\)\(7\)](#), [Subsection 14.20.080\(C\)\(2\)](#) 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 the City of Newport.
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 Chapter and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with [Subsection 14.20.080\(E\)](#).
7. Maintain all floodproofing certificates required under this Chapter.
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 [Subsection 14.20.095\(B\)\(8\)](#).
10. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under [Section 14.20.090](#).
11. Maintain for public inspection all records pertaining to the provisions of this Chapter.

- G. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of 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.
- H. 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.
- I. Alteration of Watercourses. The Community Development Director shall:
1. Notify ~~Lincoln County~~adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies prior to any alteration or relocation of a water course 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:
 - a. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

- b. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
2. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under [Section 14.20.085](#). Ensure compliance with all applicable requirements in Sections [14.20.085](#) and [14.20.080\(I\)](#).

Staff: Language has been added and amended to address Sections 4.2, 4.2.1, 4.2.2, 4.2.3.1, 4.2.3.2, 4.3.1, 4.3.2 and 5.1.1 of the 9/2/19 FEMA Code Audit. The changes elaborate on what the City looks for when evaluating development in special flood hazard areas and the types of records it must keep. The scope of the City's responsibilities are unchanged, as is the extent private property is regulated. It is more about ensuring that all requirements are clearly and explicitly articulated so that steps are not missed.

14.20.085 Requirement to Submit New Technical Data

- A. 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), Subsection 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.
- B. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 1. Proposed floodway encroachments that increase the base flood elevation; and
 2. 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.
- C. 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).

Staff: This new section confirms an existing obligation that the City and applicants have to share new technical data with FEMA. It addresses Section 4.2.3.3 of the 9/2/19 FEMA Code Audit.

14.20.090 Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in [Section 14.20.020](#)) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with [Subsection 14.20.080\(F\)](#). Conduct Substantial Damage (SD) (as defined in [Section 14.20.020](#)) 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 14.20.030](#)) 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.

Staff: This is a new section. The requirement that substantial improvement/damage assessments be performed is not new, nor is the 50 percent threshold. The record keeping requirements are new. This change addresses Section 4.2.4 of the 9/2/19 FEMA Code Audit.

14.20.095 Provisions for Flood Hazard Reduction

A. General Standards. In areas of special flood hazard as adopted by this Chapter (which may be illustrated on a zoning map as a Flood Hazard Overlay Zone (FH Zone)) the following provisions are required:

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- b. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - i. Over-the-top ties be provided at each end of the manufactured home, with two (2) additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one (1) additional tie per side.
 - ii. Frame ties are to be provided at each corner of the home with five (5) additional ties per side at intermediate points, and manufactured homes less than 50 feet long will require four (4) additional ties per side;
 - iii. All components of the anchoring system are to be capable of carrying a force of 4,800 pounds; and
 - iv. Additions to the manufactured home are to be similarly anchored.
 - c. An alternative method of anchoring may involve a system designed to withstand the wind force of 90 miles an hour or greater.
 - d. Certification must be provided by a registered structural engineer to the Building Official that this standard has been met.
 - e. All modular homes shall comply with the requirements of the applicable building code.
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 or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.

- 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 system and discharge from the systems into the 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 Department of Environmental Quality regulations.
4. Electrical, Mechanical, Plumbing, and Other Equipment.
- a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated one 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.
5. Tanks.
- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
 - b. Above-ground tanks shall be installed one foot above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

- c. In coastal flood zones (V Zones or coastal A Zones) 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.

6. Subdivision Proposals.

- a. All subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:
 - i. Be consistent with the need to minimize flood damage.
 - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - iii. Have adequate drainage provided to reduce exposure to flood hazards.

Staff: This Subsection includes general regulatory requirements for development in special flood hazard areas, be they inland (i.e. riverine) or coastal. Anchoring requirements have been clarified, as have the standards applicable to utilities. New provisions have been added for tanks. The regulatory concepts when comparing the old and new codes remain the same, which is that structures in flood hazard areas must be anchored, and utilities water-tight, so that they can withstand the hydrostatic and hydrodynamic forces of a flood. These changes address Section 5.1.2, 5.1.3, 5.1.4.1, 5.1.4.2, and 5.1.5 of the 9/2/19 FEMA Code Audit.

- B. Specific Standards for Riverine (including all non-coastal) flood zones. These specific standards shall apply to all

new construction and substantial improvements in addition to the General Standards contained in [Subsection 14.20.095\(A\)](#) of this Chapter.

1. Residential Construction.

- a. New construction and substantial improvement of any residential structures shall have the lowest floor, including the basement, elevated to a minimum of one (1) foot above the base flood elevation.
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in [Subsection 14.20.095\(B\)\(7\)](#).

2. Garages.

- a. 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 [Subsection 14.20.095\(B\)\(8\)](#);
 - 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 [Subsection 14.20.095\(B\)\(7\)](#) 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 [Subsection 14.20.095\(B\)\(2\)](#); 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.
 - b. Detached garages must be constructed in compliance with the standards for appurtenant structures in [Subsection 14.20.095\(B\)\(3\)](#) or nonresidential structures in [Subsection 14.20.095\(B\)\(4\)](#) depending on the square footage of the garage.
3. 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 accessory structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in [Subsection 14.20.095\(B\)\(8\)](#).
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- c. 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.
- d. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- e. 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.

- f. 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 [Subsection 14.20.095\(B\)\(7\)](#);
 - g. Appurtenant structures shall be located and constructed to have low damage potential;
 - h. 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 [Subsection 14.20.095\(A\)\(5\)](#).
 - i. 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.
4. Nonresidential Construction.

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

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this

Subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Community Development Director, or their designee;

- d. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor as described in Subsection 14.20.095(B)(7); ~~and,~~
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one (1) foot below ~~that level~~).

5. Manufactured Dwellings.

- a. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Subsection 14.20.095(B)(7);
- b. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- c. 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;
- d. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

6. Recreational Vehicles.

Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days,

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of [Subsection 14.20.095\(B\)\(5\)](#), including the anchoring and elevation requirements for manufactured dwellings.

7. 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:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exist of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. 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.

Staff: This Subsection includes specific regulatory requirements for development in inland (i.e. riverine) special flood hazard areas. Standards for residential development have been clarified and new standards added for garages and accessory structures. This is largely a clarification of the rules, as garages and accessory structures were previously regulated as non-residential construction. New standards were added for manufactured dwellings and recreational vehicles, and crawlspace requirements have been folded into a new Subsection titled floor openings. When comparing the old and new codes, the regulatory principals are unchanged. The lowest floor of habitable spaces must be elevated at least one (1) foot above BFE, and non-habitable spaces must be floodproofed such that they can withstand the hydrostatic and hydrodynamic forces of a flood. The rules applicable to RVs are intended to ensure they are transient and mobile or, if not mobile, treated like manufactured dwellings. These changes address Section 5.2, 5.2.1, 5.2.2, 5.2.3, 5.2.3.1, 5.2.3.2, 5.2.3.3, 5.2.3.4, 5.2.3.5, and 5.2.3.6 of the 9/2/19 FEMA Code Audit.

8. Floodways.

- a. Located within the special flood hazard areas established in [Section 14.20.030](#) 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:
 - i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - A. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that proposed

encroachment shall not result in any increase in flood levels within the community during that occurrence of the base flood discharge; or

- B. 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.

b. If the requirements of [Subsection 14.20.095\(B\)\(8\)\(a\)\(i\)](#) above are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of [Section 14.20.095](#)

Staff: Requirements for demonstrating “no rise” in a regulatory floodway have been clarified. They are not materially different, just more specific. Provisions in the existing city code allowing alternative approval processes for manufactured dwellings and stream habitat restoration have been removed. A floodway is an area of active flow during a 100-year event, and the City’s exposure is limited to areas in and around Big Creek.

9. 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-A30 and AE on the community FIRMs, 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.

Staff: This subsection was restructured with minor edits. It addresses Section 5.2.3.1 of the 9/2/19 FEMA Code Audit.

- C. Coastal High Hazard Area. Located within areas of special flood hazards established in [Subsection 14.32.040](#) are "Coastal High Hazard Areas," designated as Zones V1-V30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all applicable provisions of this Chapter and the State Building Code, the following criteria shall apply:
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 such 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. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes.
 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 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 and whether or not such structures contain a basement. The Community Development Director shall maintain a record of all such information in accordance with [Subsection 14.20.080\(F\)](#).
 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 purposes 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 that 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
 - b. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
 - c. Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in [Subsection 14.20.095\(B\)\(7\)](#).
6. 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 water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.
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 structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of [Subsection 14.20.095\(C\)\(1\)](#) Floodproofing of non-residential structures is prohibited.
10. Manufactured Dwelling Standards for Coastal High Hazard Zones. All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:
 - a. Comply with all of the standards within [Subsection 14.20.095\(C\)](#);
 - b. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and
 - c. Electrical crossover connections shall be a minimum of 12 inches above the BFE.
11. Recreational Vehicle Standards for Coastal High Hazard Zones. Recreational vehicles within Coastal High Hazard Zones V1-30, V, and VE on the community's 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 permit requirements of [Section 14.20.020](#) (Administration) and the requirements for manufactured homes in [Subsection 14.20.095\(C\)\(10\)](#).

12. Tank Standards for Coastal High Hazard Zones.
 Tanks shall meet the requirements of [Subsection 14.20.095\(A\)\(5\)](#).

Staff: Design standards for development in coastal high hazard areas have been clarified and cross-referenced to the State of Oregon Specialty Codes where appropriate. New standards have been added for manufactured dwellings requiring the chassis be elevated at least one (1) foot above BFE. Standards for tanks have also been added. These changes address Section 5.3, 5.3.1, 5.3.1.1, 5.3.1.2, and 5.3.1.3 of the 9/2/19 FEMA Code Audit.

D. Standards for Shallow Flooding Areas (AO Zone).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. 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.

1. In AO zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
2. ~~All n~~New construction and substantial improvements of residential structures and manufactured ~~homes dwellings~~ within AO zones shall have the lowest floor (including basement) elevated above the highest ~~adjacent~~ grade adjacent to the building, ~~by one foot or more~~ at minimum to or above the depth number specified on the FIRM plus one (1) foot or by at least two (2) feet if no depth number is specified on the FIRM. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
3. All new construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including the basement) elevated above the highest adjacent grade of the building site, at minimum to or ~~by one foot or more~~ above the depth number specified on the FIRM plus

- one (1) foot or by at least two (2) feet if no depth number is specified on the FIRM; or
- b. Together with attendant utility and sanitary facilities, be completely floodproofed ~~to or by one foot or more~~ above the depth number specified on the FIRM plus one (1) foot or a minimum of by at least two (2) feet above the highest adjacent grade if no depth number is specified ~~on the FIRM~~, 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 [Subsection 14.20.095\(B\)\(4\)\(c\)](#).
4. 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 [Subsection 14.20.095\(D\)\(2\)](#), and the anchoring and other requirements for manufactured dwellings of [Subsection 14.20.095\(B\)\(5\)](#).
 5. New and substantially improved appurtenant structures must comply with the standards in [Subsection 14.20.095\(B\)\(3\)](#).
 6. Enclosed areas beneath elevated structures shall comply with the requirements in [Subsection 14.20.095\(B\)\(7\)](#).

Staff: Design standards have been clarified and new standards put in place for RVs that are comparable to those applicable to other hazard designations. In

reviewing the FIRM panels, it is evident that there is very little in the way of AO designated property in the City. The changes address Section 5.2.5, 5.2.5.1, and 5.2.5.2, of the 9/2/19 FEMA Code Audit.

14.20.100 Variance Procedures

- A. 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.
- B. Variances shall be processed and authorized by the Planning Commission using a Type III decision making procedure.
- C. Conditions for Variance(s). A variance(s) may only be granted if the following conditions exist:
 1. New construction and substantial improvements to be erected will occur 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; or
 2. New construction, substantial improvements and other development is necessary for the conduct of a functionally dependent use.
- D. Variance(s) permissible pursuant to [Subsection 14.20.100\(C\)](#) may be approved upon a finding that the following criteria have been satisfied.
 1. The structure or other development is protected by methods that minimize flood damages during the base flood.
 2. There is a good and sufficient cause for the variance. ~~Examples of good and sufficient cause include the reconstruction, rehabilitation or restoration of historic structures (that are listed in the National Register of Historic Places, state inventory of Historic Places, or that contribute to a historic district) or a functionally dependent use (a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water).~~ In considering this criterion, the Planning Commission shall consider:

- a. The importance of the services provided by the facility to the community.
 - b. The necessity to the facility of a waterfront location, where applicable.
 - c. The availability of alternative locations for the use that are not subject to flooding.
 - d. The compatibility of the use with existing and anticipated development.
3. Failure to grant the variance would result in an exceptional hardship to the applicant based on exceptional, unusual, and/or peculiar circumstances of the property. ~~For the reconstruction, rehabilitation or restoration of historic structures (that are listed in the National Register of Historic Places, state inventory of Historic Places, or that contribute to a historic district) or f~~For functionally-dependent uses (a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water) only practical difficulties resulting from the failure to grant the variance rather than exceptional hardship are required.
4. The granting of the variance will not result in increased flood levels during the base flood discharge, 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.
5. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variance Notification. In addition to the notification requirements provided in NMC Chapter 14.52, an 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 [Subsection 14.20.080\(F\)](#).

Staff: This section has been amended and restructured to clarify the circumstances that qualify for a variance, the process that is to be followed, and the standards that apply. Variances are limited to situations where the use is a functionally dependent (i.e. water-dependent) use or circumstances where the structure, and surrounding developed properties are nonconforming and situated on small lots where it would be a hardship for them to meet the rules. The process and approval criteria have been clarified and are effectively the same as the existing rules, with the Planning Commission being the approval body. It addresses Section 4.4, 4.4.1, and 4.4.2 of the 9/2/19 FEMA Code Audit.

Derrick Tokos

From: Pilkenton, Roxanne <roxanne.reale-pilkenton@fema.dhs.gov>
Sent: Monday, September 02, 2019 4:27 PM
To: Derrick Tokos
Cc: Adair, Celinda
Subject: Newport Ordinance Review
Attachments: 20190828_CAV_OR_LincolnCty_Newport_FEMAFirstOrdinaceChecklist.docx;
DLCD_Final_Approved_OregonModelOrdinance_20190809.pdf

Hi Derrick,

Attached please find the checklist that correlates with the 2019 Oregon Model Checklist. Please note that along with what is identified in this checklist FEMA found numbering errors and format of the code numbering. In example what is listed 14.20.050 in some parts of the ordinance is listed at 14.20.50 in others. With the amount of corrections that need to be made, and the tight timeline that Newport has, FEMA strongly recommends adopting the 2019 Oregon Model Ordinance. The 2019 Ordinance has been approved by FEMA and has all of the NFIP and State requirements and is organized in a logical manner. While FEMA is doing the Newport ordinance review, I'm certain that Celinda would be happy to give the guidance on how other communities have moved forward with this option.

Please note that I am in the office on Tuesday, but in the field conducting CAV tours on Wednesday and Thursday, and working again Friday. While I may not be able to respond instantly to email messages I will do my best to ensure that I respond by the next day/morning at the latest.

Kind regards,

Roxanne Reale-Pilkenton^{CFM}

Floodplain Management Specialist

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FEMA

DRAFT CHECKLIST – Oregon State Model Flood Ordinance

(Created 4/9/2019, updated 8/5/2019)

Community Name: City of Newport

Ordinance No.: 1987

Reviewer’s Name: Roxanne Reale-Pilkenton

Ordinance Date: Effective 18 December 2009

Review Date: Completed 02 September 2019

Community Flood Zones:

A AE AE with Floodway V, VE, V1-30, Coastal A

Level of Regulations (Under the Code of Federal Regulations, 44 CFR 60.3):

a) b) c) d) e)

LEGEND

- Black: National Flood Insurance Program and State minimum requirements.
- Red: Wording to be replaced with community’s specific information.
- Purple: Only required for communities with Coastal High Hazard Areas.

This checklist is only used to review for compliance with the minimum NFIP and State standards. Recommended optional definitions and standards are provided in Appendices A & B of the Oregon Model Flood Hazard Ordinance.

Section	Verbatim/ Intent	Local Ord. Section	Compliant
<p>1.1 Statutory Authority</p> <p>The State of Oregon has in ORS 203.035 (COUNTIES) OR ORS 197.175 (CITIES) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the COMMUNITY NAME does ordain as follows:</p>	V	Missing	
<p>1.2 Findings of Fact</p> <p>A. The flood hazard areas of COMMUNITY NAME are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures</p>	V	Missing	

<p>for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.</p> <p>B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.</p>			
<p>1.3 Statement of Purpose It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:</p> <p>A. Protect human life and health;</p> <p>B. Minimize expenditure of public money for costly flood control projects;</p> <p>C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;</p> <p>D. Minimize prolonged business interruptions;</p> <p>E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;</p>	<p>V (order can vary)</p>	<p>NMC 14.20.10 Not Compliant</p>	

<p>F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;</p> <p>G. Notify potential buyers that the property is in a special flood hazard area</p> <p>H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions</p> <p>I. Participate in and maintain eligibility for flood insurance and disaster relief.</p>			
<p>1.4 Methods of Reducing Flood Losses In order to accomplish its purposes, this ordinance includes methods and provisions for:</p> <p>A. 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;</p> <p>B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;</p> <p>C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;</p>	<p>I</p>	<p>Missing</p>	

<p>D. Controlling filling, grading, dredging, and other development which may increase flood damage;</p> <p>E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.</p>			
<p>2.0 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.</p> <p>Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.</p> <p>Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH (or VO) 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.</p> <p>Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".</p> <p>Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.</p>	V	<p>14.20.020</p> <p>14.20.020(1) Not Compliant</p> <p>14.20.020(2) Not Compliant</p> <p>14.20.020(3) Not Compliant</p> <p>14.20.020(4) Not Compliant</p>	

<p>Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.</p> <p>Basement: Any area of the building having its floor subgrade (below ground level) on all sides.</p> <p>Breakaway wall: 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.</p> <p>Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.</p> <p>Development: 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.</p> <p>Flood or Flooding:</p> <p>(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:</p> <ol style="list-style-type: none"> (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or 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 		Missing		
				14.20.020(5) Compliant
				14.20.020(7) Compliant
			14.20.020(8) Not Compliant	
			14.20.020(10) Compliant	
		14.20.020(14) Not Compliant		

<p>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.</p> <p>(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.</p> <p>Flood elevation study: 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.</p> <p>Flood Insurance Rate Map (FIRM): The 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. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).</p> <p>Flood Insurance Study (FIS): See "Flood elevation study".</p> <p>Flood proofing: Any combination of structural and nonstructural additions,</p>		<p>Missing</p> <p>14.20.020(15) Not Compliant</p> <p>14.20.020(16) Not Compliant</p> <p>Missing</p>	
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<p>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.</p> <p>Floodway: 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."</p> <p>Functionally dependent use: 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.</p> <p>Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.</p> <p>Historic structure: Any structure that is:</p> <ol style="list-style-type: none"> 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 		<p>14.20.020(17) Not Compliant</p> <p>Missing</p> <p>Missing</p> <p>Missing</p>	
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<p>historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;</p> <p>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</p> <p>4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:</p> <ul style="list-style-type: none"> 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. 			
<p>Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.</p>			14.20.020(18) Compliant
<p>Manufactured dwelling: 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</p>		14.20.020(19) Not Compliant	

<p>include a "recreational vehicle" and is synonymous with "manufactured home".</p> <p>Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.</p> <p>Mean sea level: 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.</p> <p>New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by COMMUNITY NAME and includes any subsequent improvements to such structures.</p> <p>Recreational vehicle: A vehicle which is:</p> <ol style="list-style-type: none"> 1. Built 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. <p>Special flood hazard area: See "Area of special flood hazard" for this definition.</p>		<p>14.20.020(20) Not Compliant</p> <p>14.20.020(21) Not Compliant</p> <p>14.20.020(22) Not Compliant</p>	<p>14.20.020(24) Compliant</p>
		<p>Missing</p>	

<p><u>Start of construction:</u> 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.</p>		<p>14.20.020(25) Not Compliant</p>	
<p><u>Structure:</u> For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.</p>		<p>14.20.020(26) Not Compliant</p>	
<p><u>Substantial damage:</u> Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value</p>			<p>14.20.020(27) Compliant</p>

<p>of the structure before the damage occurred.</p> <p>Substantial improvement: Any 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:</p> <ol style="list-style-type: none"> 1. 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 2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." <p>Variance: A grant of relief by COMMUNITY NAME from the terms of a flood plain management regulation.</p> <p>Violation: 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.</p>		<p>14.20.020(28) Not Compliant</p> <p>14.20.020(30) Not Compliant</p> <p>Missing</p>	
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<p>3.1 Lands to Which This Ordinance Applies</p> <p>This ordinance shall apply to all special flood hazard areas within the jurisdiction of COMMUNITY NAME.</p>	V	Missing	
<p>3.2 Basis for Establishing the Special Flood Hazard Areas</p> <p>The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for “EXACT TITLE OF FLOOD INSURANCE STUDY FOR COMMUNITY”, dated DATE (MONTH DAY, FOUR DIGIT YEAR), with accompanying Flood Insurance Rate Maps (FIRMs) LIST ALL EFFECTIVE FIRM PANELS HERE (UNLESS ALL PANELS ARE BEING REPLACED THROUGH A NEW COUNTY_WIDE MAP THAT INCORPORATES ALL PREVIOUS PANELS/VERSIONS, IN THAT SITUATION PANELS DO NOT NEED TO BE INDIVIDUALLY LISTED) are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at INSERT THE LOCATION (I.E. COMMUNITY PLANNING DEPARTMENT LOCATED IN THE COMMUNITY ADMINISTRATIVE BUILDING).</p>	V	14.20.030 Not Compliant	
<p>3.3 Coordination with State of Oregon Specialty Codes</p> <p>Pursuant to the requirement established in ORS 455 that the INSERT COMMUNITY NAME administers and enforces the State of Oregon Specialty Codes, the INSERT COMMUNITY NAME 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</p>	I	Missing	

<p>hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.</p>			
<p>3.4.1 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.</p>	V	Missing	
<p>3.4.2 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 (INSERT INFRACTION TYPE (I.E. MISDEMEANOR). INSERT PENALTIES PER STATE/LOCAL LAW ASSOCIATED WITH SPECIFIED INFRACTION TYPE (I.E. ANY PERSON WHO VIOLATES THE REQUIREMENTS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BE FINED NOT MORE THAN A SPECIFIED AMOUNT OF MONEY...)) Nothing contained herein shall prevent the COMMUNITY NAME from taking such other lawful action as is necessary to prevent or remedy any violation.</p>	I	Missing	
<p>3.5.1 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</p>	V	Missing	

restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.			
<p>3.5.2 Severability</p> <p>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.</p>	V	Missing	
<p>3.6 Interpretation</p> <p>In the interpretation and application of this ordinance, all provisions shall be:</p> <p>A. Considered as minimum requirements;</p> <p>B. Liberally construed in favor of the governing body; and</p> <p>C. Deemed neither to limit nor repeal any other powers granted under state statutes.</p>	V	Missing	
<p>3.7.1 Warning</p> <p>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.</p>	V	Missing	
<p>3.7.2 Disclaimer of Liability</p> <p>This ordinance shall not create liability on the part of the COMMUNITY NAME, any officer or employee</p>	V	Missing	

thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.			
4.1 Designation of the Floodplain Administrator The INSERT INDIVIDUAL JOB TITLE 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.	V	Missing	
4.2 Duties and Responsibilities of the Floodplain Administrator Duties of the floodplain administrator, or their designee, shall include, but not be limited to:	V		14.20.040 (C) Compliant
4.2.1 Permit Review Review all development permits to determine that: <ol style="list-style-type: none"> The permit requirements of this ordinance have been satisfied; All other required local, state, and federal permits have been obtained and approved. 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 Error! Reference source not found. are met; and 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 	I		14.20.040(C)(2) Compliant 14.20.040(C)(2) Compliant 14.20.040(C)(3) Compliant 14.20.040(D) Compliant

<p>ensure compliance with the provisions of sections 5.1.7; and</p> <p>E. Provide to building officials the Base Flood Elevation (BFE) (ADD FREEBOARD IF COMMUNITY HAS HIGHER ELEVATION STANDARDS) applicable to any building requiring a development permit.</p> <p>F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 2.0.</p> <p>G. 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 5.1.1.</p> <p>H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.</p>		<p>14.020.040(B)(1) Not Compliant</p> <p>14.20.040(E)(2) Not Compliant</p> <p>14.20.040(F) Not Compliant</p> <p>Missing</p>	
<p>4.2.2 Information to be Obtained and Maintained</p> <p>The following information shall be obtained and maintained and shall be made available for public inspection as needed:</p> <p>A. 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 5.1.7.</p> <p>B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building</p>	I	<p>14.20.040(E) Not Compliant</p> <p>Missing</p>	

<p>site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 5.2.4, 5.3.1(F), 4.2.1(B) are adhered to.</p> <p>C. 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).</p> <p>D. 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.</p> <p>E. Maintain all Elevation Certificates (EC) submitted to (INSERT COMMUNITY NAME);</p> <p>F. 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 5.1.7.</p> <p>G. Maintain all floodproofing certificates required under this ordinance;</p> <p>H. Record and maintain all variance actions, including justification for their issuance;</p>		<p>Missing</p> <p>14.20.040(E)(1) Not Compliant</p> <p>Missing</p> <p>14.20.040(E) Not Compliant</p> <p>Missing</p> <p>Missing</p>	
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<p>I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 5.2.4.</p> <p>J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 4.2.4.</p> <p>K. Maintain for public inspection all records pertaining to the provisions of this ordinance.</p>		<p>Missing</p> <p>Missing</p>	<p>14.20.040(E)(3) Compliant</p>
<p>4.2.3.1 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.</p>	V	Missing	
<p>4.2.3.2 Watercourse Alterations Notify 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</p>	V	14.20.040(F) Not Compliant	

<p>notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:</p> <ul style="list-style-type: none"> A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or B. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance. <p>The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 4.2.3.3. Ensure compliance with all applicable requirements in sections 4.2.3.3 and 5.1.1.</p>			
<p>4.2.3.3 Requirement to Submit New Technical Data</p> <p>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</p>	<p>I</p>	<p>Missing</p>	

<p>applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.</p> <p>The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:</p> <ul style="list-style-type: none"> A. Proposed floodway encroachments that increase the base flood elevation; and B. 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. <p>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).</p>		<p>Missing</p>	
<p>4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations</p> <p>Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 4.2.2.</p> <p>Conduct Substantial Damage (SD) (as defined in section 2.0) 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 3.2) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or</p>	<p>I</p>	<p>Missing</p>	

<p>exceed 50 percent of the market value of the structure before the damage occurred.</p>			
<p>4.3.1 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 3.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.0, including fill and other development activities.</p>	V	14.20.040(A) Not Compliant	
<p>4.3.2 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:</p> <p>A. 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 4.2.2.</p> <p>B. In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of</p>	I	14.20.040(B)(1) Not Compliant 14.20.050(18)(b) Not Compliant	14.20.040(B) Compliant

<p>the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;</p> <p>C. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.</p> <p>D. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in section 5.2.3.3.</p> <p>E. Description of the extent to which any watercourse will be altered or relocated.</p> <p>F. Base Flood Elevation data for subdivision proposals or other development when required per sections 4.2.1 and 5.1.6.</p> <p>G. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.</p> <p>H. The amount and location of any fill or excavation activities proposed.</p>		<p>14.20.050(8)(d) Not Compliant</p> <p>Missing</p> <p>Missing</p>	<p>14.20.040(B)(2) Compliant</p> <p>14.20.040(B)(3) Compliant</p> <p>14.20.040(B)(4) Compliant</p>
<p>4.4 Variance Procedure</p> <p>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.</p>	I	14.20.060(A) Not Compliant	
<p>4.4.1 Conditions for Variance</p>	I (but order may vary and additional more		

<p>A. 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 4.4.1 (C) and (E), and 4.4.2. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.</p> <p>B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.</p> <p>C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.</p> <p>D. Variances shall only be issued upon:</p> <ol style="list-style-type: none"> 1. A showing of good and sufficient cause; 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; 3. 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. <p>E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary</p>	<p>restrictive language may be added. Or may not allow variances)</p>	<p>14.20.060(B) Missing</p> <p>Missing</p> <p>14.20.060(B) Not Compliant</p>	<p>14.20.060(B)(4) Complaint</p> <p>14.20.060(B)(1)(a) Complaint</p> <p>14.20.060(B)(2) Compliant</p> <p>14.20.060(B)(3) Compliant</p>
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<p>for the conduct of a functionally dependent use provided that the criteria of section 4.4.1 (B) – (D) 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.</p>			
<p>4.4.2 Variance Notification 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 4.2.2.</p>	V	14.20.060(B) Not Compliant	
<p>5.1 General Standards In all special flood hazard areas, the following standards shall be adhered to:</p>	I		14.20.050(A) Compliant
<p>5.1.1 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 4.2.3.2 and 4.2.3.3.</p>	V	14.20.040(E) Not Compliant	
<p>5.1.2 Anchoring A. All new construction and substantial improvements shall be anchored to prevent flotation,</p>	V	14.20.050(A)(1)(a) Not Compliant	

<p>collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.</p> <p>B. All manufactured dwellings shall be anchored per section 5.2.3.4.</p>			<p>14.20.050(A)(1)(b) Compliant</p>
<p>5.1.3 Construction Materials and Methods</p> <p>A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.</p> <p>B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.</p>	<p>V</p>		<p>14.20.050(A)(6)(a) Compliant</p> <p>14.20.050(A)(6)(b) Compliant</p>
<p>5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems</p> <p>A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.</p> <p>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.</p> <p>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.</p>	<p>V</p>	<p>14.20.050(A)(7)(b) Not Compliant</p> <p>14.20.050(A)(7)(c) Not Compliant</p>	<p>14.20.050(A)(7)(a) Compliant</p>

<p>5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment</p> <p>Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (INSERT ANY COMMUNITY FREEBOARD REQUIREMENT HERE) 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:</p> <p>A. If replaced as part of a substantial improvement shall meet all the requirements of this section.</p> <p>B. Not be mounted on or penetrate through breakaway walls.</p>	<p>V</p>	<p>14.20.050(A)(6)(c) Not Compliant</p> <p>Missing</p> <p>Missing</p>	
<p>5.1.5 Tanks</p> <p>A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.</p> <p>B. Above-ground tanks shall be installed at or above the base flood level (INSERT COMMUNITY FREEBOARD REQUIREMENT HERE) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.</p> <p>C. In coastal flood zones (V Zones or coastal A Zones) 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.</p>	<p>V</p>	<p>Missing</p> <p>Missing</p> <p>Missing</p>	

<p>5.1.6 Subdivision Proposals</p> <p>A. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.</p> <p>B. All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:</p> <ol style="list-style-type: none"> 1. Be consistent with the need to minimize flood damage. 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage. 3. Have adequate drainage provided to reduce exposure to flood hazards. 	V	<p>14.20.050(A)(8) Not Compliant</p> <p>Missing</p> <p>14.20.050(A)(8)(a) Not Compliant</p> <p>14.20.050(A)(8)(b) Not Compliant</p> <p>14.20.050(A)(8)(c) Not Compliant</p>	
<p>5.1.7 Use of Other Base Flood Data</p> <p>When Base Flood Elevation data has not been provided in accordance with section 3.2 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 5.0. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 5.1.6.</p>	V	14.20.040(D) Not Compliant	

<p>Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser 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. (INSERT REFERENCE TO ANY OF THIS TYPE OF INFORMATION TO BE USED FOR REGULATORY PURPOSES BY YOUR COMMUNITY, I.E. BASE LEVEL ENGINEERING DATA, HIGH WATER MARKS, HISTORICAL OR OTHER DATA THAT WILL BE REGULATED TO. THIS MAY BE NECESSARY TO ENSURE THAT THE STANDARDS APPLIED TO RESIDENTIAL STRUCTURES ARE CLEAR AND OBJECTIVE. IF UNCERTAIN SEEK LEGAL ADVICE, AT A MINIMUM REQUIRE THE ELEVATION OF STRUCTURES 2 FEET ABOVE HIGHEST ADJACENT GRADE). Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.</p>		Missing	
<p>5.1.8 Structures Located in Multiple or Partial Flood Zones In coordination with the State of Oregon Specialty Codes: A. 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. B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the</p>	I	Missing Missing	

<p>requirements for new construction and substantial improvements.</p>			
<p>5.2 Specific Standards for Riverine (including all non-coastal) flood zones These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 5.1 of this ordinance.</p>	<p>I</p>	<p>14.20.050(B) Not Compliant</p>	
<p>5.2.1 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:</p> <ul style="list-style-type: none"> A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exist of floodwaters; B. Be used solely for parking, storage, or building access; C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria: <ul style="list-style-type: none"> 1. A minimum of two openings, 2. 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, 3. The bottom of all openings shall be no higher than one foot above grade. 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that 	<p>V</p>	<p>14.20.050(B)(1)(a) & (b) Not Compliant</p> <p>14.20.050(B)(1)(b) Not Compliant</p> <p>Missing</p> <p>14.20.050(B) Not Compliant</p> <p>14.20.050(B) Not Compliant</p> <p>14.20.050(B) Not Compliant</p> <p>15.20.050(B) Not Compliant</p>	<p>14.20.050(B) Compliant</p>

<p>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.</p> <p>5. 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.</p>		<p>Missing</p>	
<p>5.2.2 Garages</p> <p>A. 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:</p> <ol style="list-style-type: none"> 1. If located within a floodway the proposed garage must comply with the requirements of section 5.2.4. 2. The floors are at or above grade on not less than one side; 3. The garage is used solely for parking, building access, and/or storage; 4. The garage is constructed with flood openings in compliance with section 5.2.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. 5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage; 	<p>I</p>	<p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p>	

<p>6. The garage is constructed in compliance with the standards in section 5.1; and</p> <p>7. 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.</p> <p>B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 5.2.3.6 or nonresidential structures in section 5.2.3.3 depending on the square footage of the garage.</p>		<p>Missing</p> <p>Missing</p>	<p>14.20.050(13) Compliant</p>
<p>5.2.3 For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations</p> <p>In addition to the general standards listed in section 5.1 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.</p>	I		<p>14.20.050(B) Compliant</p>
<p>5.2.3.1 Before Regulatory Floodway</p> <p>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</p>	V	<p>14.20.050(B)(17) Not Compliant</p>	

of the base flood more than one foot at any point within the community.			
<p>5.2.3.2 Residential Construction</p> <p>A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) (INSERT ADDITIONAL FREEBOARD FOR YOUR COMMUNITY – RECOMMEND MINIMUM OF 1FT ABOVE BFE).</p> <p>B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 5.2.1.</p>	V	<p>14.20.050(B)(1)(a) Not Compliant</p> <p>14.20.050(B)(1)(b) Not Compliant</p>	
<p>5.2.3.3 Non-Residential Construction</p> <p>A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall:</p> <ol style="list-style-type: none"> 1. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) (INSERT ANY ADDITIONAL FREEBOARD REQUIREMENTS FOR YOUR COMMUNITY); Or, together with attendant utility and sanitary facilities, 2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; 3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 	V	<p>14.20.050(B)(13) Not Compliant</p> <p>14.20.050(B)(13) Not Compliant</p>	<p>14.20.050(B)(13)(a) Compliant</p> <p>14.20.050(B)(13)(b) Compliant</p>

<p>4. 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 4.2.2.</p> <p>B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 5.2.1.</p> <p>C. 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.</p>		<p>14.20.050(B)(13)(c) Compliant</p> <p>14.20.050(B)(13)(d) Not Compliant</p> <p>14.20.050(B)(13)(e) Compliant</p>	
<p>5.2.3.4 Manufactured Dwellings</p> <p>A. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 5.2.1;</p> <p>B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;</p>	V	<p>14.20.050(B)(14)(a) Not Compliant</p> <p>Missing</p>	

<p>C. 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;</p> <p>D. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).</p>		<p>14.20.050(A)(1)(b) Not Compliant</p> <p>Missing</p>	
<p>5.2.3.5 Recreational Vehicles Recreational vehicles placed on sites are required to:</p> <p>A. Be on the site for fewer than 180 consecutive days,</p> <p>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</p> <p>C. Meet the requirements of section 5.2.3.4, including the anchoring and elevation requirements for manufactured dwellings.</p>	V	<p>Missing – was only able to find Recreational Vehicle regulations for V zones.</p> <p>See above.</p>	
<p>5.2.3.6 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:</p> <p>A. Appurtenant structures located partially or entirely within the floodway must comply with</p>	V	<p>Missing</p> <p>Missing</p>	

<p>requirements for development within a floodway found in section 5.2.4.</p> <p>B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;</p> <p>C. 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.</p> <p>D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;</p> <p>E. 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.</p> <p>F. 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 5.2.1;</p> <p>G. Appurtenant structures shall be located and constructed to have low damage potential;</p> <p>H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority</p>		<p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p> <p>Missing</p>	
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<p>persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 5.1.5.</p> <p>I. 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.</p>		Missing	
<p>5.2.4 Floodways</p> <p>Located within the special flood hazard areas established in section 3.2 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:</p> <p>A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:</p> <ol style="list-style-type: none"> 1. 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; <p>Or,</p>	V	<p>14.20.050(B)(16) (a) Not Compliant</p> <p>14.20.050(B)(16) (a)(i) Not Compliant</p> <p>14.20.050(B)(16) (a)(i) Not Compliant</p>	

<p>2. 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.</p> <p>B. If the requirements of section 5.2.4 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 5.0.</p>		<p>Missing</p> <p>14.20.050(B)(16) (b) Not Compliant</p>	
<p>5.2.5 Standards for Shallow Flooding Areas</p> <p>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.</p> <p>For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.</p>	<p>V</p>	<p>Missing</p> <p>14.20.050(B)(20) (b)(iii) Not Compliant</p>	
<p>5.2.5.1 Standards for AH Zones</p>	<p>I</p>		

<p>Development within AH Zones must comply with the standards in sections 5.1, 5.2, and 5.2.5(A).</p>		<p>N/A</p>	
<p>5.2.5.2 Standards for AO Zones In AO zones, the following provisions apply in addition to the requirement in section 5.2.5 (A):</p> <p>A. New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum at or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (INSERT COMMUNITY FREEBOARD REQUIREMENT HERE) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.</p> <p>B. New construction and substantial improvements of non-residential structures within AO zones shall either:</p> <ol style="list-style-type: none"> 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum at or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (INSERT COMMUNITY FREE BOARD REQUIREMENT HERE) (at least two (2) feet if no depth number is specified); or 2. Together with attendant utility and sanitary facilities, be completely 	<p>V</p>	<p>14.20.050(B)(20) Not Compliant</p> <p>14.20.050(B)(20) (a) Not Compliant</p> <p>14.20.050(B)(20) (a) Not Compliant</p> <p>14.20.050(B)(20) (b)(ii) Not Compliant</p>	<p>14.20.050(B)(20)(b) Compliant</p>

<p>floodproofed to or above the depth number specified on the FIRM (INSERT COMMUNITY FREEBOARD REQUIREMENT HERE) 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 5.2.3.3(A)(4).</p> <p>C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:</p> <ol style="list-style-type: none"> 1. Be on the site for fewer than 180 consecutive days, and 2. 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 3. Meet the elevation requirements of section 5.2.5.2(A), and the anchoring and other requirements for 		<p>Missing – was only able to find Recreational Vehicle regulations for V zones.</p> <p>Missing</p> <p>Missing</p>	
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<p>manufactured dwellings of section 5.2.3.4.</p> <p>D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 5.2.3.6.</p> <p>E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 5.2.1.</p>		<p>14.20.050(B)(20) (b) Not Compliant</p> <p>14.20.050(B)(20) (c) Not Compliant</p>	
<p>5.3 Specific Standards for Coastal High Hazard Flood Zones</p> <p>Located within special flood hazard areas established in section 3.2 are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the FIRMs as the areas between the Limit of Moderate Wave Action (LiMWA) and the Zone V boundary. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in section 5.1.</p>	<p>I</p>		<p>14.20.050(B)(18) Compliant</p>
<p>5.3.1 Development Standards</p> <p>A. All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:</p> <ol style="list-style-type: none"> 1. 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 	<p>V</p>	<p>14.20.050(B)(18) (a) Not Compliant</p> <p>14.20.050(B)(18) (b) Not Compliant</p>	

<p>2. 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. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes;</p>		<p>14.20.050(B)(18) (c) Not Compliant</p>	
<p>B. 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 this section.</p>		<p>14.20.050(B)(18) (c) Not Compliant</p>	
<p>C. 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 and whether or not such structures contain a basement. The local floodplain administrator shall maintain a record of all such information in accordance with section 4.2.2.</p>		<p>14.20.050(B)(18) (e) Not Compliant</p>	
<p>D. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or</p>			<p>14.20.050(B)(18) (g) Compliant</p>

<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and 2. 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. 3. Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 5.2.1. <p>E. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement,</p>		<p>14.20.050(B)(18) (g) Not Compliant</p> <p>Missing</p> <p>14.20.050(B)(18) (g)(ii) Not Compliant</p>	<p>14.20.050(B)(18) (g)(i) Compliant</p> <p>14.20.050(B)(18) (h) Compliant</p>
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<p>or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.</p> <p>F. Prohibit the use of fill for structural support of buildings.</p> <p>G. All new construction shall be located landward of the reach of mean high tide.</p> <p>H. Prohibit man-made alteration of sand dunes which would increase potential flood damage.</p> <p>I. All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section 5.3.1 Floodproofing of non-residential structures is prohibited.</p>		Missing	<p>14.20.050(18)(h) Compliant</p> <p>14.20.050(18)(f) Compliant</p> <p>14.20.050(18)(j) Compliant</p>
<p>5.3.1.1 Manufactured Dwelling Standards for Coastal High Hazard Zones All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:</p> <p>A. Comply with all of the standards within section 5.3;</p> <p>B. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one</p>	V	Missing	

<p>foot above the Base Flood Elevation (BFE); and</p> <p>C. Electrical crossover connections shall be a minimum of 12 inches above the BFE.</p>		Missing	
<p>5.3.1.2 Recreational Vehicle Standards for Coastal High Hazard Zones</p> <p>Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:</p> <p>A. Be on the site for fewer than 180 consecutive days, and</p> <p>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</p> <p>C. Meet the permit requirements of section 4.0 and the requirements for manufactured homes in section 5.3.1.1.</p>	V	<p>14.20.050(B)(18)(k) Not Compliant</p> <p>14.20.050(B)(18)(k)(iii) Not Compliant</p>	<p>14.20.050(B)(18)(k)(i) Compliant</p> <p>14.20.050(B)(18)(k)(ii) Compliant</p>
<p>5.3.1.3 Tank Standards for Coastal High Hazard Zones</p> <p>Tanks shall meet the requirements of section 5.1.5.</p>	V	Missing	

Sections that need to be removed from current ordinance for compliance:

14.20.020 (12)&(13)

14.20.50(B)(16)(c-f)

Oregon Model Flood Ordinance Regulatory Crosswalk

Section	Code of Federal Regulations (CFR) and Technical Bulletin Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, ORS)
1.1 Statutory Authorization	59.22(a)(2)	Goal 7; ORS 203.035 (Counties), ORS 197.175 (Cities)
1.2 Findings of Fact	59.22(a)(1)	Goal 7
1.3 Statement of Purpose	59.2; 59.22(a)(1) and (8); 60.22	Goal 7
1.4 Methods of Reducing Flood Losses	60.22	Goal 7
2.0 Definitions	59.1	Goal 7
3.1 Lands to Which this Ordinance Applies	59.22(a)	Goal 7
3.2 Basis for Establishing the Special Flood Hazard Areas	59.22(a)(6); 60.2(h)	Goal 7
3.3 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division		ORS 455
3.4.1 Compliance	60.1(b) – (d)	Goal 7
3.4.2 Penalties for Noncompliance	60.1(b) – (d)	Goal 7
3.5.1 Abrogation	60.1(b) – (d)	Goal 7
3.5.2 Severability		
3.6 Interpretation	60.1(b) – (d)	Goal 7
3.7.1 Warning		
3.7.2 Disclaimer of Liability		
4.1 Designation of the Floodplain Administrator	59.22(b)(1)	Goal 7
4.2.1 Permit Review	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
4.2.2 Information to be Obtained and Maintained	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; 105.9; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6
4.2.3.1 Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
4.2.3.2 Watercourse Alterations	60.3(b)(6) – (7), 65.6(12) – (13)	Goal 7
4.2.3.3 Requirement to Submit New Technical Data	65.3, 65.6, 65.7, 65.12	Goal 7
4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1),(2),(3),(5) – (8),(10), (12); 60.3(d)(3); 60.3(e)(4),(5),(8)	Goal 7
4.3.1 Floodplain Development Permit Required	60.3(a)(1)	Goal 7
4.3.2 Application for Development Permit	60.3(a)(1); 60.3(b)(3); 60.3(c)(4)	Goal 7; R106.1.4; R322.3.6
4.4 Variance Procedure	60.6(a)	Goal 7
4.4.1 Conditions for Variances	60.6(a)	Goal 7
4.4.2 Variance Notification	60.6(a)(5)	Goal 7
5.1.1 Alteration of Watercourses	60.3(b)(6) and (7)	Goal 7
5.1.2 Anchoring	60.3(a)(3); 60.3(b)(1),(2), and (8)	Goal 7; R322.1.2

5.1.3 Construction Materials and Methods	60.3(a)(3), TB 2; TB 11	Goal 7; R322.1.3; R322.1.3
5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	60.3(a)(5) and (6)	Goal 7; R322.1.7
5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment	60.3(a)(3)	Goal 7; R322.1.6;
5.1.5 Tanks		R322.2.4; R322.3.7
5.1.6 Subdivision Proposals	60.3(a)(4)(i) – (iii); 60.3(b)(3)	Goal 7
5.1.7 Use of Other Base Flood Data	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
5.1.8 Structures Located in Multiple or Partial Flood Zones		R322.1
5.2.1 Flood Openings	60.3(c)(5); TB 1; TB 11	Goal 7; R322.2.2; R322.2.2.1
5.2.2 Garages	TB 7-93	R309
5.2.3.1 Before Regulatory Floodway	60.3(c)(10)	Goal 7
5.2.3.2 Residential Construction	60.3(c)(2)	Goal 7
5.2.3.3 Nonresidential Construction	60.3(c)(3) – (5); TB 3	Goal 7; R322.2.2; R322.2.2.1
5.2.3.4 Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
5.2.3.5 Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
5.2.3.6 Appurtenant (Accessory) Structures	60.3(c)(5); TB 1; TB 7-93	S105.2; R105.2
5.2.4 Floodways	60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)	Goal 7
5.2.5 Standards for Shallow Flooding Areas	60.3(c)(7),(8),(11), and (14)	Goal 7
5.3 Specific Standards for Coastal High Hazard Flood Zones, and		
5.3.1 Development Standards	60.3(e); TB 5; TB 8; TB 9	Goal 7; R322.3.1; R322.3.2; R322.3.3; R322.3.4; R322.3.5
5.3.1.1 Manufactured Dwelling Standards for Coastal High Hazard Zones	60.3(e)(8)(i) – (iii)	Goal 7; RR322.3.2; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
5.3.1.2 Recreational Vehicle Standards for Coastal High Hazard Zones	60.3(e)(9)(i)- (iii)	Goal 7



FEMA

September 24, 2018

Mr. Spencer Nebel
City Manager
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

RECEIVED
SEP 28 2018
CITY OF NEWPORT

Re: Community: City of Newport,
Lincoln County, Oregon
Community No.: 410131

IN REPLY REFER TO: APPEAL RESOLUTION

Dear Mr. Nebel:

This is in response to a letter dated October 26, 2017 from Derrick Tokos, City of Newport Community Development Director, on behalf of property owners in Newport's Southshore Development neighborhood, appealing the proposed Special Flood Hazard Area (SFHA) boundaries in the Arbor Drive area of the Southshore Development, as presented on the Preliminary Flood Insurance Rate Map (FIRM) and in the Preliminary Flood Insurance Study (FIS) report for Lincoln County, Oregon and Incorporated Areas, dated August 5, 2016.

Please note that your request is considered an appeal because it satisfied the data requirements defined in Title 44, Chapter I, Part 67 of the Code of Federal Regulations (44 CFR Part 67), and was submitted during the 90-day appeal period for the aforementioned Preliminary FIRM and FIS report.

The following scientific and/or technical data were submitted in support of this request:

- Technical report and technical data as part of an appeal package drafted by Mott MacDonald, dated October 27, 2018
- Technical data and clarifications provided in response to Request for Information (1), dated January 12, 2018
- Technical data and clarifications provided in response to Request for Information (2), dated April 18, 2018

We received all data necessary to resolve this appeal by June 15, 2018.

We have resolved this appeal in accordance with the requirements of 44 CFR Part 67. We have determined that the proposed coastal SFHA boundary for the Arbor Drive area of the Southshore Development, as shown on the Preliminary FIRM and in the Preliminary FIS report dated August 5,

2016, should be revised based on the submitted data. FEMA will revise and reissue the Preliminary FIRM and FIS report to include these changes. After Revised Preliminary products are issued on September 28, 2018, you will have a 30-day comment period to comment on the revisions.

If you feel that the technical issues originally raised have not been adequately addressed by this resolution letter and that an acceptable resolution will not be feasible through the submittal of additional comments as outlined above, please note that FEMA makes Scientific Resolution Panels (SRPs) available to support the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community have been engaged in a collaborative consultation process without a mutually acceptable resolution.

Your community may contact David Ratté at 425-487-4657 for additional information on the specific eligibility requirements for the SRP, or refer to the enclosed SRP Fact Sheet. To request that an SRP review your scientific or technical data, your community must complete the enclosed SRP Request Form and submit it to the address above within 30 days of the date of this letter.

If we do not receive any comments or the completed SRP Request Form from your community during the 30-day review period associated with this resolution, we will finalize the FIRM and FIS report by issuing a Letter of Final Determination (LFD). The LFD will explain the adoption/compliance process and will state the date when the FIRM and FIS report will become effective.

We appreciate your community's comments and commitment to having the most accurate flood hazard information available reflected on the FIRM and in the FIS report.

If you have any questions regarding this matter, please contact David Ratté of our FEMA staff in Bothell, Washington, either by telephone at 425-487-4657 or by e-mail at David.Ratte@fema.dhs.gov.

Sincerely,



So Tamra Biasco
Chief, Risk Analysis Branch
Mitigation Division
FEMA Region 10

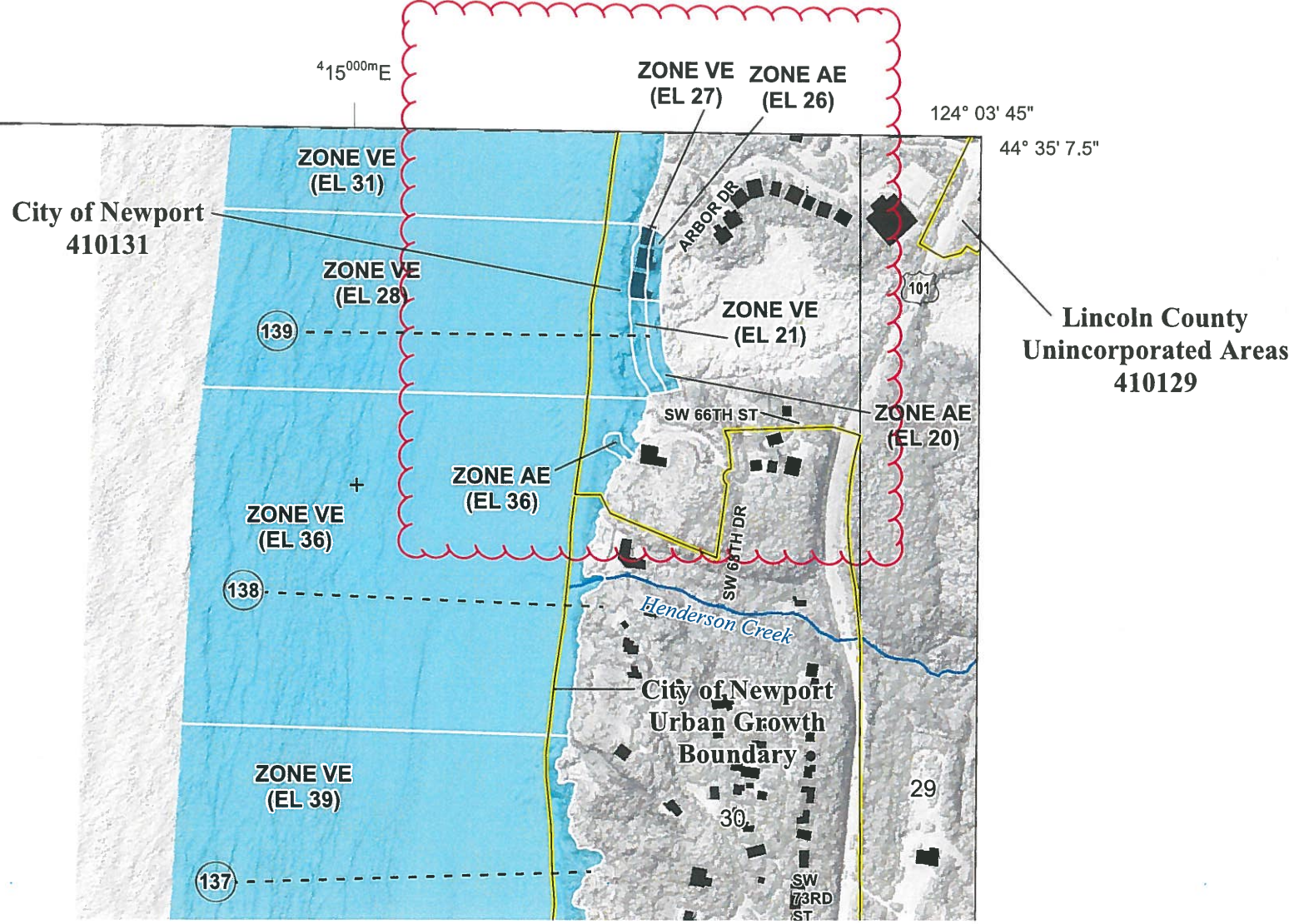
Enclosures:
SRP Fact Sheet
SRP Request Form

Mr. Nebel
September 24, 2018
Page 3

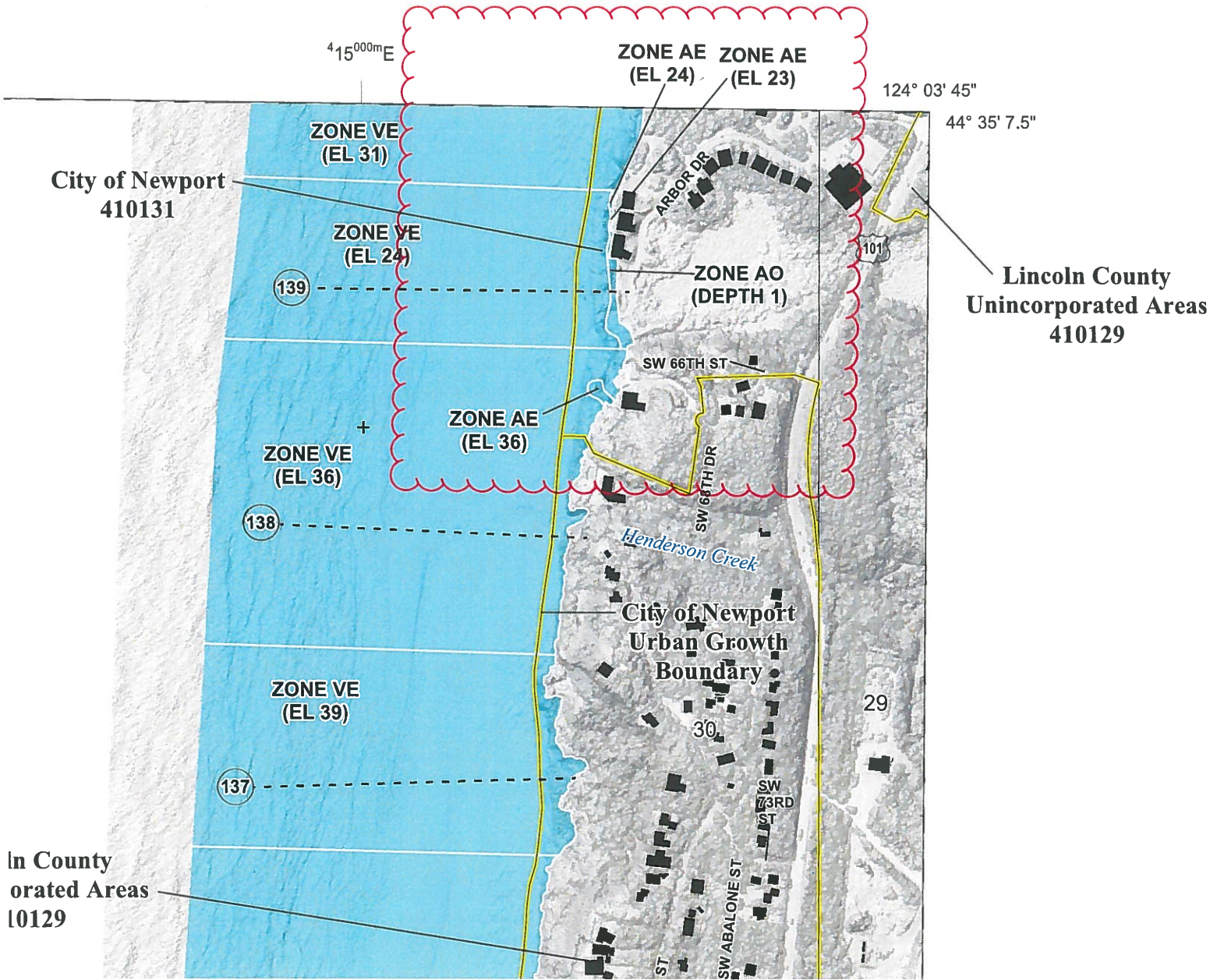
101

cc: Derrick I Tokos, Community Development Director, City of Newport
Robert R. Glenn, Authorized representative of all appellants
Jed Roberts, Oregon Department of Geology and Mineral Industries
Christopher Day, Mott MacDonald, LLC
Shane Phillips, Mott MacDonald, LLC
David Lentzner, Oregon State RiskMap Coordinator
Celinda Adair, Oregon State NFIP Coordinator

Area Subject to Appeal



Changes Made as a Result of Appeal



In County
orated Areas
10129

CITY OF NEWPORT

OCT 02 2018

RECEIVED



FEMA

September 28, 2018

REVISED PRELIM-EAP

Mr. Spencer Nebel
City Manager
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

Community Name: City of Newport,
Lincoln County, Oregon
Community No.: 410131

Re: Revised Preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Lincoln County, Oregon and Incorporated Areas, FIRM panel 0504E

Dear Mr. Nebel:

We are pleased to present your community with revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Lincoln County, Oregon and Incorporated Areas for your review and comment. This revised preliminary version of the FIRM and FIS report incorporates updated coastal flood hazard information in Newport's Southshore Development neighborhood/Arbor Drive. We have revised only those FIRM panel(s) and FIS volume(s) with updated flood hazard information: panel 0504E at coastal transect 139.

We are sending the revised Preliminary copies at this time to give your community an opportunity to review them. Additionally, in an effort to assist you in circulating the information, FEMA has posted digital copies of the revised FIRM and FIS report materials to the following Website: www.fema.gov/preliminaryfloodhazarddata. We encourage you to circulate the enclosed copies as widely as possible among elected officials, staff, and other individuals or organizations in the community that would have an interest in the FIRM and FIS report so that they will have the opportunity to review them. The review period provides community officials and citizens in the affected communities with an opportunity to confirm non-technical information, such as corporate limits, road names, and stream names on the FIRM or in the FIS report. Questions or concerns may be sent within 30 days from the date of this letter to Carmen Burducea at carmen.burducea@stantec.com, or by telephone at (301) 575-3153.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the FIRM becomes effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the FIRM; (2) LOMCs for which results could not be shown on the FIRM because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area (SFHA) as shown on the FIRM; (3) LOMCs for which results have not been included on the FIRM because the flood hazard information on which the original determinations were based is being superseded by new flood hazard

information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above.

LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the FIRM and will become effective one day after the FIRM becomes effective.

For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the FIRM becomes effective upon request.

After the 30-day review period has ended and we have addressed all comments, we will initiate final preparation of the FIRM and FIS report. The new FIRM and FIS report for your community will become effective approximately 7 to 10 months later. Before the effective date, you will be notified in writing of the official FIRM and FIS report effective date and asked to adopt floodplain ordinances or modify existing ordinances as necessary that correspond with the new FIRM or FIS report. If you or other community officials have any questions regarding floodplain ordinances, you may raise them with our FEMA Regional Office or you may discuss those issues with your State National Flood Insurance Program Coordinator. Several months before the effective date, we will mail one set of printed copies of the finalized FIRM and FIS report and digital copies of the map and report products.

Your community's comments on the revised Preliminary FIRM panels and FIS report are an important part of our review process, and we will consider them carefully before we publish the FIRM and FIS report in their final form.

If you have any questions regarding the revised Preliminary copies of the FIRM and FIS report, please contact David M. Ratté, FEMA Region 10 Engineer. Mr. Ratté can be reached by telephone at (425) 487-4657 or by email at David.Ratte@fema.dhs.gov. If you have general questions about mapping issues, please call our FEMA Map Information eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or e-mail our FMIX staff at FEMAMapSpecialist@riskmapcds.com.

Sincerely,



Tamra Biasco
Chief, Risk Analysis Branch
Mitigation Division
FEMA Region 10

Enclosures:

Revised Preliminary FIS
Revised Preliminary FIRM: 41041C0504E
Revised Preliminary SOMA

cc: Derrick I Tokos, Community Development Director, City of Newport
David Lentzner, Oregon State RiskMap Coordinator
Celinda Adair, Oregon State NFIP Coordinator

PRELIMINARY SUMMARY OF MAP ACTIONS

PRELIMINARY

9/28/2018

Community: NEWPORT, CITY OF

Community No: 410131

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effect of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)).

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below have been reflected on the Preliminary copies of the revised FIRM panels. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below are either not located on revised FIRM panels, or have not been reflected on the Preliminary copies of the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	05-10-0206A	02/25/2005	345 SOUTH WEST BAY BLVD	4101310002C	41041C0368E
LOMA	11-10-1511A	08/16/2011	NEW BIG CREEK ADDITION, BLOCK 1, LOT 2 -- 2840 NORTHEAST HARNEY DRIVE	41041C0366D	41041C0366E
LOMA	12-10-1294A	09/18/2012	LAKWOOD HILLS PHASE I, BLOCK 5, LOT 1 -- 2710 NORTHEAST ILER STREET	41041C0368D	41041C0368E
LOMA	13-10-0812A	05/07/2013	EMBARCADERO PHASES I, II, & III, BUILDINGS B, E, F, G, H -- 1000 SOUTHEAST BAY BOULEVARD	41041C0368D	41041C0368E

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

PRELIMINARY SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Preliminary copies of the revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	97-10-097A	01/14/1997	123 SW 66TH STREET -- PORTION OF SECTION 30, T11S, R11W, W.M.	1
102	00-10-271P	08/11/2000	SCHOONER CREEK PROPERTY	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-A

April 18, 2019

Spencer Nebel
City Manager, City of Newport
City Hall
169 Southwest Coast Highway
Newport, Oregon 97365

Community: City of Newport,
Lincoln County, Oregon
Community No.: 410131
Map Panels Affected: See FIRM Index

Dear Mr. Nebel:

On July 19, 2017, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Newport, Lincoln County, Oregon. The statutory 90-day appeal period that was initiated on August 2, 2017, when the Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in the *Newport News Times*, has elapsed.

FEMA did receive an appeal during that 90-day period. The technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, are effective as of October 18, 2019, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report made by this map revision, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to October 18, 2019, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3 (d and e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d and e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply, and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

2

- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d and e)
- Adopting all of the standards of Paragraph 60.3 (d and e) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d and e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

David Ratté
Regional Engineer, FEMA Region 10
130 – 228th Street, S.W.
Bothell, Washington 98021 – 9796
(425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*,

3

and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Derrick Tokos, Community Development Director, City of Newport

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on October 18, 2019.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	05-10-0206A	02/25/2005	345 SOUTH WEST BAY BLVD	4101310002C	41041C0368E
LOMA	11-10-1511A	08/16/2011	NEW BIG CREEK ADDITION, BLOCK 1, LOT 2 -- 2840 NORTHEAST HARNEY DRIVE	41041C0366D	41041C0366E
LOMA	12-10-1294A	09/18/2012	LAKEWOOD HILLS PHASE I, BLOCK 5, LOT 1 -- 2710 NORTHEAST ILER STREET	41041C0368D	41041C0368E
LOMA	13-10-0812A	05/07/2013	EMBARCADERO PHASES I, II, & III, BUILDINGS B, E, F, G, H -- 1000 SOUTHEAST BAY BOULEVARD	41041C0368D	41041C0368E

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	97-10-097A	01/14/1997	123 SW 66TH STREET -- PORTION OF SECTION 30, T11S, R11W, W.M.	1
102	00-10-271P	08/11/2000	SCHOONER CREEK PROPERTY	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



Federal Emergency Management Agency

Washington, D.C. 20472

CITY OF NEWPORT

MAY 30 2019

RECEIVED

Mr. Spencer Nebel
City Manager, City of Newport
169 Southwest Coast Highway
Newport, Oregon 97365

(179RS-CW):
Community No.: 410131
Community: City of Newport,
Lincoln County,
Oregon

Dear Mr. Nebel:

Enclosed is a copy of the Flood Insurance Study (FIS) materials for Lincoln County, Oregon and Incorporated Areas prepared by the Department of Homeland Security's Federal Emergency Management Agency (FEMA). These materials may include revised Flood Insurance Rate Map (FIRM) panels, a revised FIRM Index, and a revised FIS report. To avoid confusion, please replace materials that you currently have on file with the most recent copy.

As you are aware, your community shares the enclosed Index with several other jurisdictions in the county. Future revisions to the enclosed FIRM Index will only be issued to you if a FIRM panel on which your community is located is revised. This FIRM Index will therefore remain valid for your community until such time as a panel on which your community is shown is revised.

It is also important to note that if your community annexes land that is shown on adjacent FIRM panels in the future, you must obtain a current copy of the adjacent panel as well as the current FIRM index. Additional digital copies of the enclosed materials may be ordered from the FEMA Map Information eXchange toll free at 1-877-336-2627 (877-FEMA MAP), or via the website at <https://msc.fema.gov>.

Sincerely,

Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure(s)

Revision Effective Date: October 18, 2019



FEMA

JUL 15 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CITY OF NEWPORT

Spencer Nebel
City Manager, City of Newport
169 Southwest Coast Highway
Newport, Oregon 97365

JUL 18 2019

RECEIVED

Dear Mr. Nebel:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Newport, Oregon, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on October 18, 2019; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d) and (e).

As noted in FEMA's letter dated April 18, 2019, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Lincoln County. Therefore, the City of Newport should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Newport will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Oregon Department of Land Conservation and Development. You may contact Celinda Adair, CFM, the NFIP State Coordinator, by telephone at (503) 934-0069, in writing at 635 Capitol Street, Northeast, Suite 150, Salem, Oregon 97301-2540, or by electronic mail at celinda.adair@state.or.us.

The FEMA Regional staff in Bothell, Washington, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Newport and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region X, at 130 - 228th Street, Southwest, Bothell, Washington 98021-8627.

Spencer Nebel

JUL 15 2019

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until October 18, 2019, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by October 18, 2019. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Sears", with a long horizontal flourish extending to the right.

Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Mike O'Hare, Regional Administrator, FEMA Region X
Celinda Adair, CFM, NFIP State Coordinator, Oregon Department of Land Conservation
and Development
Derrick Tokos, Community Development Director, City of Newport

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on October 18, 2019.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	05-10-0206A	02/25/2005	345 SOUTH WEST BAY BLVD	4101310002C	41041C0368E
LOMA	11-10-1511A	08/16/2011	NEW BIG CREEK ADDITION, BLOCK 1, LOT 2 -- 2840 NORTHEAST HARNEY DRIVE	41041C0366D	41041C0366E
LOMA	12-10-1294A	09/18/2012	LAKEWOOD HILLS PHASE I, BLOCK 5, LOT 1 -- 2710 NORTHEAST ILER STREET	41041C0368D	41041C0368E
LOMA	13-10-0812A	05/07/2013	EMBARCADERO PHASES I, II, & III, BUILDINGS B, E, F, G, H -- 1000 SOUTHEAST BAY BOULEVARD	41041C0368D	41041C0368E

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	97-10-097A	01/14/1997	123 SW 66TH STREET -- PORTION OF SECTION 30, T11S, R11W, W.M.	1
102	00-10-271P	08/11/2000	SCHOONER CREEK PROPERTY	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



FEMA

SEP 13 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Spencer Nebel
City Manager, City of Newport
169 Southwest Coast Highway
Newport, Oregon 97365

Dear Mr. Nebel:

I am writing this letter as an official reminder that the City of Newport, Oregon, has until October 18, 2019, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations.

The City of Newport must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by October 18, 2019, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist the City of Newport to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Newport is encountering difficulties in enacting its measures.

Spencer Nebel

SEP 13 2019

Page 2

I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Oregon Department of Land Conservation and Development. Celinda Adair, CFM, the NFIP State Coordinator, is accessible by telephone at (503) 934-0069, in writing at 635 Capitol Street, Northeast, Suite 150, Salem, Oregon 97301-2540, or by electronic mail at celinda.adair@state.or.us.

The FEMA Regional staff in Bothell, Washington, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region X, at 130 – 228th Street, Southwest, Bothell, Washington 98021-8627.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Rachel Sears, Director
Floodplain Management Director
Mitigation Directorate | FEMA

Enclosure

cc: Mike O'Hare, Regional Administrator, FEMA Region X
Celinda Adair, CFM, NFIP State Coordinator, Oregon Department of Land Conservation
and Development
Derrick Tokos, Community Development Director, City of Newport

§59.24 Suspension of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of §60.3 or paragraph (b) of §60.4 or §60.5, within six months from the date the Federal Insurance Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Federal Insurance Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Federal Insurance Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Federal Insurance Administrator, no later than 30 days before the expiration of the original six month period the Federal Insurance Administrator shall provide written notice to the community and to the state and assure publication in the Federal Register under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Federal Insurance Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. If the Federal Insurance Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Federal Insurance Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Federal Insurance Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Federal Insurance Administrator determines that the community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of \$25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.00, which shall also be charged during any successive one-year periods during which the

community remains on probation for any part thereof. This \$50.00 additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§60.3, 60.4 and/or 60.5 and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility. Under such circumstances, the Federal Insurance Administrator shall grant the community 30 days in which to show cause why it should not be suspended. The Federal Insurance Administrator may conduct a hearing, written or oral, before commencing suspensive action. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the Federal Register under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. In the event of impending suspension, the Federal Insurance Administrator shall issue a press release to the local media explaining the reasons and effects of the suspension. The community's eligibility shall only be reinstated by the Federal Insurance Administrator upon his receipt of a local legislative or executive measure reaffirming the community's formal intent to adequately enforce the flood plain management requirements of this subpart, together with evidence of action taken by the community to correct Program deficiencies and remedy to the maximum extent possible those violations which caused the suspension. In certain cases, the Federal Insurance Administrator, in order to evaluate the community's performance under the terms of its submission, may withhold reinstatement for a period not to exceed one year from the date of his receipt of the satisfactory submission or place the community on probation as provided for in paragraph (b) of this section.

(d) A community eligible for the sale of flood insurance which repeals its flood plain management

regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §§60.3, 60.4 and/or 60.5 shall be suspended from the Program. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the Federal Register under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. The community eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(e) A community eligible for the sale of flood insurance may withdraw from the Program by submitting to the Federal Insurance Administrator a copy of a legislative action that explicitly states its desire to withdraw from the National Flood Insurance Program. Upon receipt of a certified copy of a final legislative action, the Federal Insurance Administrator shall withdraw the community from the Program and publish in the Federal Register under part 64 of this subchapter its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated if it submits the application materials specified in §59.22(a).

(f) If during a period of ineligibility under paragraphs (a), (d), or (e) of this section, a community has permitted actions to take place that have aggravated existing flood plain, mudslide (i.e., mudflow) and/or flood related erosion hazards, the Federal Insurance Administrator may withhold reinstatement until the community submits evidence that it has taken action to remedy to the maximum extent possible the increased hazards. The Federal Insurance Administrator may also place the reinstated community on probation as provided for in paragraph (b) of this section.

(g) The Federal Insurance Administrator shall promptly notify the servicing company and any insurers issuing flood insurance pursuant to an arrangement with the Federal Insurance Administrator of those communities whose eligibility has been suspended or which have withdrawn from

the program. Flood insurance shall not be sold or renewed in those communities. Policies sold or renewed within a community during a period of ineligibility are deemed to be voidable by the Federal Insurance Administrator whether or not the parties to sale or renewal had actual notice of the ineligibility.

[41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36023, Sept. 4, 1985; 57 FR 19540, May 7, 1992; 59 FR 53598, Oct. 25, 1994; 62 FR 55715, Oct. 27, 1997]

§60.1 Purpose of subpart.

(a) The Act provides that flood insurance shall not be sold or renewed under the program within a community, unless the community has adopted adequate flood plain management regulations consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Federal Insurance Administrator.

(b) This subpart sets forth the criteria developed in accordance with the Act by which the Federal Insurance Administrator will determine the adequacy of a community's flood plain management regulations. These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. Except as otherwise provided in §60.6, the adequacy of such regulations shall be determined on the basis of the standards set forth in §60.3 for flood-prone areas, §60.4 for mudslide areas and §60.5 for flood-related erosion areas.

(c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use.

(d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management

regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§60.2 Minimum compliance with flood plain management criteria.

(a) A flood-prone community applying for flood insurance eligibility shall meet the standards of §60.3(a) in order to become eligible if a FHBM has not been issued for the community at the time of application. Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in §60.3 (b), (c), (d), (e) or (f), in which to meet the requirements of the applicable paragraph. If a community has received a FHBM, but has not yet applied for Program eligibility, the community shall apply for eligibility directly under the standards set forth in §60.3(b). Thereafter, the community will be given a period of six months from the date the Federal Insurance Administrator provides the data set forth in §60.3 (c), (d), (e) or (f) in which to meet the requirements of the applicable paragraph.

(b) A mudslide (i.e., mudflow)-prone community applying for flood insurance eligibility shall meet the standards of §60.4(a) to become eligible. Thereafter, the community will be given a period of six months from the date the mudslide (i.e., mudflow) areas having special mudslide hazards are delineated in which to meet the requirements of §60.4(b).

(c) A flood-related erosion-prone community applying for flood insurance eligibility shall meet the standards of §60.5(a) to become eligible. Thereafter, the community will be given a period of six months from the date the flood-related erosion areas having special erosion hazards are delineated in which to meet the requirements of §60.5(b).

(d) Communities identified in part 65 of this subchapter as containing more than one type of hazard (e.g., any combination of special flood, mudslide (i.e., mudflow), and flood-related erosion hazard areas) shall adopt flood plain management regulations for each type of hazard consistent with the requirements of §§60.3, 60.4 and 60.5.

(e) Local flood plain management regulations may be submitted to the State Coordinating Agency designated pursuant to §60.25 for its advice and concurrence. The submission to the State shall clearly describe proposed enforcement procedures.

(f) The community official responsible for submitting annual or biennial reports to the Federal Insurance Administrator pursuant to §59.22(b)(2) of this subchapter shall also submit copies of each annual or biennial report to any State Coordinating Agency.

(g) A community shall assure that its comprehensive plan is consistent with the flood plain management objectives of this part.

(h) The community shall adopt and enforce flood plain management regulations based on data provided by the Federal Insurance Administrator. Without prior approval of the Federal Insurance Administrator, the community shall not adopt and enforce flood plain management regulations based upon modified data reflecting natural or man-made physical changes.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 29318, June 24, 1983; 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36024, Sept. 4, 1985; 59 FR 53598, Oct. 25, 1994; 62 FR 55716, Oct. 27, 1997]

§60.3 Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in §64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems

and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and

substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);

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(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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 meet or exceed the following minimum criteria: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

- (i) Outside of a manufactured home park or subdivision,
- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation

system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's 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.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured

homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is 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.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12,

and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

- (1) Meet the requirements of paragraphs (c)(1) through (14) of this section;
- (2) Within Zones V1-30, VE, and V on a community's FIRM, (i) 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, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii);
- (3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;
- (4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) 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. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local

building standards. 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 paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM 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 purposes 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:

- (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
- (ii) 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). Water loading values used shall be those associated with

the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is 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.

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or

protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

Editorial Note: For Federal Register citations affecting §60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

Derrick Tokos

From: Derrick Tokos
Sent: Monday, September 16, 2019 8:55 AM
To: 'Robert Glenn'
Subject: RE: Public hearing

Hi Bob... the notice you received was sent to all property owners whose parcels were impacted by the map changes, irrespective of whether or not the impacts were meaningful. As a result of your successful appeal, FEMA amended the map panel such that the improvements on your property are outside of the 100-year floodplain.

Derrick

From: Robert Glenn [mailto:xiudtd@peak.org]
Sent: Sunday, September 15, 2019 1:33 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Public hearing

Dear Derrick:

Just received a notice about the hearing on the 23rd concerning the updating of Newport's development code for properties located in FEMA's revised FIRMs that became effective earlier this year.

The notice indicates that it was sent to us individually as we have property "partly" covered by the new FIRMs, which is true as to about the West 10 or 15 feet of our lot which is not improvable anyway under the CCRs applicable to all Southshore Development lots.

It is our understanding that due to our successful appeal, all of our existing improvements (our residence) were excluded from being in any flood zone; and that this is shown by the revised final FEMA FIRM involving our lot.

Please advise if your understanding regarding this matter is the same.

Yours truly,

Bob Glenn

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
May 13, 2019

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Rod Croteau, and Bill Branigan.

Planning Commissioners Absent: Mike Franklin (*excused*)

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Croteau, Patrick, Hanselman, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of April 22, 2019.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman to approve the Planning Commission work and regular session meeting minutes of April 22, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** Mona Linstromberg addressed the Commission. She referenced that at the February 19, 2019 Planning Commission work session meeting where there was a discussion on the draft revision to the Newport geologic hazard overlay. She asked for an update on when the issue would come back to the Commission. She noted there were two geologic permits that were either in process, or going to be, that the revisions could effect, and why this needed to be addressed.

Tokos said an update on this would be presented to the Commission at the next meeting. Croteau asked if they would be taking an action. Tokos said the update would be the date the amendment would be going to a public hearing.

4. **Action Items.**

A. **Motion to Initiate Flood Insurance Rate Map Amendments.**

Tokos reviewed the staff memo on the updated flood insurance rate maps and flood study. He noted the City received a final notice from FEMA that it was good to go. Tokos reported that if the City didn't initiate the legislative process and get the maps adopted within the designated timeframe, FEMA could make a determination that property owners would no longer be eligible for federally subsidized flood insurance.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan to initiate the legislative process for the Flood Insurance Rate Map and Ordinance Amendments as indicated. The motion carried unanimously in a voice vote.

B. **Motion to Initiate Tree Manual Legislative Process.**

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to initiate the legislative process on the Tree Manual and updated elements. The motion carried in a voice vote. Hardy abstained.

5. **Public Hearings.** At 7:08 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Berman, Croteau, Hanselman, and Branigan reported site visits. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 2-CUP-19.**

Tokos reviewed his staff memo and gave an update that the Finance Department and Rogue confirmed that they were not able to identify that there were any receipts that room taxes had been paid for Rogue Bed 'n' Brew. He noted the city was working with Rogue to get things resolved. He explained that room taxes fell under the Newport Municipal Code Chapter 3.05 and was not a land use issue. Tokos reminded the Commission that for the Conditional Use permit, they were charged with determining if the application met the criteria for the land use standards, not other matters that weren't a part of the land use code. Berman asked if there would be penalties for unpaid room taxes. Tokos reported that the City would be determining this.

Proponents: Matthew Merritt and Jim Cline, from Rogue Ales, addressed the Commission. Merritt asked the Commission to look at the criteria for the approval and asked them to grant relief for the off-street parking spaces. He noted they were working with the City to remit room taxes.

Branigan asked if Rogue was willing to make parking spaces available in the delivery area on the property to mitigate the five parking spaces. Merritt said they didn't have a problem with this, but they had to speak to their landlord to see if they would work with the City, and if there were any kind of easement issues.

Berman asked the applicants if the Commission attached a condition of approval that Rogue get permission from the landlord to turn the area into parking spaces, would it be a hardship for them. Merritt said he would have to talk to the landlord first to answer this, but noted that the report said the rentals didn't add much to the parking impact in the area. Cline agreed that they would be willing to look into this but noted they didn't have the final say on the parking spaces, the landlord would.

Opponents: Mona Linstromberg addressed the Commission. She explained that she had a problem that Rogue had been operating without a license and not paying room taxes. She suggested a condition should be added that they pay back their room taxes. Linstromberg also suggested the applicant sign a time waiver on whether or not these parking spaces could be used.

Rebuttal: Merritt explained they weren't asking for five parking spaces, they were asking to continue operating their rentals. He noted they were happy to work on the room taxes but wanted this separate from the conditional use because it was a separate issue. Tokos noted, with respect to obtaining a business license, this was a land use requirement and appropriate as a part of this discussion.

Berman asked if the ground for the additional parking spaces wasn't in the right-of-way. Merritt wasn't sure about this and was why they needed to check with the landlord.

Hearing closed at 7:22 pm.

Branigan noted he was happy that Rouge was working to amend the lack of room tax payments. He would be inclined to grant the permit, but would add a provision that said within 90 days Rouge would consult

with the landlord to see if they could convert the spaces to parking and report back to the City. Branigan stated he would grant their request either way. Hanselman said it was difficult for him to grant approval at this time. He thought the applicant was poorly prepared from the onset with a lack of business license and payment of room taxes. Hanselman had issues with the staff report. The parking study indicated that people typically park between 2-4 hours at the Bayfront. He felt the five spaces the renters would use could be filled all day with the same five cars, and was a direct economic issue for other businesses on the Bayfront. Hanselman noted the letter from Janet Webster that gave her concerns on loss of parking in the Bayfront district. He wanted to wait until the new parking district rules came out to deal with this.

Croteau said this was a case of clear negligence and he would be abstaining. Berman said he had a problem with this but he had to consider the criteria. He noted that the parking would be on-street if it became available. Berman wanted to add a provision to see if spaces could be added. Hardy thought all the criteria had been met and the room taxes weren't relevant. Patrick agreed with the City missing out on room taxes but thought it was not a part of the criteria. He said the Commission couldn't wait for future rules to make a decision. Patrick thought it met the conditional use requirements.

Branigan wanted to add a condition to the motion that Rogue would make a good faith effort to obtain permission from the landlord and report back to the City in 90 days. Hardy asked how that pertained to the conditional use. Branigan felt it was just another piece. Tokos suggested the Commission do two motions. One to approve the conditional use and another for the 90 days to obtain permission from the landlord.

MOTION was made by Commissioner Hardy, seconded by Commissioner Branigan to approve File No. 2-CUP-19 as written with conditions in the staff report. The motion carried in a voice vote. Hanselman and Croteau abstained.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to encourage Rogue Ales to work with the City and the landlord to obtain permission to strip up to four additional parking spaces along SW Bay Blvd for parking and do so in a reasonable time frame. The motion carried in a voice vote. Hardy was a nay. Hanselman and Croteau abstained.

Tokos asked for clarification on if the four additional parking spaces were angled parking at the driveway approach to the patio area currently. Branigan confirmed that it was.

B. File No. 2-NCU-19.

Tokos reviewed his staff report. Croteau asked if the buildings had been in continuous use without a 12 month hiatus. Tokos confirmed it had continued use for decades. Berman asked if the owners were contemplating an expansion or a remodel. Tokos said he understood they were not.

Proponents: Angie Richcreek addressed the Commission. She said they had owned the property for years. They found out their property needed nonconforming approval when they had recently rented the unit to someone who needed a business license. Richcreek said they submitted their request to make things right.

Opponents: Gary Laymon addressed the Commission. He stated he lived close to the property and wasn't opposed to the application. He noted that when the property was an insulation business, trucks would load early in the morning and the sound of the beeping when they backed up was intrusive. He asked the Commission to consider a noise requirement for the approval. Laymon also suggested the City add squiggly lines on Oceanview Drive to slow people down in the area.

Rebuttal: Richcreek agreed that the trucks were there but reminded the Commission that Pepsi bordered the property and they had trucks as well. She said the plan was to have the building as storage. Hanselman asked if their hours would be 9 am to 5 pm. Richcreek said as it would just be storage and there wouldn't be much comings and goings.

Hearing closed at 7:48pm.

Hardy didn't have any problems and felt it met the criteria. Berman appreciated the owners cleaning up and thought a vegetation requirement was a good thing, but thought they maintained the property well. Croteau liked the landscaping requirement but had no objection. Hanselman suggested softening the view with landscaping to 10 percent. Branigan didn't have any issues. Patrick thought they met the criteria.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve File No. 2-NCU-19 as written with conditions and with landscape requirements. The motion carried unanimously in a voice vote.

Tokos noted that the portion of the noise code stated operations should be between 7 am to 10 pm. When noises exceeded the level permissible, public could voice their concerns and the city would follow up.

C. File No. 3-CUP-19.

Tokos reviewed his staff report and the reasoning that the applicant had for submitting revisions to the original conditional use permit.

Proponents: Dustin Capri and Darren Morrison addressed the Commission. Capri noted that after contacting contractors for bids on the original designs, they discovered it was too expensive and had to reduce the budget. This was why they were submitting for a modification to the conditional use permit.

Hanselman asked if there was anything on the Bayfront that resembled the octopus they were proposing. Capri said one building on the Bayfront had a big copper seal sculpture. Hanselman asked what the size of the octopus was. Capri said around 25 feet. Croteau noted there was an octopus at Undersea Gardens. Branigan asked what material the octopus would be made of. Morrison reported it would be fiberglass. Branigan asked if the top of the elevator would be lit 24 hours a day. Capri said there would be light elimination on it to dim the light and it would fit in with the community. Berman asked about the plans for the deck on the roof. Capri said it was an existing deck and would be ADA accessible. It was used currently as a picnic area and their intention was to utilize it more often. Branigan asked what the exterior "TBD" was. Capri said this would be various artifacts that Ripley's supplied and would be outside sculptures. Hanselman asked if the entire building would be Ripley's. Morrison said it would after the renovations were done and noted the food portion would be removed. Branigan asked when the building was built. Capri said Ripley's was built in two phases in 1983 and 1984.

Opponents: None heard.

Hearing closed at 8:02pm.

Branigan said he had no problems with the approval. Hanselman said he wasn't sure about the octopus but would accept it. Croteau, Berman, Hardy, and Patrick had no problems.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan to approve File No. 3-CUP-19 as written with conditions. The motion carried unanimously in a voice vote.

D. File No. 1-SV-19.

Tokos reviewed his staff report and why there was an amendment to the previously proposed street vacation. Berman asked if this was approved, would the entire property be private. He was concerned about people being able to turn around when entering the property if it was private. Tokos said there would be a way to turnaround before they got to the gate. He said the issue was that Public Works didn't like the previous

design and felt it didn't meet the standards. This application was the applicant's work around. Croteau asked if there would be no further objection from Public Works. Tokos said they would not be objecting to this.

Proponents: Leo Dobitz addressed the Commission. He wanted to clarify that there was a suggestion by the Public Works that they had an alternative. When he went to see it, Public Works couldn't give it to him. Dobitz reported that both the State and local Fire Marshalls felt the turnaround exceeded the turnaround requirements.

Opponents: None were heard.

Hearing closed at 8:09 pm.

Hardy said she had no problems. Berman had no problems but wanted an assurance that this would never be closed off in the future. Croteau, Hanselman, Branigan had no issues. Patrick had no issues and didn't have a problem approving it.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan to approve a positive recommendation to the City Council for File No. 1-SV-19. The motion carried unanimously in a voice vote.

6. **Unfinished Business.** None were heard.

7. **Director Comments.** Tokos noted that he would be putting together a work program for the Commission. The Park System Master Plan would be coming forward as a final document. Tokos reported that the Parking Study meeting was productive and thought a recommendation would be made at their next meeting. He noted that they most likely would have amendments to the Comprehensive Plan to meter in the Bayfront, and hold off on Nye Beach and come up with an alternative business license adjustment and permit fee there for the time being. Branigan asked if there would be any more outreach meetings in Nye Beach. Tokos said they would have to do a round of meetings because they would need an alternative approved. He didn't think it needed to happen before they did the Comprehensive Plan amendments. Tokos noted there had been a discussion that maybe Nye Beach wasn't right for metering at that time. Croteau asked what the timeframe was. Tokos said within a year and the Commission would have to make a recommendation to the City Council. In late fall they would answer if they needed to do meters. Berman noted that as far as the budget, he objected to the money being in the budget for the parking plan.

Tokos reported that the Regional Housing Plan would be coming to the Commission soon. He said the Tsunami Overlay is also moving forward and that a House Bill is likely to pass that would take the provisions in the Building codes that prohibits certain special facilities or special occupancy uses within tsunami inundation areas, and waters things down to make DOGAMI's role more advisory and less mandatory. This would also apply to nursing homes and large assembly facilities in tsunami zones.

Patrick asked about Linstromberg's comments on the geologic permit applications. Tokos said one application had been submitted in November 2018, put on hold, and supplemented in February 2019. It is presently incomplete.

8. **Adjournment.** Having no further business, the meeting adjourned at 8:18 p.m.

Respectfully submitted,


 Sherri Marineau
 Executive Assistant

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fax: 541.574.0644

thecityofnewport.net

mombetsu, japan, sister city

CITY OF NEWPORT

169 SW COAST HWY

NEWPORT, OREGON 97365

COAST GUARD CITY, USA



NOTICE OF PUBLIC OPEN HOUSE

Date: May 4, 2017
To: Affected Property Owners
From: Derrick Tokos, Community Development Director
RE: Proposed Revisions to Flood Insurance Rate Maps

The Federal Emergency Management Agency (FEMA) is proposing to update the Flood Insurance Rate (FIRM) Maps used to establish whether or not a property is likely to be impacted by a 100-year flood event. Our records indicate that you own real property that is at least partially within the 100-year flood boundary.

Attached to the back of this notice is a flyer advertising a public open house at which members of the public can learn about the proposed changes and how they may impact their property. It will be held on Thursday, May 18, 2017, from 5:00 – 7:00 pm in the Community Room at the Oregon Coast Community College (400 SE College Way). **We strongly encourage you to attend this informational meeting.**

The revised FIRM maps are available for review on the City of Newport's website at: <http://newportoregon.gov/dept/cdd/FEMAFIRMmaps.asp> or on the Lincoln County Planning Department website at the address included on the attached flyer.

If you have any difficulty accessing the revised FIRM maps or have questions or concerns regarding the proposed changes, please don't hesitate to contact me at (541) 574-0626 or d.tokos@newportoregon.gov.



CITY OF NEWPORT
169 SW COAST HWY
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COAST GUARD CITY, USA



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NOTICE OF PUBLIC HEARING

PROPOSED REVISIONS TO THE CITY OF NEWPORT'S FLOOD HAZARD REGULATIONS AND FLOOD INSURANCE RATE MAPS

The Federal Emergency Management Agency (FEMA) has updated its model development code, Flood Insurance Study, and Flood Insurance Rate (FIRM) maps for property that is likely to be impacted by a 100-year flood event. Local governments, such as the City of Newport, are required to adopt the code, study, and maps in order for the affected properties to be eligible for federally subsidized flood insurance. Our records indicate that you own real property that is at least partially within the 100-year flood boundary.

These changes may impact your options for obtaining flood insurance, and the cost of such insurance, and you should contact an insurance agent for additional information.

The Newport Planning Commission will hold a public hearing to consider changes to Chapter 14.20 of the Newport Municipal Code, Flood Hazards, to incorporate FEMA's model development code, flood study, and maps. The public hearing is scheduled for:

Date: Monday, September 23, 2019

Time 7:00 pm, or soon thereafter

**Location: Council Chambers, Newport City Hall
169 SW Coast Hwy, Newport, OR 97365**

The updated FIRM maps are available for review on the City of Newport's website at: <http://newportoregon.gov/dept/cdd/FEMAFIRMmaps.asp>. If you have any difficulty accessing the FIRM maps or have questions or concerns regarding the proposed changes, please don't hesitate to contact Derrick I. Tokos, AICP, City of Newport Community Development Director at (541) 574-0626 or d.tokos@newportoregon.gov.

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SALEM, OR 97305

HOCKEN JEAN TRUST ESTATE
ATTN VICTORIA GRUSING
345 NE BENTON ST
NEWPORT, OR 97365

HODGINS JAMES WILLIAM &
HODGINS STEPHANIE LYNN
1082 CLEARLAKE DR
OAKLEY, CA 94561

HOENE FREDERICK J TRUSTEE &
HOENE ANN MARIE TRUSTEE
19579 NW MELROSE DR
PORTLAND, OR 97229

HOFER VANDEHEY ROBERTA
20481 WINLOCK LN
FOSSIL, OR 97830

HOOTS THOMAS G &
HOOTS JUDITH C
2526 NE DOUGLAS
NEWPORT, OR 97365

HOWARD SISTERS LLC THE
ATTN STEVE CARPENTER
PO BOX 958
LEBANON, OR 97355

HUFFMAN RONALD M
PO BOX 2388
LAKE OSWEGO, OR 97035

HULSEY JOSHUA D
475 SE 35TH CT
UNIT A7
NEWPORT, OR 97365

HUNT AURELIA CASTERLINE
PO BOX 706
SOUTH BEACH, OR 97366

HUTMACHER NICKOLAS G
PO BOX 4731
SALEM, OR 97302

IVERSON JOHN C &
IVERSON LISA M
1354 E SANTIAM ST
STAYTON, OR 97383

JACKSON WILLIAM LONGSTRETH TR
1906 WILLOW SPRINGS WAY
FT COLLINS, CO 80528

JERMAIN RICHARD D
1255 NW 9TH AVE
APT 1009
PORTLAND, OR 97209

JINCKS DAVID A TRUSTEE
PO BOX 1570
NEWPORT, OR 97365

JINCKS LELAND G TRUSTEE &
JINCKS JANE K TRUSTEE
PO BOX 1570
NEWPORT, OR 97365

JJ & MK PROPERTIES LLC
PO BOX 641
SALEM, OR 97308

JOHANSON DENNIS H TSTEE &
JOHANSON SUE ANN TSTEE
656 WYATT LN
PHILOMATH, OR 97370

JOHNSON BLAKE &
JOHNSON MARY
4215 AGNESS RD
AGNESS, OR 97406

JOHNSON CHERYL M
61329 TRIPLE KNOT RD
BEND, OR 97702

JOHNSON MICHAEL &
JOHNSON VIRGINIA W
2809 NE ILER ST
NEWPORT, OR 97365

JOHNSON RICHARD H &
JOHNSON LAVONNE
3504 NW CONRAD DR
BEND, OR 97703

JONES JOHN B
2140 LOS ANGELES AVE
BERKELEY, CA 94707

JOSTAD CHRIS
1075 ORCHARD CT
STAYTON, OR 97383

KAFOURY HENDERSON SUZANNE
PO BOX 187
SOUTH BEACH, OR 97366

KAPLAN KENNETH &
MOSSBERG JULIE
20511 DEFOREST
WOODLAND HILLS, CA 91364

KELLER RODNEY &
KELLER BARBARA
2056 CHASE LOOP SW
ALBANY, OR 97321

KELLER RODNEY J &
KELLER BARBARA S
2056 CHASE LOOP SW
ALBANY, OR 97321

KING CHRISTOPHER
2544 NE DOUGLAS ST
NEWPORT, OR 97365

KINGS ESTUARY SHELLFISH LLC
PO BOX 797
SOUTH BEACH, OR 97366

KINGZETT ROBERT P
6419 FIESTA CT
KLAMATH FALLS, OR 97603

KNIGHT DONALD C TRUSTEE &
KNIGHT PATSY M TRUSTEE
660 DRIVER VALLEY RD
OAKLAND, OR 97462

KRAMIEN STANLEY RICHARD JR &
KRAMIEN DEBRA L
17600 NE OLDS LN
NEWBERG, OR 97132

KROPP HELEN LOUISE TSTEE
PO BOX 15
NEWPORT, OR 97365

KULANEM LLC
2809 SAMARKAND DR
SANTA BARBARA, CA 93105

LACKNER WILLIAM &
LACKNER SCOTT
PO BOX 746
NEWPORT, OR 97365

LAHMAN GARY D &
JACOBI CYNTHIA A
428 NW 17TH ST
NEWPORT, OR 97365

LAKIN JANET M TRUSTEE
PO BOX 310
REDMOND, OR 97756

LANDING AT NEWPORT, THE
ASSOCIATION OF UNIT OWNERS
890 SE BAY BLVD
NEWPORT, OR 97365

LAQUINA SHORES HOMEOWNERS
ASSN
ATTN SANDRA HOPE
3250 NW OCEANVIEW DR #5
NEWPORT, OR 97365

LEE JOHN N
41463 MCKENZIE HWY
SPRINGFIELD, OR 97478

LEE SHI NONG
1130 NE 7TH DR
NEWPORT, OR 97365

LEEPER WILBERT D &
LEEPER ARTEMIA F
2730 NE HARNEY DR
NEWPORT, OR 97365

LEHMAN JOHN A &
LEHMAN LISA M
333 NW 9TH AVE
UNIT 1206
PORTLAND, OR 97209

LEONARD STEVEN EDWARD TRUSTEE
5608 NW MEANDER AVE
NEWPORT, OR 97365

LEWIS HAL
PO BOX 427
AMITY, OR 97101

LICHTY TOM &
LAGUE LOUISE
6685 W BURNSIDE RD
UNIT 353
PORTLAND, OR 97210

LIHOU DAVID F &
GIDLEY SHARON P
2810 NE HARNEY DR
NEWPORT, OR 97365

LIMBRUNNER LOUIS L
631 SE 1ST ST
NEWPORT, OR 97365

LIMBRUNNER LOUIS L &
LIMBRUNNER MARY M
435 SW MINNIE ST
NEWPORT, OR 97365

LINCOLN COUNTY
% LINCOLN COUNTY PROP MGMT
880 NE 7TH ST
NEWPORT, OR 97365

LINCOLN COUNTY PARK
225 W OLIVE ST
NEWPORT, OR 97365

LIND PAMELA J
411 SE SCENIC LOOP
NEWPORT, OR 97365

LINDSEY JAMES DUNCAN
6437 NW FINISTERRE AVE
YACHATS, OR 97498

LINDSTROM ZACHARY KENDALL &
LINDSTROM ASHLEE J
2535 NE BIG CREEK RD
NEWPORT, OR 97365

LINK JACKSON C LIVING TRUST &
LINK JACKSON C TRUSTEE
2100 PARK DR
LEBANON, OR 97355

LITTLE CREEK COVE
ASSOCIATION OF UNIT OWNERS
3641 NW OCEANVIEW DR
NEWPORT, OR 97365

LITTLE CREEK HEIGHTS CONDO
ASSOCIATION OF UNIT OWNERS
3711 NW OCEAN VIEW DR
NEWPORT, OR 97365

LIU XIN &
QU WEIWEI
765 NE JEFFRIES PL
NEWPORT, OR 97365

LIVELY PAULA S
475 SE 35TH ST
UNIT D-21
NEWPORT, OR 97365

LLOYD PARTNERS LLC
2340 NW VIOLET AVE
ALBANY, OR 97321

LLOYD PARTNERS LLC &
OSHANICK LARRY & KAREN &
LINDSTROM ZACHARY K & ASHLEE
2340 NW VIOLET AVE
ALBANY, OR 97321

LOE MATT
70 NORTH 400 EAST
DELTA, UT 84624

LONDON BRIAN
527 SW 4TH ST
NEWPORT, OR 97365

LONGMORE JEFF &
HELLMAN LAURA
1756 ALDERWOOD ST
EUGENE, OR 97404

LOTTIS LOREN & MARGERY
% SCHMOLZI RUSSELL W &
SCHMOLZI WENDY M, CONT
1000 SE BAY BLVD, C-19
NEWPORT, OR 97365

LUND GERALD N
1000 SE BAY BLVD
SLIP 41
NEWPORT, OR 97365

LUND WILLIAM
PO BOX 22
SEAL ROCK, OR 97376

LUND WILLIAM &
LUND LISA
PO BOX 22
SEAL ROCK, OR 97376

LYMAN DEBORAH &
LONG DAVID ET AL
240 NE 56TH ST
NEWPORT, OR 97365

MABE JIM &
WHITEHEAD SHERY
7250 NUNES LN
EUREKA, CA 95503

MAGUIRE PATRICK HENRY
1406 NW OCEANVIEW DR
NEWPORT, OR 97365

MAN XIUTING C &
MAN TONY T
PO BOX 92432
AUSTIN, TX 78709

MARIAS WILLIAM A
475 SE 35TH ST #D19
NEWPORT, OR 97365

MARK DONALD
2226 N COAST HWY #231
NEWPORT, OR 97365

MARTIN DANIEL J &
MARTIN BARBARA J
PO BOX 1088
WALDPOR, OR 97394

MARTIN RANDY W &
MARTIN SUSAN E
3875 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

MARTIN WILLIAM J JR TRUSTEE &
MARTIN PATRICIA M TRUSTEE
PO BOX 2357
NEWPORT, OR 97365

MASON DENNIS &
MASON BETTY
1241 SE SHELTON ST
DALLAS, OR 97338

MASSEY DWAIN E &
MASSEY JOYCE A
23500 SE FRANQUETTE DR
AMITY, OR 97101

MASTEN S C 1998 REV TR/CST
MASTEN PATRICIA A TRUSTEE &
MASTEN KENNETH D TRUSTEE
9217 ST ANDREWS CIRCLE
KLAMATH FALLS, OR 97603

MATEAM PARTNERSHIP
ATTN FORD SALLY M
267 NW CLIFF
NEWPORT, OR 97365

MATHEWS BRENDAN
556 SW 5TH ST
NEWPORT, OR 97365

MATTIOLI RICHARD J TRUSTEE
2225 NW PACIFIC ST
NEWPORT, OR 97365

MATTSON LYLE &
MATTSON DIANE
1828 SE AMMON RD
TOLEDO, OR 97391

MCCLAUGHRY DOUGLAS L
PO BOX 630
BROWNSVILLE, OR 97327

MCCOY EDWARD J &
MCCOY DONNA L
2501 NE BIG CREEK RD
NEWPORT, OR 97365

MCFARLAND KENNETH L &
MCFARLAND LAURIS K
10854 SUMMIT LOOP SE
TURNER, OR 97392

MCPMAHAN JOHN D &
MCPMAHAN JERILYN L
PO BOX 10
BRIGHTWOOD, OR 97011

MCPHERSON MELISSA ADRIENNE
475 SE 35TH ST
UNIT C-18
SOUTH BEACH, OR 97366

MCQUEARY TIMOTHY R TSTEE &
MCQUEARY JO ANN TSTEE
570 W HOLLEY RD
SWEET HOME, OR 97386

MERITAGE HOMEOWNERS ASSN
PO BOX 2247
SALEM, OR 97308

MERRITT MICHELLE HAWLEY
281 NE TRALEE CT
HILLSBORO, OR 97124

MIKE AND MEG LLC
1779 NW TROON CT
MCMINNVILLE, OR 97128

MILLIREN DANIEL LEE
216 PAXTON RD
KELSO, WA 98626

MINOR JOHN CHRISTOPHER &
MINOR MARY C
517 SW MINNIE ST
NEWPORT, OR 97365

MITCHELL JOHN C &
MITCHELL GERRI U
1405 ROCKHAVEN DR
MODESTO, CA 95356

MO PROPERTIES LLC
622 SW BAY BLVD
NEWPORT, OR 97365

MONDEN DENISE L &
MONDEN DENNIS L
1440 GEYSER CT
THOUSAND OAKS, CA 91320

MONTGOMERY BARBARA
1431 NW SPRING ST
UNIT A
NEWPORT, OR 97365

MONTGOMERY JOHN &
MONTGOMERY CINDY
1215 OAK ST
JUNCTION CITY, OR 97448

MOOLACK LODGING LLC
12718 NW BAYONNE LN
PORTLAND, OR 97229

MOORE DANIEL S &
MCKENZIE MELODIE A
220 SW 61ST ST
SOUTH BEACH, OR 97366

MORA DARIN J &
MORA BILJANA
311 VINCENT PL
ELGIN, IL 60123

MORALES/BARTUS LLC
10855 SW CASCADE AVE
SUITE F
TIGARD, OR 97223

MORGAN DEBRA E TRUSTEE
1675 MEEK ST
THE DALLES, OR 97058

MORROW GENI L
2679 UNIVERSITY ST
EUGENE, OR 97403

MORTENSEN RONALD L
CAROLLO JAMES &
MORTENSEN SIGNE
91000 COMMERCIAL ST
JUNCTION CITY, OR 97448

MOUNTAIN SEAS DEVELOPMENT LTD
PO BOX 680844
PARK CITY, UT 84068

MULTI RESORTS OWNERSHIP PLAN INC
ATTN OWNERS RESORT & EXCH INC
1521 EAST 3900 SOUTH
SALT LAKE CITY, UT 84124

MURPHY CRAIG S
4607 NW LAVINA ST
VANCOUVER, WA 98663

MURRY RICHARD G
PO BOX 1050
NEWPORT, OR 97365

NATHAN ANTHONY R
MARTINO NATHAN PATRICIA
PO BOX 1865
RICHMOND HILL, GA 31324

NEIGEBAUER ROSS F &
NEIGEBAUER JANIS D
4016 NW CHEROKEE LN
NEWPORT, OR 97365

NEIL MARK D &
HUKILL NEIL LINDA FAYE
25320 LANSING LN
MIDDLETON, ID 83644

NELSON DALE & SUE ANN &
NELSON LYLE & ROSALIE
7399 HWY 219
WOODBURN, OR 97071

NELSON DAVID
PO BOX 503
TOLEDO, OR 97391

NELSON ROBERT T &
1525 E ALSEA HWY
WALDPORT, OR 97394

NEOLHA POINT HOA INC
ATTN YAQUINA BAY PROP MGMT INC
146 SE FIRST ST
NEWPORT, OR 97365

NEVILL LELAND R &
NEVILL SARA L
8442 THUNDER MOUNTAIN DR
BOISE, ID 83709

NEWELL ALAN J &
NEWELL HILDA
48-538 DESERT FLOWER DR
PALM DESERT, CA 92260

NEWMAN EMILY J
231 NW CLIFF ST
NEWPORT, OR 97365

NEWMAN WALTER C IV &
TEAGUE MARK
107 MARIE CIR
ROGUE RIVER, OR 97537

NEWPORT AUTO CENTER INC
PO BOX 2310
NEWPORT, OR 97365

NEWPORT HOSPITALITY LLC
135 SE 32ND ST
NEWPORT, OR 97365

NEWPORT HOTEL ASSOCIATES LLC
5809 JEAN RD
LAKE OSWEGO, OR 97035

NEWPORT MARINE LIMITED PTNSHIP
ONE SW COLUMBIA
SUITE 1575
PORTLAND, OR 97258

NEWPORT OCEANFRONT
ESTATE LLC
1705 N 22ND ST
BOISE, ID 83702

NEWPORT REAL ESTATE LLC
3 E RAMONA AVE
COLORADO SPRINGS, CO 80905

NGUYEN THANH N &
NGUYEN HONG T
5948 LEGACY ST SE
SALEM, OR 97306

NGUYEN TUAN TRUSTEE &
NGUYEN UYEN TRUSTEE
17 DRY CREEK LN
LAGUNA HILLS, CA 92653

NICHOLS VALERIE K
940 NW WESTWOOD PL
CORVALLIS, OR 97330

NIX HENRY DANIEL JR &
NIX LYNNE B
2031 ROCKWOOD DR
SACRAMENTO, CA 95864

NOLTA DUSTIN L
PO BOX 815
TOLEDO, OR 97391

NORBURY SARA &
NORBURY REGINALD
5382 SUNNYVIEW RD NE
SALEM, OR 97305

NORTHWEST NATURAL GAS CO
AIMONE DAVID W, TREASURY MGR
220 NW SECOND AVE
PORTLAND, OR 97209

NORWOOD JAMES TODD
PO BOX 201
YACHATS, OR 97498

NOVELLO JOSEPH III &
NOVELLO MARGARET ANN
227 NE SAN-BAY-O CIRCLE
NEWPORT, OR 97365

NYE DANIELLE EASLY &
NYE SANDERS MCFARLAND
63890 JOHNSON RD
BEND, OR 97701

NYE HOTEL LLC
ATTN LEE DAVID
13635 NW CORNELL RD
SUITE 170
PORTLAND, OR 97229

NYE SANDS CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
507 NW ALPINE ST
NEWPORT, OR 97365

OAK JOHN J
PO BOX 1543
NEWPORT, OR 97365

OCEANS EDGE LLC
ATTN MATHEWS DON & FRANCES
345 SW BAY BLVD
NEWPORT, OR 97365

OFFICER CASEY W &
OFFICER DONNA M
238 NW 24TH ST
NEWPORT, OR 97365

OHALLORAN LLC
ATTN WILLIAM E PUNTNEY
245 CHEMEKETA ST NE
SALEM, OR 97301

OKUNO KOJI
316 N LOTUS ISLE DR
PORTLAND, OR 97217

OLDENBURG LELAND
PO BOX 1802
NEWPORT, OR 97365

OLSEN JEFFRY SCOTT TRUSTEE &
OLSEN ELIZABETH THERESA TTEE
2407 NW PACIFIC ST
NEWPORT, OR 97365

OMALLEY MARTIN JAMES TSTEE
475 SE 35TH ST
UNIT B-9
SOUTH BEACH, OR 97366

OPHEIM TAMMY &
OPHEIM JOEL
14151 NW WILLIS RD
MCMINNVILLE, OR 97128

OREGON BEACH HIDEAWAYS LLC
17067 HOOD CT
SANDY, OR 97055

OREGON COAST AQUARIUM INC
PO BOX 2000
NEWPORT, OR 97365

OREGON COAST PARADISE LLC
22226 CLIFF AVE S
#204
DES MOINES, WA 98198

OREGON MINK INC
11658 BARON RD
MT ANGEL, OR 97362

ORSON WENDY TRUST &
ORSON WENDY TRUSTEE
3600 S HARBOR BLVD STATION 110
PMB 501
OXNARD, CA 93035

OSHANICK LARRY &
OSHANICK KAREN
2525 NE BIG CREEK RD
NEWPORT, OR 97365

OTTA JIMMY W &
OTTA KAREN L JACOBS
9080 S COAST HWY
SOUTH BEACH, OR 97366

OUDERKIRK J F &
PRICE FRANK STEPHEN TSTEE &
PRICE THERESE M WANNER TSTEE
855 CHRISTIANSEN RD
TOLEDO, OR 97391

PAC PERL LLC
PO BOX 2658
ALBANY, OR 97321

PACES MILL LLC
ATTN GERALD BARRETT
PO BOX 1514
NEWPORT, OR 97365

PACIFIC CHOICE SEAFOOD CO
ATTN PACIFIC SHRIMP CO
PO BOX 1230
NEWPORT, OR 97365

PACIFIC CREST CONDOMINIUMS
HOMEOWNERS ASSOCIATION INC
ATTN JOHN MELDRUM TREASURER
410 SW JOHNSON ST
SUBLIMITY, OR 97385

PACIFIC SHORES RV RESORT
OWNER'S ASSOCIATION
ATTN RITACCO CO
924 SW 8TH ST
NEWPORT, OR 97365

PARKER LARRY E COTRUSTEE &
PARKER EILEEN COTRUSTEE
PO BOX 74
SILETZ, OR 97380

PARMA NORTHWEST INC
235 MAPLEWOOD RD
RIVERSIDE, IL 60546

PARRISH GILFORD L TSTEE &
PARRISH KATHLEEN G TSTEE
6804 N PLACITA CHULA VISTA
TUCSON, AZ 85704

PAVLOVICH JOHN &
VANDAALLEN KATHLEEN ANN
802 LIVE OAK ST
BAY CITY, TX 77414

PERLOT MARTIN S &
PERLOT DAVID A TSTEE &
PERLOT MICHAEL D, ETAL
2490 SW FERRY ST
ALBANY, OR 97322

PESTANA JANICE &
PESTANA RICKY
750 1ST
UNIT 12
LAKE OSWEGO, OR 97034

PHILLIPS VICKIE LEE TRUSTEE
2840 NE HARNEY DR
NEWPORT, OR 97365

PICKENS STANLEY S TRUST
PICKENS STANLEY S TRUSTEE
PO BOX 128
NEWPORT, OR 97365

PIERSMA RANDALL J &
PIERSMA BONNIE LEE
4732 CARIBOU DR SW
ALBANY, OR 97321

PINA RICHARD A
1980 NE STURDEVANT RD
TOLEDO, OR 97391

PLANT KAY C TRUST &
PLANT GEORGE JR TRUSTEE
1183 SE HARBOR CRESCENT DR
NEWPORT, OR 97365

PLEDGER WILLIAM H &
PLEDGER FELICIA C
19720 INNES MKT RD
BEND, OR 97701

PORT OF NEWPORT
% OREGON COAST AQUARIUM INC
LEASE
PO BOX 2000
NEWPORT, OR 97365

PORT OF NEWPORT
% OREGON STATE UNIVERSITY
LEASE
ADMIN SVC BLDG A 524
CORVALLIS, OR 97331

PORT OF NEWPORT
% USA NOAA LEASE
ATTN: KUNZE MOLLY
7600 SAND POINT WAY NE
SEATTLE, WA 98115

PORT OF NEWPORT
600 SE BAY BLVD
NEWPORT, OR 97365

POWELL JEROLD H
PO BOX 522
SOUTH BEACH, OR 97366

PRANTL LAWRENCE J
2902 NW BAYSHORE LP
WALDPORT, OR 97394

PRATER BEACH SHACK LLC
1166 NW SOLAR PLACE
CORVALLIS, OR 97330

PRESCOTT BRIAN DAVID &
PRESCOTT WENDY CRISTEEN
230 SW 61ST ST
SOUTH BEACH, OR 97366

PRICE ANNE E
12844 SE 235TH PL
KENT, WA 98031

PRICE MATTHEW C &
PRICE ERIN M
19 FIRESIDE DR
BOX 2
CADMENTON, MO 65020

PURDY LUKAS
PO BOX 1797
BEND, OR 97709

QUINTESSENTIAL COFFEES LLC
1101 MATTHEWS
WASHOUGAL, WA 98671

RADER DEL &
RADER COLLEEN
16500 NE 36TH ST
VANCOUVER, WA 98682

RAMSOSA LLC
87300 GYPSY LN
EUGENE, OR 97402

REDEAU SHARON E &
NICHOLSON MARK D
10631 248TH AVE NE
REDMOND, WA 98053

REDFIELD MARK E
PO BOX 811
SALEM, OR 97308

REED MARY BETH
41642 FISH HATCHERY DR
SCIO, OR 97374

REICHSTEIN W H & RUTH &
ALEXANDER MARION
ATTN SCHEPP SUZANNE
550 ELM WAY #301
EDMONDS, WA 98020

RICE JASON M
18425 NE MARINE DR
SLIP C6
PORTLAND, OR 97230

RICHEN SYLVIA M &
JOLLEY RICK B &
HOUGHTON CYNTHIA L
9130 SW SUMMERFIELD CT
TIGARD, OR 97224

RICHMOND REGINALD RAY TTEE &
RICHMOND SHERREL RAE TTEE
890 SE BAY BLVD
UNIT 210
NEWPORT, OR 97365

RICKUS MICHAEL A &
RICKUS JULIA M
156 NW 73RD CT
NEWPORT, OR 97365

ROBERTS CASEY &
ROBERTS VICKY
904 KUPULAU DR
KIHEI, HI 96753

ROBERTS DORIS M TRUSTEE &
ROBERTS C L & WOOLSEY J &
MCKINNEY PHYLLIS
256 EAGLE POINT DR
WOODLAND, WA 98674

ROBINSON DOUGLAS &
ROBINSON CUTTALIYA
PO BOX 83
CORVALLIS, OR 97339

ROGERS GARRY &
LUTZ ANN
480 20TH ST SE
SALEM, OR 97301

ROGERS JEAN M
12721 QUARTZ VALLEY RD
FORT JONES, CA 96032

ROGERS JOHN R &
ROGERS DEANNA K
412 SE FOGARTY ST
NEWPORT, OR 97365

ROGGENSACK JODY M &
ROGGENSACK RICHARD D
890 N GRANT ST
CANBY, OR 97013

ROHUS DAVID G &
ROHUS TRACEY G
4784 NE VAUGHN AVE
TERREBONNE, OR 97760

ROLIE LOREN P
18075 S ABIQUA RD NE
SILVERTON, OR 97381

ROLSTON RICHARD D TRUSTEE &
ROLSTON JANA M TRUSTEE
1608 HAVEMEYER LANE
REDONDO BEACH, CA 90278

RONDYS & ASSOCIATES INC
% PORT OF NEWPORT
LEASE
600 SE BAY BLVD
NEWPORT, OR 97365

ROPP HOWARD
5995 NE HWY 20
CORVALLIS, OR 97330

ROSBOROUGH ROBERT J
37680 S HWY 213
MT ANGEL, OR 97362

ROSE KURT M TRUSTEE &
ROSE KATHERINE A TRUSTEE
40698 MCDOWELL CRK DR
LEBANON, OR 97355

ROTH J T JR &
ROTH THERESA
PO BOX 4564
TUALATIN, OR 97062

ROTH JOSEPH C &
ROTH PAULA C
PO BOX 92
LOCKWOOD, CA 93932

ROWLEY WILLIAM D TRUSTEE
PO BOX 1746
NEWPORT, OR 97365

RUEF CLEM SR LLC
11658 BARON RD NE
MT ANGEL, OR 97362

RUEGSEGGER NEAL &
RUEGSEGGER LYLLIAN
1016 SW MARK ST
NEWPORT, OR 97365

SAMMONS B F &
SAMMONS LYNDA R
2512 THOMAS PL
FORT WORTH, TX 76107

SANFORD JULIE K &
EVANS RICHARD J
2380 SQUAK MTN LP SW
ISSAQUAH, WA 98027

SAVICKY RICHARD
111 MAIN ST
SPRINGFIELD, OR 97477

SAVICKY RICHARD T &
OBRIEN DAWN A
34332 SEAVEY LOOP RD
EUGENE, OR 97405

SAXTON FREDERICK M &
SAXTON TONYA M
9459 SE CEDAR
SOUTH BEACH, OR 97366

SAYLER STEPHANIE M TRUSTEE &
BRUCE MERRITT N TRUSTEE
12 THOMAS OWENS WAY
STE 100
MONTEREY, CA 93940

SCANLON MIKE &
SCANLON SONJA
646 WIMBLEDON CT
EUGENE, OR 97401

SCHILLING SCOTT
PO BOX 644
BROWNSVILLE, OR 97327

SCHLECHTER ANTONE P &
SCHLECHTER MARY D
PO BOX 525
GERVAIS, OR 97026

SCHMIDT JON &
SCHMIDT CARMEN
5419 YAQUINA BAY RD
NEWPORT, OR 97365

SCHOONER LANDING SHARE
ASSOCIATION
PO BOX 703
NEWPORT, OR 97365

SCHOPP DENNIS &
SCHOPP NANCY JO
60 HAWORTH RD
PASCO, WA 99301

SCHRANTZ JEFFREY
152 SE VIEW DR
NEWPORT, OR 97365

SCHUDEL STEVEN P TRUSTEE &
SCHUDEL JULIE A TRUSTEE
3430 BELL FOUNTAIN RD
CORVALLIS, OR 97333

SCHUTTPELZ BEVERLY
826 SE 5TH
NEWPORT, OR 97365

SCONCE JOHN &
SCONCE KATHLEEN
5405 NW PACIFIC COAST HWY
#44
WALDPORT, OR 97394

SCOTT LORNA AVERY TSTEE
1182 NW CHARLEMAGNE PL
CORVALLIS, OR 97330

SEAPY JANE M TRUST &
SEAPY JANE M TRUSTEE &
SEAPY ROBERT W TRUSTEE
14741 SE FOSTER RD
PORTLAND, OR 97236

SEARS GERALDINE L TSTEE
890 SE BAY BLVD
UNIT 209
NEWPORT, OR 97365

SEE DAVID M
534 N COAST HWY
NEWPORT, OR 97365

SEIDLER ROBERT E &
SEIDLER BECKY J
85 N RIVERTON CT
OTIS, OR 97368

SEMM RUSSELL
6300 CORNELL RD
LINCOLN, NE 68516

SERBU DANIEL A
PO BOX 716
YACHATS, OR 97498

SEVERSON CHARLES F III &
SEVERSON JANE B TRUSTEE
PO BOX 435
WALDPORT, OR 97394

SHANGRI LA CORP
4080 REED ROAD SE #150
SALEM, OR 97302

SHATTUCK TOD L TSTEE
18425 SW PHEASANT ST
BEAVERTON, OR 97006

SHAW JAMES H TRUSTEE &
SHAW ROSE MARIE TRUSTEE
PO BOX 128
SOUTH BEACH, OR 97366

SHEN ALLEN KUOLUN TRUSTEE &
CHUNG CHONGLI EDITH TRUSTEE
6420 SW ARBOR DR
NEWPORT, OR 97365

SHEPARD WARREN &
SHEPARD SALLYANN
735 COUNTY RD 70
WEISER, ID 83672

SHILLITTO DOUGLAS C
9001 MT LASSEN AVE
VANCOUVER, WA 98664

SHILO INN NEWPORT LLC
11600 SW SHILO LN
PORTLAND, OR 97225

SIGLEO ANNE C
1541 NW SPRING ST
NEWPORT, OR 97365

SINISCAL GEORGE F
PO BOX 1085
LINCOLN CITY, OR 97367

SKOCH JAMES M
504 HAMER RD
SILETZ, OR 97380

SMITH G & J FAM TRST &
SMITH GARY B TRUSTEE
2421 E SOUTHERN AVE
STE 6
TEMPE, AZ 85282

SMITH GARY R &
SMITH CAROL S
5520 STATE LINE RD
MISSION HILLS, KS 66208

SMITH LOREN J &
SMITH NANCY L
30361 LOREN LN
CORVALLIS, OR 97333

SMITH MICHAEL VALENTINE &
SMITH LYNN MCNEILL
393 N STOCKTON AVE
OTIS, OR 97368

SMITH PATTI A
9085 SE CHLOE LN
HAPPY VALLEY, OR 97086

SOUTH BAY HILL AT 35TH LLC
PO BOX 149
SOUTH BEACH, OR 97366

SOUTH BAY INDUSTRIAL CONDO
ASSOCIATION OF UNIT OWNERS
ATTN MINOR CHRISTOPHER
PO BOX 510
NEWPORT, OR 97365

SOUTH BEACH COMM ASSOC
ATTN STOCKER JACK
PO BOX 176
SOUTH BEACH, OR 97366

SOUTH BEACH PROPERTY
INVESTMENTS LLC
PO BOX 97
LEBANON, OR 97355

SOUTH SHORES DEVELOPMENT LLC
4809 S COAST HWY
SOUTH BEACH, OR 97366

SOUTHSHORE OWNERS ASSOCIATION
220 SW 62ND ST
NEWPORT, OR 97365

SPINK MARCUS &
SPINK DANA
PO BOX 811
NEWPORT, OR 97365

SPROUL DANIEL I &
SPROUL SUSIE K
2710 NE HARNEY DR
NEWPORT, OR 97365

SPULNIK PHILIP A TRUSTEE
PO BOX 847
WALDPORT, OR 97394

STARK NEAL E TRUSTEE
5034 SW VERMONT ST
PORTLAND, OR 97219

STARR BRENDA M (TOD)
PO BOX 2232
NEWPORT, OR 97365

STATE OF OREGON
% BOARD OF HIGHER EDUCATION
PO BOX 3175
EUGENE, OR 97403

STATE OF OREGON
% DEPT OF PARKS & RECREATION
725 SUMMER ST NE
STE C
SALEM, OR 97301

STATTON MATTHEW W E
31431 WATERLOO RD
LEBANON, OR 97355

STATZ JOE P &
STATZ C JEAN
144 SW 26TH ST
UNIT 4
NEWPORT, OR 97365

STEEL STRING INC
2712 SE 20TH AVE
PORTLAND, OR 97202

STERLING PHIL
17225 BECK RD
DALLAS, OR 97338

STEWART KEVIN &
STEWART DANIELLE L
2100 NE WALNUT DR
REDMOND, OR 97756

STICKNEY SCOTT B &
STICKNEY RHONDA G
360 E 10TH AVE
STE 101
EUGENE, OR 97401

STOCKTON DONALD B &
STOCKTON JUDITH D
PO BOX 206
TANGENT, OR 97389

STOUT DIANE
475 SE 35TH ST
UNIT A-8
NEWPORT, OR 97365

STRAUS MARVIN J &
STRAUS SANDRA H
3711 NW OCEANVIEW DR
#A-3
NEWPORT, OR 97365

STRICKLAND DAVID J &
STRICKLAND REBECCA S
485 COVEY LN
EUGENE, OR 97401

STRONG WAYNE R &
STRONG SONDRRA K
PO BOX 627
NEWBERG, OR 97132

SUNTERRA PACIFIC INC
1417 116TH AVE NE
BELLEVUE, WA 98004

SURFLAND PACIFIC SHORES CORP
8476 SW ABALONE ST
SOUTH BEACH, OR 97366

SUTHERLAND DENNIS SR &
SUTHERLAND DENNIS JR
24184 SILETZ HWY
SILETZ, OR 97380

SYKES JOE M &
SYKES ANNA J
571 COUNTY RD 283
GAINSVILLE, TX 76240

TAKUSH DONALD R TRUSTEE &
TAKUSH DONALD R TRUSTEE
1915 NE PAX PL
CORVALLIS, OR 97330

TAYLOR ELMER H &
TAYLOR DOROTHY P
555 NW ALPINE ST
NEWPORT, OR 97365

TENDERELLA LARRY &
TENDERELLA KIMBERLY
475 SE 35TH ST, C-16
NEWPORT, OR 97365

THE ASSN OF UNIT OWNERS OF
WIZARDS OF THE SEA CONDO
1505 NW SPRING ST
NEWPORT, OR 97365

THOMAS ROBERT &
THOMAS LAURA
4026 RAVELLO DR
LAKE HAVASU CITY, AZ 86406

THOMASON LUESSIA
944 SW MARK ST
NEWPORT, OR 97365

THOMPSON ROBERT E TRUSTEE &
THOMPSON SANDRA E TRUSTEE
1449 NE YAQUINA HEIGHTS DR
NEWPORT, OR 97365

THORSSON KRISTOFER H TRUSTEE &
THORSSON LEANNE M TRUSTEE
504 SE 70TH AVE
PORTLAND, OR 97215

TIDWELL VAUGHN C
2236 PACIFIC AVE
FOREST GROVE, OR 97116

TILSON MURRAY M &
TILSON NANCY K
136 SE LARCH ST
NEWPORT, OR 97365

TNSP PROPERTIES LLC
16797 SE 130TH AVE
CLACKAMAS, OR 97215

TOP HAT MUSHROOMS INC
39344 JORDAN RD
SCIO, OR 97374

TOY HARRY A TRUSTEE &
TOY LEOTA P TRUSTEE
ATTN TOY ERICK
1190 SE BAY BLVD
NEWPORT, OR 97365

TRAN THANG
2574 GLEN DUNDEE WAY
SAN JOSE, CA 95148

TRAPP JEFFREY L &
TRAPP SUSAN R
505 NW RADIO CT
TOLEDO, OR 97391

TRUAX GLORY J
424 NW 21ST PL
NEWPORT, OR 97365

TRUSSELL DARRELL &
TRUSSELL KAREN &
CRAMER MARIE
1379 LAZY CRK DR
KEIZER, OR 97303

TRYON VERNON L &
TRYON SHERRIE L
PO BOX 1058
WALDPORT, OR 97394

TURNER DAVID
340 N COAST HWY
NEWPORT, OR 97365

UNION PACIFIC RAILROAD
PROPERTY TAX DEPT
1400 DOUGLAS STOP 1640
OMAHA, NE 68179

UNITED STATES OF AMERICA
% ARMY CORPS OF ENGINEERS
PORTLAND DIST
PO BOX 2946
PORTLAND, OR 97208

UNITED STATES OF AMERICA
% BUREAU OF LAND MANAGEMENT
YAQUINA HEAD FIELD OFFICE
PO BOX 936
NEWPORT, OR 97365

UNITED STATES OF AMERICA
% ENVIRONMENTAL PROTECTION AG
2111 SE MARINE SCIENCE DR
NEWPORT, OR 97365

UNITED STATES OF AMERICA
% GENERAL SERVICES ADMIN
ATTN OGLE BILL/WAR DEPARTMENT
REAL ESTATE DIV GSA CENTER
AUBURN, WA 98001

UNITED STATES OF AMERICA
% US COAST GUARD
DISTRICT 13
915 2ND AVE
SEATTLE, WA 98104

VANCIL ROD
8220 GAGE BLVD
#745
KENNEWICK, WA 99336

VANLANINGHAM THOMAS &
VANLANINGHAM MARIA
13001 WOODRIDGE CIR
BELLEVUE, OR 98123

VARNER DOUGLAS
923 SE BAY BLVD
#50
NEWPORT, OR 97365

VEAL CONNECTION CORPORATION
2225 GROSSE AVE
SANTA ROSA, CA 95405

VELA PAUL &
CARTER ROGER
5134 CHERIE CT SE
SALEM, OR 97306

VICE ROGER &
VICE PATRICIA
5215 FIRST ST
CROSBY, TX 77532

VOGEL CARL STEPHENS III
292 W GALENA PARK BLVD
APT #1126
DRAPER, UT 84020

VORONAEFF KENT D
3795 DONALD ST
EUGENE, OR 97405

VTS PROGRAM REMAINDER LLC
ATTN VACATION INTERNATIONALE INC
1417 116TH AVE NE
STE 100
BELLEVUE, WA 98004

WALL RICHARD E
1020 SHAFT ST
STAYTON, OR 97383

WALLIS CURTIS L &
SCOTT PHILLIS A
PO BOX 331
LINCOLN CITY, OR 97367

WARDELL DOUGLAS L JR
5401 EAST RIDGE ST S
SALEM, OR 97306

WARNATH STEPHEN C TRUSTEE &
WARNATH MAXINE A TRUSTEE &
WARNATH STEPHEN C TRUSTEE
1052 PAPER MILL CT NW
WASHINGTON, DC 20007

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12362 SE PARADISE LANE
SOUTH BEACH, OR 97366

WELLS WAVEL L TRUSTEE &
WELLS LAURA L TRUSTEE
10 LOST BRIDGE RD
LAWTON, OK 73507

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3530 N COAST HWY
NEWPORT, OR 97365

WEST WALTER L &
WEST HELEN &
WEST JAMES P ETAL
29765 TOWN CENTER LOOP WEST
WILSONVILLE, OR 97070

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WESTON SHERRY W COTSTEE
861 SW CANTERBURY CT
DALLAS, OR 97338

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WETHERILL LANA R TRUSTEE
25804 NE OLSON RD
BATTLE GROUND, WA 98604

WEYERS STEPHEN G & KRIS M &
BRATT LAWRENCE P & CHARLENE TR
PO BOX 473
FOLSOM, CA 95630

WHALER MOTEL INC
ATTN CLARK JOHN, PRESIDENT
155 SW ELIZABETH ST
NEWPORT, OR 97365

WHALES SPOUT CONDOMINIUM
HOMEOWNERS ASSOCIATION
370 SW COLUMBIA
BEND, OR 97702

WHEELER WADE &
WHEELER STEPHANIE
6549 19TH AVE NE
SEATTLE, WA 98115

WHITAKER CLAUDE &
WHITAKER DONNA
3415 23RD AVE NW
ALBANY, OR 97321

WHITE ELIZABETH BUSCH TRSTEE &
WHITE HUGH RICHARD TRUSTEE
146 NW 28TH ST
CORVALLIS, OR 97330

WHITE MARY A
1043 PLEASANT VALLEY RD
SWEET HOME, OR 97386

WHITLOCK SHERMAN F &
WHITLOCK CINDY L
6390 SW ARBOR DR
NEWPORT, OR 97365

WHITMORE STEPHEN HARRIMAN
PO BOX 320
SOUTH BEACH, OR 97366

WHITTLE EQUITIES LLC
1443 EDGECLIFF LN
PASADENA, CA 91107

WIKE NANCY &
WIKE JENNIFER &
HILLYER ANGELA
11-11-09-CA-02800-00
LAKE OSWEGO, OR 97034

WILDCARD INVESTMENTS LLC
PO BOX 570
BEAVERCREEK, OR 97004

WILLIAMS EDWARD &
WILLIAMS ANNE M
611 S IMMONEN RD
LINCOLN CITY, OR 97367

WILLIAMS PENNY M
2750 NE HARNEY DR
NEWPORT, OR 97365

WILSON RICHARD C &
WILSON LIZA A
PO BOX 928
CORVALLIS, OR 97339

WILSON THOMAS D &
WILSON SUSETTE A
330 NW 185TH AVE
#274
PORTLAND, OR 97229

WOLCOTT KENT P &
WOLCOTT APRIL A
PO BOX 128
TOLEDO, OR 97391

WOLF ANDREW D
1960 SW OLD SHERIDAN RD
MCMINNVILLE, OR 97128

WOLFE BRANDON
5876 S LONE ELDER RD
AURORA, OR 97002

WOOD STREET LLC
5500 NE MOORE CT
HILLSBORO, OR 97124

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13009 MCKEE SCHOOL RD NE
WOODBURN, OR 97071

WOODED OCEAN ESTATES ASSOC
ATTN JEFF RAMIREZ
8807 EAST MILL PLAIN BLVD
VANCOUVER, WA 98664

WRIGHT & ASSOC DEV COMPANY INC
2333 NW VAUGHN
PORTLAND, OR 97210

WROBEL CHARLES J
16971 S CLACKAMAS RIVER DR
OREGON CITY, OR 97045

WYNDHAVEN RIDGE LLC
PO BOX 247
STAYTON, OR 97383

XU HEQIN
2498 NW MASER DR
CORVALLIS, OR 97330

YANG JRMING J &
WANG TINGYU
4445 NW SNOWBRUSH DR
CORVALLIS, OR 97330

YAQUINA ART ASSOC
PO BOX 274
NEWPORT, OR 97365

YAQUINA BAY DEVELOPMENT
CORPORATION
ATTN ALAN WELLS
202 NW 6TH
CORVALLIS, OR 97330

YAQUINA BAY KINGS
SHELLFISH LLC
PO BOX 64
NEWPORT, OR 97365

YECK ERNEST
PO BOX 1256
NEWPORT, OR 97365

YECK FRED ARTHUR TRUSTEE
PO BOX 352
NEWPORT, OR 97365

YENCHIK RONNIE J &
YENCHIK STEPHANIE R
818 NE GRANT ST
NEWPORT, OR 97365

YIP BING YIU & LILLIAN BETTY
1350 VIA DEL REY
SO PASADENA, CA 91030

YOST PROPERTIES LLC
189 LIBERTY ST NE
SALEM, OR 97301

ZANDER SHAWN &
ZANDER SARAH
PO BOX 1312
SILVERTON, OR 97381

ZANEVELD J RONALD V TRUSTEE &
ZANEVELD JACQUELINE L TRUSTEE
3835 NW GLEN EDEN DR
CORVALLIS, OR 97330

ZAWALSKI ROD M &
ZAWALSKI THERESA L
6735 GLADYS AVE
OTTER ROCK, OR 97369

ZAYTSEV LEONID
17496 SE HEMRICK RD
BORING, OR 97009

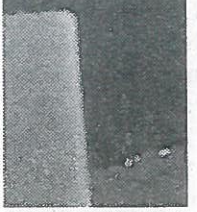
FLOOD MAP NOTICE
MAILING LABELS

9/6/19

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

The Newport Planning Commission will hold a public hearing on Monday, September 23, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-Z-16, revisions to the Newport Municipal Code (NMC) 14.20, Flood Hazard Area, to update flood hazard regulations and flood insurance rate maps. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, September 13, 2019)



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No. 14616-001. NOTICE OF APPLICATION AND APPLICANT-PREPARED EA ACCEPTED FOR FILING. SOLICITING MOTIONS TO INTERVENE AND PROTESTS, AND SOLICITING COMMENTS, AND FINAL RECOMMENDATIONS, AND FINAL TERMS AND CONDITIONS, AND PRESCRIPTIONS (August 29, 2019). Take notice that the following hydroelectric application and applicant-prepared environmental assessment has been filed with the Commission and is available for public inspection. a. Type of Application: Original License for Major Unconstructed Project; b. Project No.: 14616-001; c. Date filed: May 31, 2019, and amended on August 28, 2019; d. Applicant: Oregon State University; e. Name of Project: Pac-Wave South Project; f. Location: On the Pacific Ocean 6 nautical miles off the central Oregon coast near the city of Newport, in Lincoln County, Oregon. The project occupies 1,695 acres of United States submerged lands on the Outer Continental Shelf administered by the Bureau of Ocean Energy Management; g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791 (a) - 825(r); h. Applicant Contact: Cherise Gaffney, Stoeel Rives LLP, 600 University St. Suite 3600, Seattle, WA 98101; (206) 386-7622; or email at cherise.gaffney@stoeel.com. i. FERC Contact: Jim Hastreiter at (503) 552-2760; or e-mail at james.hastreiter@ferc.gov. j. Deadline for filing motions to intervene and protests, comments, and final terms and conditions, recommendations,

and prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docsfiling/efiling.asp>. Commenter's can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docsfiling/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket number P-14616-001. The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. k. This application has been accepted for filing. l. The proposed PacWave South Project would consist of: (1) four offshore test berths; (2) a maximum of 20 wave energy conversion (WEC) devices with a maximum total installed capacity of 20 megawatts; (3) various WEC devices including point absorbers, oscillating water column, overtopping, attenuator, and "other" types that utilize a combination of technology designs; (4) various anchoring systems including gravity anchors, drag anchors, and embedment anchors, consisting of steel, concrete, or a mixture of steel and concrete;

(5) single- or three-point mooring systems consisting of chain, steel cables, or synthetic materials; (6) mooring infrastructure including surface buoys, subsurface floats, and chain, wire or rope, as catenary, tendon or bridle lines; (7) subsea connectors; (8) five buried 8.3-mile-long subsea transmission cables converging in a nearshore conduit; (9) up to five onshore 10-foot by 10-foot by 10-foot cable splice vaults (beach manholes), where the subsea cables would transition to terrestrial cables; (10) five buried 0.5-mile-long subterranean transmission cables connecting to a power monitoring and conditioning facility; (11) grid-interconnection at Central Lincoln Public Utility District substation; and (12) appurtenant facilities. m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov. A copy is also available for inspection and reproduction at the address in item h above. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support. n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the speci-

fied intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice. A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application. All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the

application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010. c. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. p. Procedural schedule: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate. Commission issues EA November 2019. Kimberly D. Bose, Secretary. S13 (91-13)

NOTICE OF A PUBLIC HEARING
CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing on Monday, September 23, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-Z-16, revisions to the Newport Municipal Code (NMC) 14.20, Flood Hazard Area, to update flood hazard regulations and flood insurance rate maps. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its

implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). S13 (92-13)

PUBLIC NOTICE
The Pacific Communities Health District Board of Directors will hold a Regular Meeting on Monday, September 16, 2019 at 4:00 p.m. at Samaritan Pacific Communities Hospital, located at 930 SW Abbey Street, Newport, Oregon. The meeting agenda includes meeting minutes, financial reports and facility reports. s/Lisa Ely, Recorder; PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-1803 or www.pchdistrct.org. S13 (93-13)

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9/13/19

Case File: 4-Z-19
Hearing Date: September 23, 2019/Planning Commission

PLANNING STAFF MEMORANDUM
FILE No. 4-Z-19

- I. **Applicant:** Initiated by motion of the Newport Planning Commission on August 12, 2019.
- II. **Request:** Amends Newport Municipal Code Sections 14.16.050 and 14.30.050 related to development standards for accessory dwelling units, to address regulatory changes and limitations put in place with HB 2001 and to otherwise streamline the land use approval process.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Municipal Code are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
 - Attachment "A" – Draft amendments to NMC Chapter 14.16.050 and 14.30.050, dated 9/19/19
 - Attachment "B" – HB 2001 (2019)
 - Attachment "C" – Minutes from the 8/12/19 Planning Commission work session/regular session
 - Attachment "D" – Notice of public hearing
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on August 15, 2019. Notice of the Planning Commission hearing was published in the Newport News-Times on September 13, 2019 (Attachment "D").
- VI. **Comments:** No comments were received in response to the published notice.
- VII. **Discussion of Request:** Section 7 of HB 2001 (2019) amends ORS 197.312 to prohibit local governments from requiring owner occupancy or off-street parking requirements associated with the construction of new Accessory Dwelling Units (ADUs). The City's zoning ordinance contains regulations that relate to both, and those provisions of the code will be deleted. Further, the proposed amendments will allow ADUs to be up to 800 square feet, or 75% of the size of the primary dwelling, whichever is less, and provides that they may even be larger in circumstances where a floor in a building is converted into an ADU. These changes align with recommendations contained in the ADU guidance document authored by the Oregon Department of Land Conservation and Development (DLCD), dated March 2018, and addresses concerns some property owners have expressed with the current size limitations.

The Newport Planning Commission considered these changes at an August 12, 2019 work session, and requested that, in addition to these amendments, the provision requiring an ADU share water, sewer, electric, and gas connections with the primary dwelling be deleted to provide owners greater flexibility. They also asked that the code be amended to allow only one ADU per lot or parcel developed with single-family attached housing. The Commission is concerned about the potential number of ADUs that could be built in low density residential areas once HB 2001 is fully implemented, given the existing code language that would allow one ADU for every single-family attached dwelling. They also expressed concerns about parking associated with such uses, considering that the City can no longer require off-street parking for ADUs.

An issue that came up after the Planning Commission work session relates to the construction of an ADU within an existing structure that is located inside the Nye Beach Design Review Overlay. Existing land use regulations require compliance with the design standards because an ADU is a new dwelling (NMC 14.30.040(A)). This creates practical challenges in applying the architectural design standards, given that the change of use is limited to a portion of the structure. Accessory Dwelling Units are also small enough that they will not typically result in a substantial improvement (i.e. 50% or more of the value of the structure), so it is difficult to justify requiring the exterior of the entire structure be upgraded to comply with the design standards. An amendment is enclosed for the Commission's consideration that would exempt construction of an ADU from Nye Beach design standards in cases where the unit is contained within an existing structure.

It is timely for the Planning Commission to take up the amendments because Section 7 of HB 2001 will become effective on January 1, 2020, earlier than other provisions of the new law, and the City needs to remove conflicting language from its code prior to that date.

With respect to the approval standard for legislative amendments, it would be reasonable for the Commission to conclude that these changes are necessary and further the general welfare of the community because they will make it easier for ADUs to be established, fulfilling a niche segment of housing need in Newport at a time when the supply of available housing is tight.

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council. The Commission recommendation can include suggested changes to the proposed amendments.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

September 19, 2019

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in italics.)

CHAPTER 14.16 ACCESSORY USES AND STRUCTURES

14.16.010 Purpose

The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

14.16.020 General Provisions

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos, and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to [Section 14.52](#), Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

14.16.030 Accessory Use or Structure on a Separate Lot or Parcel

An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the city, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or

otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

14.16.040 Development Standards (Excluding Accessory Dwelling Units)

Accessory buildings and structures, except for Accessory Dwelling Units, shall conform to the following standards:

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.
- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.
- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

14.16.050 Development Standards - Accessory Dwelling Unit Standards

Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed for each ~~attached or~~ detached single family dwelling on a lot or parcel. In cases where a property is developed with one or more single family attached dwellings, a maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- D. The maximum floor area for ~~an a freestanding~~ Accessory Dwelling Unit shall not exceed 600-800 square feet or

~~50~~75% of the area of the primary dwelling, whichever is less.

E. The maximum floor area for an Accessory Dwelling Unit that is a portion of a primary dwelling or attached to a garage shall not exceed 800 square feet or 75% of the area of the primary dwelling, whichever is less. However, an Accessory Dwelling Unit that results from the conversion of a level or floor (e.g. basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800 square feet.

~~EF.~~ The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.

~~FG.~~ Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.

~~H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.~~

~~I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.~~

~~J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.~~

Staff: Section 7 of HB 2001 amends ORS 197.312 to prohibit local governments from imposing owner occupancy and off-street parking requirements for Accessory Dwelling Units. The city's existing code contains provisions that relate to both, and they are being deleted. The City may require off-street parking in cases where an accessory dwelling is used as a short-term rental, and that is addressed in NMC Chapter 14.25. Square footage allowances for Accessory Dwelling Units are being increased to align with the DLCD model code.

At an August 12, 2019 work session, the Newport Planning Commission requested that the provision requiring an

Accessory Dwelling Unit share water, sewer, electric, and gas connections with the primary dwelling be deleted to provide owners greater flexibility. They also asked that the code be amended to allow only one Accessory Dwelling Unit per lot or parcel developed with single-family attached housing. The Commission is concerned about the potential number of Accessory Dwelling Units that could be built in low density residential areas once HB 2001 is fully implemented, given the existing code language that would allow one Accessory Dwelling Unit for every single-family attached dwelling. They also expressed concerns about parking associated with such uses, considering that the City can no longer require off-street parking for Accessory Dwelling Units.

14.16.060 Conditional Use Approval of Accessory Dwelling Units

If one or more of the standards of this Chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to [Chapter 14.34](#). A Conditional Use Permit may allow relief from one or more of the standards of the Chapter, but does not excuse the owner from complying with the standards that can be satisfied.

CHAPTER 14.30 DESIGN REVIEW STANDARDS

14.30.050 Exemptions

The following activities are exempt from the provisions of this chapter:

- A. Development activity that is subject to the provisions of Newport Municipal Code Chapter 14.23, Historic Buildings and Sites.
- B. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
- C. Development that does not involve the construction, substantial improvement, or relocation of a dwelling unit, commercial or public/institutional building, or accessory structure.
- D. Conversion of space within an existing structure into an accessory dwelling unit.

Staff: Currently, new construction, substantial improvement, or relocation of one or more dwelling units triggers design review within the Nye Beach Design Review Overlay (NMC 14.30.040(A)). The City has been approached by an individual interested in constructing an Accessory Dwelling Unit within an existing primary dwelling. This creates practical challenges in applying the architectural design standards, given that the change of use is limited to a portion of the structure. Accessory Dwelling Units are also small enough that they will not typically result in a substantial improvement (i.e. 50% or more of the value of the structure), so it is difficult to justify requiring the exterior of the entire structure be upgraded to comply with the design standards. This change would exempt construction of an Accessory Dwelling Unit from Nye Beach design standards in cases where the unit is contained within an existing structure.

80th OREGON LEGISLATIVE ASSEMBLY—2019 Regular Session

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH, MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Pre-session filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

- (A) Duplexes;
- (B) Triplexes;
- (C) Quadplexes;
- (D) Cottage clusters; and
- (E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

- (a) Cities with a population of 1,000 or fewer;
- (b) Lands not within an urban growth boundary;
- (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) **December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.**
- (b) **June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.**
- (5) **The department shall grant or deny a request for an extension under this section:**
 - (a) **Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.**
 - (b) **Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.**
- (6) **The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:**
 - (a) **Defining the affected areas;**
 - (b) **Calculating deficiencies of water, sewer, storm drainage or transportation services;**
 - (c) **Service deficiency levels required to qualify for the extension;**
 - (d) **The components and timing of a remediation plan necessary to qualify for an extension;**
 - (e) **Standards for evaluating applications; and**
 - (f) **Establishing deadlines and components for the approval of a plan of action.**

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection *[(3)] (3)(a)* of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five] six* years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development;**
and

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] (D) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more] both* of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

dition must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, "buildable lands" includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;
- (b) Household demographics in terms of age, gender, race or other established demographic category;
- (c) Household incomes;
- (d) Vacancy rates; and
- (e) Housing costs.

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[(2)] **(5) Subsection (1)(a) and (d) of this section does not apply to:**

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[(3)] **(6) A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals.**

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[.]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family [*units*] **homes**.
- (f) Regulated affordable single-family [*units*] **homes**.
- (g) **Accessory dwelling units**.
- (h) **Regulated affordable accessory dwelling units**.
- (i) **Units of middle housing, as defined in section 2 of this 2019 Act**.
- (j) **Regulated affordable units of middle housing**.

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
August 12, 2019

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Mike Franklin, and Bill Branigan.

PC Citizens Advisory Committee Members Present: Dustin Capri

City Staff Present: Community Development Director (CDD) Derrick Tokos; Associate Planner, Rachel Cotton; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.**
- A. **Continued Review of the Framework for a New Tsunami Hazard Overlay Zone.** Cotton reviewed the changes that were done since the last time the Commission saw the land use provisions. A discussion ensued regarding the requirement for a tsunami hazard acknowledgement and disclosure statement for new development in tsunami hazard areas. Topics included why the city would want to take responsibility and an example that released the city from any and all claims. Hanselman was concerned that the City would take responsibility if they were asking for waivers. A discussion ensued on why the City should ask for waivers. Cotton asked if the Commission wanted to remove Item 4 on the disclosure form. Franklin suggested saying the City would not be responsible for any claims. Cotton explained the disclosure would let people know they were building in a geologic hazards area, there was a life safety risk, and the property owner assumed the risk.

A question was raised on what would happen with new development in the flood plain. Tokos explained that if the property was within the 100 year floodplain, the owner was required to get flood insurance. New construction would have to be built one foot above base flood elevation, and a real estate disclosure form would be required. He noted the legislative change concerning the disclosure form was built into State law. Cotton asked for the Commission's input on the disclosure statement. A discussion ensued on the four items on the disclosure statement. The Commission was in general agreement to not include Item 4. Tokos questioned if the Commission saw a use for a disclosure statement at all. He thought that if they were going to do the statement, there needed to be engagement with the local insurance agencies to see if it was valuable. Cotton noted that the insurance agents she had talked to said they didn't take anything into account concerning tsunamis unless the owner asked about flood insurance. She would talk to more insurance agents about the disclosure statement.

Cotton reviewed the changes to Section 1.110. Berman thought that the capacity for "special occupancy structures" for colleges, adult education schools, and medical facilities with residents should have lower numbers than what was listed. He also suggested removing Section 6.h. from the list. Cotton would take off Section 6.h. and look into the occupancy for OCCC to see if it was greater than 500, and talk to Meg Reed of the DLCD about the scalability of the provisions.

Cotton reviewed the prohibited uses in different magnitude events. Her thoughts were to include new build uses that the City wouldn't want to rebuild in the case of a major event. Berman asked how the OMSI building fit on the list. Cotton thought it would fit as a public assembly with a capacity greater than 300. A discussion ensued regarding the reasoning on how child care and medical facilities fit in their magnitude zones, and how complicated it was to evacuate occupants at these facilities. Cotton said what she was hearing was to move Section 4.a. Items iv, v, vi, and vii to the "M" magnitude events list, move Section 4.b. Items ii, iii, iv, and vi to the "XXL" magnitude events list, and take out Section 4.b.v.

Cotton asked if the Commission wanted to include an addition to say that childcare should be prohibited in Section 4 as an accessory to a prohibited use, be allowed in “M”, and be prohibited in an “XXL”. Patrick was inclined to permit childcare centers in “XXL” if they had a good evacuation plan in place. Cotton said she would add to Section 4.c. that childcare centers would be allowed when they were an accessory to a permitted use provided adequate evacuation measures would be provided such that life safety risk to building occupants was minimized. Tokos suggested avoiding the use of “adequate” and use “provide exclusively” instead. For the sake of time, the Commission was in agreement to move the discussion to that night’s Regular Session meeting.

3. **New Business.**

- A. **Amendments to NMC Section 14.16.050, Development Standards for Accessory Dwelling Units.** Tokos reviewed the amendments. He said the deadline to do the amendments was determined by Section 7 of HB 2001 that stated it was due by January 1, 2020.

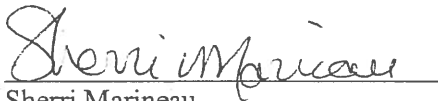
Berman pointed out that Chapter 14.16.050(H) said that Accessory Dwelling Units (ADU) shall share connections with the primary dwelling and questioned if they needed to continue to be on the same connection. A discussion ensued regarding ADUs sharing services with the main dwelling and if the Commission wanted to delete Item H. The Commission was in general agreement to remove Item H. Franklin question if the maximum floor area was the footprint of the ADU. Tokos said it was the habitable floor area of the living area. Hanselman asked if setbacks would be changed. Tokos said this only applied to non-habitable structures such as garden sheds.

Berman asked if someone built an ADU that they wanted to later rent, would they be required to have a parking space. Tokos said they would only need to provide off-street parking if it was a short-term rental. A discussion ensued regarding the recommendation by the State to allow one or two ADUs per dwelling unit on a parcel and how ADUs should be limited in Newport. The Commission was in general agreement to limit one ADU per parcel. Tokos said he would bring this option in the language to the Commission.

- B. **Updated Planning Commission Work Program.** For the sake of time, the work program discussion was moved to the Planning Commission regular session meeting.

Adjourned at 6:57 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
August 12, 2019

Planning Commissioners Present: Lee Hardy, Bob Berman, Jim Hanselman, Mike Franklin, Bill Branigan, and Jim Patrick.

City Staff Present: Community Development Director (CDD), Derrick Tokos; Associate Planner, Rachel Cotton; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Franklin, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of July 22, 2019.

Commissioners Berman and Branigan noted minor corrections.

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission work and regular session meeting minutes of July 22, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Motion to Initiate the Legislative Process for the Accessory Dwelling Unit Provisions.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Franklin to initiate the legislative process for the Accessory Dwelling Unit provisions. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 3-CP-19.**

Tokos gave his staff report. He noted the Park System Master Plan (PSMP) hadn't been updated since 1993 which warranted making the changes. City staff, Rachel Cotton, addressed the Commission. She noted what was presented at the hearing was the plan the Commission had seen previously with minor changes. She gave a synopsis of the plan and pointed out that the PSMP was a blue print on where the City wanted to go and how to get there.

Hardy asked why private properties were included on the list. Cotton said one of the City's goals was to require that destination resorts were planned for in conjunction with the Park System. Tokos explained that the destination resort overlay adopted in the late 1980's required a certain amount investment to be made for development, which included recreational amenities. If a destination was to happen, they would be required to have recreational amenities and was why it was included in the inventory. Hardy was concerned that recreational amenities would be the responsibility of the property owner. Tokos said the City was under no obligation to pay for any of the projects on the list and often private money would come into play to be able to move forward with a project. Sometimes it went hand in hand with a residential development and there would be many amenities the developer would be expected to complete. Cotton explained it was more about identifying areas in the City that are underserved and would need future recreational amenities. Tokos noted the City didn't know when the Wolf Tree destination was going to be developed. When it was developed there would be public input that would include how to tie in with trails. Tokos pointed out that the Nautical Hills project would be fully funded, and the pollinator habitat project would have a nonprofit who would be funding the project.

Franklin asked what the basis was for the charges for the projects. Cotton said this was done by the consultants to give a range for what the bare bones to the most extensive projects would cost. This was based on a conceptual range.

Branigan asked if the two boat launches were the same. Cotton explained they were not. She noted that many of the projects on the list that didn't list costs and weren't a trail, often meant the City wouldn't be on the hook to pay for the projects.

Berman said he was on the Advisory Committee for the PSMP and agreed with the project. He expressed his concerns with the revenues and management of the Parks and Rec Department. Berman felt addressing the operational costs over revenues was the more immediate problem than any additions or improvements.

Proponents: Julie Garran, Lisa King and Terese Davis address the Commission and asked if there would be another opportunity for public input to the changes to the PSMP. Cotton said they could address their concerns at the current meeting or at the City Council hearing. Tokos reminded that the projects in the PSMP were just concepts. Anytime there was a rollout on projects, there would be community engagement and a time to do further refinements.

Garran noted that dog park had water near the road and wanted there to be water in the park. She was concerned that there was a divisional fence line in the park for small and big dogs. She suggested putting in gates on the division line so that if there weren't small dogs on one side, the gate could be opened and the big dogs could roam freely. Garran suggested that the gates needed to be wide enough for city mowers to mow both sides. She also requested more seating and noted that the public was willing to donate seating.

King reported that accessibly to the dog park was difficult. She thought there could be a smoother transition to get in to the park.

Davis preferred having grass instead of bark in the dog park. She thought the direction of the dividing line should be changed so that there was a shaded side for both sizes of dogs. Davis also agreed that there should be water inside of the park for the dogs.

Cotton explained that the concept wasn't set in stone and a lot of the details hadn't made it into the project. There would be communications to the community in the future on how to give input. Patrick noted that the City Council would do the implementation of the PSMP and suggested the group address the Council to get some action. He noted that accessibility was already included in the plan.

Haven and King suggested there be a venue for people to donate to the parks. Cotton said gifts and donations were noted in the plan and was an important aspect of it. Patrick noted the plan had something included for water for citizens but they should add pet fountains.

Hearing closed at 7:39 pm

Hardy was impressed with the importance assigned to the recreational facilities available to the citizens. Berman thought it was an excellent effort by City staff and the consultant and was worth forwarding to the City Council. Franklin thought the plan was a good road map for the city. Hanselman thanked Cotton for her work. He thought it was going to be difficult to divide up funds for the projects. He wanted the City to work harder to find funding for parks. Branigan thanked Cotton. He noted there had been a lot of citizen involvement and thought the Commission should send it to the City Council. Patrick was happy to see the plan be done because it had been in discussion for many years.

MOTION was made by Commissioner Branigan, seconded by Commissioner Franklin to approve File No. 3-CP-17 and forward a favorable recommendation to the City Council to modify the Comprehensive Plan and include the Park System Master Plan. The motion carried in a unanimous voice vote.

6. **New Business.** Tokos reported there would be an open house on Tuesday, August 13th at 6pm at City Hall to discuss implementing a multi-use trail around Big Creek Reservoir.

7. **Unfinished Business.**

A. **Upcoming FEMA Community Assistance Visit and Flood Insurance Workshops.**

Tokos noted that FEMA had notified the City that they would be doing visit to review the City code and operations. He explained he wouldn't be moving the maps forward and wouldn't know what these would be until the visit. Tokos reported that FEMA was provided the existing code and records. The Commission would be getting an overview of what FEMA would like to see as amendments.

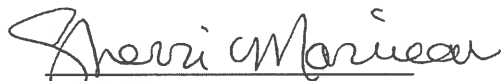
Franklin asked if this would derail the timeline. Tokos reported that FEMA felt confident it wouldn't. He noted that he had shared with the local real estate agents that FEMA was visiting. FEMA would be doing touring sessions on the same day of the visit with realtors to give them a chance to talk to the pros about flood insurance.

8. **Director Comments.** Tokos noted that he provided a work program to the Commission at the work session but didn't get to review it at the meeting.

Tokos reported there had been one interview for the Commission's open position and the City Council would be doing another interview before voting for a new member.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:48 p.m.

Respectfully submitted,


 Sherri Marineau
 Executive Assistant

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

The Newport Planning Commission will hold a public hearing on Monday, September 23, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-Z-19, revisions to the Newport Municipal Code (NMC) 14.16, Accessory Uses and Structures, to remove the requirement that owner occupancy or off-street parking requirements be associated with the construction of new Accessory Dwelling Units (ADUs); allow ADUs to be up to 800 square feet, or 75% of the size of the primary dwelling, whichever is less, and provides that they may even be larger in circumstances where a floor in a building is converted into an ADU; eliminate the requirement that the primary dwelling and ADU share utilities; and limit parcels with single family attached dwellings to one ADU. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, September 13, 2019)

modified by agreement recorded in the mortgage records of Lincoln County, Oregon on May 16, 2016 as Document No. 2016-04562, and covering the following described real property situated in the above-mentioned county and state, to wit: Lot 3, Block 21, WECOMA BEACH, in the City of Lincoln City, County of Lincoln and State of Oregon. Property Tax Account No.: R84418. Real property or its address is commonly known as 3231 NW Mast Avenue, Lincoln City, OR 97367 (the "Real Property"). The undersigned hereby disclaims any liability for any incorrectness of the above-described street address or other common designation. The undersigned as successor trustee hereby certifies that no assignments of the trust deed by the Trustee or by the Beneficiary and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county or counties in which the above-described Real Property is situated together with appointing Saafeld Griggs PC as the current successor trustee; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.752(7). The current beneficiary of the Trust Deed is Columbia State Bank as successor in interest by merger to West Coast Bank. The Real Property will be sold to satisfy the Note identified below secured by the Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.752(3); the default(s) for which the foreclosure is made are the following: Loan No: 43003114. Grantor's failure to pay the entire balance due and owing upon the loan as of the date of maturity on December 15, 2016, pursuant to the terms of the Deed of Trust and modification thereto securing that certain Credit Agreement and Disclosure dated January 25, 2006 and referenced therein ("Note"). By reason of the defaults, the current Beneficiary has and does hereby declare all sums owing on the Note secured by the Trust Deed immediately due and payable, those sums being the following, to wit: Principal Balance: \$138,157.88 Interest: \$1,415.65* Legal Fees as of 6/11/2019: \$1,073.25 Appraisal: \$990.00 Total: \$141,636.78* *Total does not include accrued interest at the rate of \$7.5703 per diem from June 13, 2019 until paid, additional late charges, expenditures, or trustee fees, and attorney fees and costs. A total payoff amount as of a specific date is available upon written request. Wherefore, notice hereby is given that the undersigned successor trustee will on FRIDAY, OCTOBER 18, 2019 at 10:00 a.m. in accordance with the standard of time established by ORS 187.110, at the FRONT ENTRANCE OF THE LINCOLN COUNTY COURTHOUSE, 225 WEST OLIVE STREET, in the City of NEWPORT County of LINCOLN, State of OREGON, which

penalicy has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.815. No action is now pending to recover any part of the debt secured by the Trust Deed. The Beneficiary Exemption Affidavit is being recorded concurrently with this notice. Information required by ORS 86.771 is as follows: 1. Grantor: Seaview Homes, LLC, Susan K. Armstrong, LLC Member. Trustee: AmeriTitle, Inc. Successor Trustee, Joseph E. Kellerman, 14 N. Central Ave., Suite 104, Medford, OR 97501. Beneficiary: IRA Services Trust Company CFBO; Michael A. Korpa IRA Account #559982 (as to an undivided 83.25% or \$148,185.00) and IRA Services Trust Company CFBO; Robert W. Cox IRA Account #547372 (as to an undivided 16.75% or \$29,185.00) 2. Property covered by the Trust Deed: A tract of land in Section 17, Township 11 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, described as follows: Beginning at the Southeast 1/16th corner (as set in the plat of HARBORTON) being a 5/8" iron rod set in a monument box at the intersection of 5th Street and Bay Avenue; thence East, 264.00 feet and South 218.32 feet to the True Point of Beginning; thence South 85°53'09" East 132.34 feet to the East line of Volume 142, Page 296, Deed Records for Lincoln County; thence South 57.18 feet; thence West 132.00 feet; thence North 66.68 feet to the True Point of Beginning, EXCEPTING County Road right of way. 3. Trust Deed was recorded on May 16, 2017 as Instrument No. 2017-04557 of the official records of Lincoln County, Oregon. 4. Default for which foreclosure is made is 1) failure of Grantor to make required payments pursuant to the terms of the promissory note; and 2) failure to pay real property taxes assessed against the premises. 5. The sums owing on the obligation secured by the Trust Deed are \$177,893.84 plus interest at the default rate of 15% from June 2, 2018 until paid, plus late fees in the amount of 5% for each payment missed, plus trustee's and attorney's costs and fees incurred, plus such sums as the Beneficiary may advance for the benefit of Grantor (i.e., real property taxes and insurance premium, etc.). 6. The Beneficiary has and does elect to sell the property to satisfy the obligation. 7. The property will be sold in the manner prescribed by law on the 31st day of October, 2019, at 10:00 a.m. standard time as established by ORS 187.110, at the front steps of the Lincoln County Courthouse, 225 West Olive Street, Newport, OR 97365. 8. Interested persons are notified of the right under ORS 86.778 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale. 9. Without limiting the trustee's

NOTICE OF A PUBLIC HEARING
CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing on Monday, September 23, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider **File No. 4-Z-19**, revisions to the Newport Municipal Code (NMC) 14.16, Accessory Uses and Structures, to remove the requirement that owner occupancy or off-street parking requirements be associated with the construction of new Accessory Dwelling Units (ADUs); allow ADUs to be up to 800 square feet, or 75% of the size of the primary dwelling, whichever is less, and provides that they may even be larger in circumstances where a floor in a building is converted into an ADU; eliminate the requirement that the primary dwelling and ADU share utilities; and limit parcels with single family attached dwellings to one ADU. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). S13 (57-13)

NOTICE OF SUMMONS
IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LINCOLN COUNTY
Juvenile Department; In the Matter of ZION CARTER STEVEN BRANDT (A Child) Case No. 18JU05232. TO: Robert Brandt IN THE NAME OF THE STATE OF OREGON: A petition has been filed asking the court to establish jurisdiction under 419B.100 for the above-named child. YOU ARE REQUIRED TO PERSONALLY APPEAR BEFORE the Lincoln County Court at 225 West Olive Street, Newport, Oregon 97365, on the 13th day of November, 2019 at 9:00 a.m. for a Trial and on the 1st day of November, 2019 at 8:15 a.m. for a Trial Readiness hearing to admit or deny the allegations of the petition and to personally appear at any subsequent court-ordered hearing. YOU MUST APPEAR PERSONALLY IN THE COURTROOM ON THE DATE AND AT THE TIME LISTED ABOVE. AN ATTORNEY MAY NOT ATTEND THE HEARING IN YOUR PLACE. THEREFORE, YOU MUST APPEAR EVEN IF YOUR ATTORNEY ALSO APPEARS. This summons is published pursuant to the order of the circuit court judge of the above-entitled court, dated August 12, 2019. The order directs that this summons be published once each week for three consecutive weeks, making three publications in all, in a published newspaper of general circulation in Lincoln County. Date of first publication: August 30, 2019 Date of last publica-

NOTICE OF SUMMONS:
QUIET TITLE IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN: MARY PERSINGER AND VIRGINIA BITTLER, Co-Trustees of the Harold Donald Persinger Living Trust, dated September 25, 2015 (PLAINTIFFS) VS. WEST COAST INVESTMENT COMPANY, an Oregon corporation, also all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the complaint herein (DEFENDANTS). Case No. 19CV35398 SUMMONS QUIET TITLE TO: WEST COAST INVESTMENT COMPANY, and all other unknown persons or parties claiming any right, title, lien, or interest in the property described in the complaint herein. YOU ARE HEREBY REQUIRED to appear and defend the petition filed against you in the above-entitled cause within 30 days from the date of service of this summons on you, and in case of your failure to do so, for want thereof, Petition will apply to the court for relief demanded in the petition. NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY. You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff. If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Dated August 22, 2019 /s/ Traci P. McDowall, OSB #184063; Attorney for Petitioner PO Box 1987, Newport, OR 97365 (541) 272-5500. STATE OF OREGON County of Lincoln: I, the undersigned lawyer of record for Petitioner, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled cause./s/ Traci P. McDowall, Lawyer for Petitioner. TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the petition mentioned therein, on Defendants, and to make your proof of service on the reverse hereof of on a separate similar document that you shall attach hereto. /s/Traci P. McDowall, Lawyer for Petitioner. SP06 SP13 SP20 SP27 (67-27)

TRUSTEE'S NOTICE OF SALE
Pursuant to Oregon Revised Statutes (ORS) 86.756, Adam C. Springer, Successor Trustee, gives the following notice: Adam C. Springer, as Successor Trustee under a Deed of Trust dated or warranties, C law requires the t 185 to state in this n that some residential, erty sold at a trustee's sale may have been used in manufacturing methamphetamine, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. NOTE: THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. DATES this 11th day of June, 2019. /s/ Adam C. Springer, OSB #112109 Successor Trustee PO Box 1987, Newport, OR 97365 (541) 272-5500. The foregoing is certified to be a true copy of the original Trustee's Notice of sale. /s/ Adam C. Springer, Successor Trustee. EXHIBIT "A": PARCEL I: Lot 13, Block 2, PARKVIEW ADDITION TO WALDPOR in Lincoln county, Oregon. PARCEL II: Beginning at the center of Section 19, Township 13 South, Range 11 West, in Lincoln County, Oregon; thence southerly, on the center line of the section to the north line of the south half of the south half of Section 19; and the southwest corner of the tract conveyed to L.D. Gilbert et ux by deed recorded February 27, 1945 in Book 103, page 69, Deeds Records, the northeast corner of the tract conveyed to J. H. Glines by deed recorded October 25, 1919, in Book 32, page 613, Deed Records, and the true point of beginning; thence north 86 degrees 41' 30" west, 882.63 feet. Along the south line of the Gilbert tract, to the east right of way line of a road as described in deed recorded May 3, 1961 in Book 215, page 559, Deed Records; thence south 6 degrees 08' west, 34.39 feet to an iron pipe; thence north 88 degrees 35' west, 44.76 feet to the southeasterly line of the tract conveyed to Charles Vachal et ux by deed recorded May 14, 1956 in Book 178, page 100, Deed Records; thence south 45 degrees 47' west, along said southeasterly line, 131.46 feet, to the northwest corner of the tract conveyed to the City of Waldport by deed recorded November 17, 1963 in Book 239, page 87, Deed Records; thence south 50 degrees 35' east, along the last mentioned tract, 50 feet; thence south 45 degrees 47' west, along the southeasterly line of said last mentioned tract, 235.80 feet, to the east line of the tract conveyed to E.F. Norwood et ux by contract recorded November 9, 1962 in Book 229, page 626, Deed Records; thence south, along the east line of said Norwood tract, 1020 feet, more or less, to the south line of said Section; thence east on said south section line 603.28 feet to the southwest corner of the Glines tract above referred to; thence north 2 degrees 27' east, 1319.67 feet, along the west line of said Glines tract to the north line of the south half of the south half of said Section; thence south 88 degrees 55' east, on said last mentioned north line, 495.09 feet to the true point of beginning; EXCEPT THEREFROM

Deed c the fore thereby costs ; sale, i fees ar Pursuar at any days t last set Grantor success all or ar property under a deed, o ing a si encunt on the t the right ceeding paymer amount of payr such p not the default er with and attc curing ; specific out limi disclaimr tations Oregon trustee notice dential a trustee been us ing mel the ch nents of to be t purchas property of this Before a bid f at the DATED June, 20 Springer Success Box 198 97365 i The for filed to of the c Notice i C. Sprin Trustee. PARCEL 2 PARK TO WALI County, l ll: Beginn ter of Se ship 13 . West, in Oregon; on the c section 1 of the s south ha and the ner of the to L.D. i deed rec 27, 1945 page 69, the north the tract H. Glines Oct in Book Deed Re true pair thence n 41' 30" w along the Gilbert tr right of w, as desc recorded in Book Deed R south 6 d 34.39 feet thence n 35' west, southeast tract con Vachal e recorded in Book1 Deed Re south 45 west, also easterly li to the n of the tra the City deed rec 17, 1963 page 87, thence sc 47' west, i easterly li mentione feet, to t the tract c