

# City Council Agenda

# Advance Packet

Dated: June 17, 2010

**For Monday, June 28, 2010, Council Meeting**

Included in this packet is documentation to support the following Agenda item(s):

## **ORDINANCES/RESOLUTIONS**

- Ordinance 10-O-669, amending Goal 7 of the Comprehensive Plan. Pg. 2
- Ordinance 10-O-670, amending BMC Chapter 15.15. Pg. 5

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: June 28, 10

Submitted by:

*Laurie Gray*

Originating Dept: Building

City Manager:

*[Signature]*

Subject:

Revisions to Goal 7 of the City of Brookings Comprehensive Plan.

Recommended Motion:

Motion to approve the revisions to Goal 7 of the City of Brookings Comprehensive Plan and adopt Ordinance No. 10-O-669 to reflect those revisions.

Financial Impact:

None

Background/Discussion:

1. The City's Natural Hazard Mitigation Plan (NHMP) is scheduled to be updated this summer. One of the action items listed in the plan, adopted in June 2009, was to review the Comprehensive Plan for the need to update it to reflect the latest information on seismic hazards. Goal 7 currently does not have language addressing seismic hazards so, although there has been no significant new information on this topic, Goal 7 should be updated.
2. Also in Goal 7, the section covering "Implementation", item 2, gives the ordinance number and date of adoption of the Flood Damage Prevention Ordinance which necessitates changes to the Comprehensive Plan for even minor changes to the Flood Damage Prevention section of the BMC. Reference should be general and refer to the currently adopted Flood Damage Prevention Ordinance.

Policy Considerations:

None

Attachment(s):

Changes to Goal 7, Comprehensive Plan  
Ordinance No. 10-O-669

POLICIES:

1. When development is located in areas of known natural hazards, the density or intensity of the development shall be limited by the degree of the natural hazard.
2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken.
3. The City will participate in the National Flood Insurance Program as well as consider methods to control streambanks erosion. Additional measures will include utilization of the authority of the building inspector to require a soils report and foundation design to safeguard construction in areas of questionable geologic hazards.
4. *The City will continue to enforce the provisions of the State of Oregon Building Codes, which require design and construction parameters on the Southern Oregon Coast to meet the highest level of seismic potential in the State of Oregon.*

IMPLEMENTATION:

1. The City will utilize the Zoning Ordinance which specifically addresses development planned for known areas of natural hazards.
2. The City will utilize the Flood Damage Prevention Ordinance, No. 09-0-634 *currently* adopted by the Brookings City Council ~~on April 27, 2009.~~

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON  
ORDINANCE 10-O-669**

**AN ORDINANCE AMENDING GOAL 7, AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS, OF THE CITY OF BROOKINGS COMPREHENSIVE PLAN BY ADDING SECTION 4 UNDER "POLICIES" AND AMENDING SECTION 2 UNDER "IMPLEMENTATION."**

Sections:

- Section 1. Ordinance Identified.
- Section 2. Adds Section 4 under Goal 7, "Policies"
- Section 3. Amends Section 2 under Goal 7, "Implementation."

The City of Brookings ordains as follows:

Section 1. Ordinance Identified: This ordinance amends Goal 7, Areas Subject to Natural Disasters and Hazards, of the City of Brookings Comprehensive Plan, by adding Section 4 under "Policies" and amending Section 2 under "Implementation."

Section 2. Adds Section 4 under Goal 7, "Policies": Section 4 is added under Goal 7, "Policies", as follows:

4. The City will continue to enforce the provisions of the State of Oregon Building Codes, which require design and construction parameters on the Southern Oregon Coast to meet the highest level of seismic potential in the State of Oregon."

Section 3. Amends Section 2 under Goal 7, "Implementation": Section 2 is added under Goal 7, "Implementation", as follows:

2. The City will utilize the Flood Damage Prevention Ordinance currently adopted by the Brookings City Council.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Passage: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2010

ATTEST:

\_\_\_\_\_  
Mayor Larry Anderson

\_\_\_\_\_  
City Recorder Joyce Heffington

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: June 28, 2010

Submitted by:

*Laura-lee Gray*

Originating Dept: Building

City Manager:

*[Signature]*

Subject:

Revisions to Brookings Municipal Code Chapter 15.15, Flood Damage Prevention.

Recommended Motion:

Motion to adopt Ordinance 10-O-670, amending Brookings Municipal Code Chapter 15.15, Flood Damage Prevention.

Financial Impact:

None

Background/Discussion: On April 1, 2010, a new Oregon Manufactured Dwelling Specialty Code went into effect that governs installation of manufactured dwellings. Significant changes were made to installation standards in the area of special flood hazard. Changes to the BMC are proposed to address the following Specialty Code changes:

First, there is no longer a prohibition against installation of manufactured dwellings in floodways. 15.15.260, Section D is deleted in its entirety as manufactured dwellings are allowed providing they meet the criteria listed for floodway development in the remaining sections of 15.15.260.

Second, there is no difference in elevation requirements for manufactured dwellings installed in pre-FIRM manufactured home parks. All new installations anywhere must conform to elevation requirements in the building code therefore all references to existing parks, expansion of existing parks and new parks are not necessary, including definitions of same.

Third, the definition of "lowest floor" for manufactured dwellings differs from stick-built homes. For a manufactured dwelling, the lowest floor means the *bottom of the longitudinal chassis frame beam* in A zones and the bottom of the lowest structural member supporting the home in V zones. This change is reflected in the suggested changes to BMC 15.15.240-C, as well as the deletion of the references to existing parks.

Policy Considerations:

None

Attachment(s):

BMC Chapter 15.15 language revisions  
Ordinance 10-O-670

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

ORDINANCE 10-O-670

AN ORDINANCE AMENDING SECTION 15.15.050, DEFINITIONS AND SUBSECTION 15.15.240.C, MANUFACTURED HOMES IN ITS ENTIRETY, AND DELETING SUBSECTION 15.15.260.D, OF BROOKINGS MUNICIPAL CODE CHAPTER 15.15, FLOOD DAMAGE PREVENTION, TITLE 15, BUILDINGS AND CONSTRUCTION.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 15.15.050
- Section 3. Amends Subsection 15.15.240.C, in its entirety.
- Section 4. Deletes Subsection 15.15.260.D

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 15.15.050, Definitions, and Subsection 15.15.240 C, Manufactured Homes, and deletes Subsection 15.15.260 D, of Brookings Municipal Code Chapter 15.15, Flood Damage Prevention, Title 15, Buildings and Construction.

Section 2. Amends Sections 15.15.050, Definitions: The following definitions are hereby deleted from Section 15.15.050, Definitions:

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Section 3. Amends Subsection 15.15.240.C, Manufactured Homes: Subsection 15.15.240:C, Manufactured Homes, is hereby amended in its entirety, to read as follows:

15.15.240.C. Manufactured Homes.

For all manufactured dwellings to be placed or substantially improved on sites:

1. The stand shall be a minimum of 12 in. above BFE unless the foundation wall is opened on one side or end so that floodwater cannot be trapped; [Manufactured Dwelling Specialty Code, 4-3.1(5)]
2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE [see definition of Lowest Floor in Manufactured Dwelling Specialty Code]
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or 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 anchoring techniques), and; [44-CFR 60.3(c)(6)]
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]

Section 4. Deletes Subsection 15.15.260.D: Subsection 15.15.260.D is hereby deleted.

First Reading: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Passage: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2010

ATTEST:

\_\_\_\_\_  
 Mayor Larry Anderson

\_\_\_\_\_  
 City Recorder Joyce Heffington

Strike-out = Deleted language  
**Bold Italics** = New language

## **Chapter 15.15** **FLOOD DAMAGE PREVENTION**

### **15.15.050 Definitions.**

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

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

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

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade 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.

"Elevated building" means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either~~

~~final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.~~

~~"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

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

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

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

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

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

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this chapter found at BMC 15.15.240(A)(2).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

~~"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.~~

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred 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.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or 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.

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

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

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

1. Before the improvement or repair is started; or

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

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 09-O-634 § 3; Ord. 87-O-412 § 2.0. Formerly 15.15.050 – 15.15.240.]

#### **15.15.240 Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided (Zones A1-30 and AE) as set forth in BMC 15.15.070, Basis for establishing the areas of special flood hazard, or BMC 15.15.170, Use of other base flood data (in A zones), the following provisions are required:

##### **A. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. 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.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BMC 15.15.180(B).
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B) of this section.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below the base flood level).

C. Manufactured Homes.

~~1. All manufactured homes to be placed or substantially improved on sites:~~

- ~~a. Outside of a manufactured home park or subdivision;~~
- ~~b. In a new manufactured home park or subdivision;~~
- ~~c. In an expansion to an existing manufactured home park or subdivision; or~~
- ~~d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;~~

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

~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30 and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:~~

~~a. The lowest floor of the manufactured home is 18 inches (46 centimeters) above the base flood elevation; or~~

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

*For all manufactured dwellings to be placed or substantially improved on sites:*

*1. The stand shall be a minimum of 12 in. above BFE unless the foundation wall is opened on one side or end so that floodwater cannot be trapped; [Manufactured Dwelling Specialty Code, 4-3.1(5)]*

*2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE [see definition of Lowest Floor in Manufactured Dwelling Specialty Code]*

*3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or 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 anchoring techniques), and; [44 CFR 60.3(c)(6)]*

*4. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]*

D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days;

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 requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes. [Ord. 09-O-634 § 3; Ord. 06-O-575; Ord. 87-O-412 §§ 5.2 – 5.2.3. Formerly 15.15.430 – 15.15.460.]

**15.15.260 Floodways.**

Located within areas of special flood hazard established in BMC 15.15.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Except as provided in subsection (C) of this section, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of BMC 15.15.230, Provisions for flood hazard reduction.

C. Projects for stream habitat restoration may be permitted in the floodway provided:

1. The project qualifies for a Department of the Army, Portland District, Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
2. A qualified professional (a registered professional engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
3. No structures would be impacted by a potential rise in flood elevation; and
4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

~~D. New installation of manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:~~

~~1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or~~

~~2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:~~

~~a. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard~~

~~engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;~~

~~b. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the Flood Insurance Rate Map;~~

~~c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;~~

~~d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;~~

~~e. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and~~

~~f. Any other requirements deemed necessary by the authority having jurisdiction. [Ord. 09-O-634 § 3; Ord. 87-O-412 § 5.3. Formerly 15.15.470.]~~