



City of *Junction City*

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Planning Commission Meeting (Possible Quorum of the City Council)

Date: Wednesday, January 20, 2016
Time: **6:30 – 9:00 p.m.**
Location: Council Chambers, 680 Greenwood Street
Contact: Jordan Cogburn, 541-998-2153

A G E N D A

1. Open Meeting and Pledge of Allegiance
2. Review Agenda
3. Public Comment (for items not already on the agenda)
4. Approval of Minutes
 - December 16, 2015
5. Action Items (Request action by Planning Commission)
 - a) Minor Variance (VAR-15-02) Manufactured Home placement in R4 Zone
6. Discussion Items
 - a) Draft Planning Commission Work Plan
 - b) Planning Commission Agenda Forecaster
7. Planning Activity Report
8. Commissioner Comments
9. Adjournment

Next Standing February 17, 2016 – Check with City for changes

Location is wheelchair accessible (WCA)

THIS MEETING WILL BE RECORDED

I. PUBLIC HEARING PROCESS

Public Hearings will be conducted as follows:

1. Open Public Hearing
2. Declaration of Conflict of Interest, Bias, Ex Parte Contacts, and Challenges to Impartiality
3. Staff Report
4. Applicant's Presentation
5. Proponents
6. Opponents
7. Neutral Parties
8. Rebuttal of Testimony
9. Questions from the Planning Commission
10. Staff Summary
11. Close of Public Hearing
12. Deliberation and Decision by the Planning Commission

If you provide testimony, please state your name and address for the record. Testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.

If you would like an opportunity to present additional evidence, arguments or testimony regarding the application at a later date, you may request during the hearing that the Planning Commission hold the record open.

Helpful Tips When Speaking Before the Planning Commission

Before the meeting begins, give a copy of any written materials to the Planning Secretary.

Please speak clearly keep in mind the meetings are recorded.

Before beginning your statement say your name and address for the record.

Speak to the Commission through the Chairperson. For example, "Mr. /Ms. Chair, members of the Commission ..."

In order to give everyone the opportunity to speak the Planning Commission may set a time limit. Out of courtesy to citizens speaking after you, please respect the time limit.

Next Standing February 17, 2016 – Check with City for changes

Location is wheelchair accessible (WCA)

THIS MEETING WILL BE RECORDED

The Planning Commission for the City of Junction City met on Wednesday, December 16, 2015 at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

PRESENT WERE: Planning Commissioners, Jason Thiesfeld (Chair) (arrived at 6:34), Jack Sumner (Vice Chair), Jeff Haag, James Hukill, Stuart Holderby and Sandra Dunn; Planning Commission Alternate, Patricia Phelan; City Planner, Jordan Cogburn.

Absent: Planning Commissioner Ken Wells; and Planning Commission Alternate, Alicia Beymer

I. OPEN MEETING AND REVIEW AGENDA

Vice Chair Sumner opened the meeting at 6:30 pm. and led the Pledge of Allegiance.

II. PUBLIC COMMENT (FOR ITEMS NOT ALREADY ON THE AGENDA)

None

III. CHANGES TO THE AGENDA

- September 16, 2015
- October 21, 2015
- November 18, 2015

Planner Cogburn stated Planning Commission Alternate Phelan was present at the November 18, 2015 meeting. There were no other corrections to the September, October or November minutes.

Motion: Commissioner Dunn made a motion to approve the September 16, October 21, and November 18, 2015 minutes with the correction as noted by Planner Cogburn. Commissioner Hukill seconded the motion.

Vote: Passed by a vote of 6:0:0. Vice Chair Sumner; Commissioners, Dunn, Hukill, Haag, Phelan, and Holderby voted in favor.

IV. CONTINUED PUBLIC HEARING: AMD-15-02, PERMITTED USE IN R3

Vice Chair Sumner announced the continuation of the public hearing for the proposed Text Amendment to the Zoning Code, Chapter 17.20. He asked Planner Cogburn for a report of all comments received.

Staff Report

Planner Cogburn said the proposed text amendment was a city initiated process. (Commissioner Thiesfeld arrived). At the November 18, 2015 Planning Commission meeting, the Commission voted to continue the public hearing for AMD-15-02, a proposed addition of public schools as permitted uses in the R3 (Multi-Family Residential) in order to accept additional comments from members of the community.

As of December 16, 2015, staff received one (1) written statement. The statement was from Mr. John Gambee. Vice Chair Sumner directed Planner Cogburn to read the letter into the record.

Planner Cogburn read:

"To the Junction City Community from John P. Gambee, Corey Walker and others regarding allowing schools to build in a residentially zoned land (dated 16 December 2015).

This letter is to inform you of the potential changes, challenges the City could face with allowing the school district to build on R3 zoned property.

We live in Junction City. Our kids go to the schools and we participate in many community activities. We love and support Junction City and the schools. As local property owners, parents, investors, coaches, business owners, citizens, tax payers, developers and landlords, we respect all opinions and ideas. We recognized there are many sides to any issues. We simply want to address the limited volume of R3 land available in the City. For your information, R3 land is the land available for high density residential housing, like apartments. Other land designations exist for public uses, like schools.

In the last year the housing needs in Junction City have risen exceedingly with the supply not being able to meet the demand. The State hospital and other possible companies like Winnebago coming to Junction City and bringing hundreds of jobs to the area, this is our opportunity to avoid a major land shortage.

We strongly believe that if the City allows the schools to build in R3 zoned areas, we will have a shortage of land for housing for our City's future growth.

- *Junction City has the fastest growth rate in Lane County*
- *No property taxes are collected from public schools. The City has planned and calculated the revenue to be generated in taxes from the development of*

the remaining R3 land. If the school district uses the R3 land those taxes will not be collected to help run the City.

Additionally,

- *the school district already has over forty acres that it could use*
- *A few years ago the City completed their 20-year comprehensive plan. The State regulates this 20-year plan and is a very intensive and time consuming matter. It took the City seven months to complete. The State requires so much land to be designated to each zoning to meet the City's 20-year growth plan. Repurposing land from one area to another disrupts the comprehensive plan."*

Planner Cogburn Asked the Vice Chair if he would like him to read the petitioners names into the record.

Vice Chair Sumner said yes.

The petitions:

<i>John Gambee</i>	<i>Brenda Gambee</i>	<i>Lindsay Hargett</i>	<i>Mary Hargett</i>
<i>Corey Walker</i>	<i>Rebecca Walker</i>	<i>Amber Riggs</i>	<i>Vicki Wilde</i>
<i>Jack Gambee</i>	<i>Janet Gambee</i>	<i>Joseph Walker</i>	<i>Michael Walker</i>
<i>Mandon Francks</i>	<i>Melidna Francks</i>	<i>Dottie Bishop</i>	<i>McKenzie Gambee</i>
<i>Connor Manning</i>	<i>Ingrid Manning</i>	<i>Pam Engstrom</i>	<i>Julie Sannes</i>
<i>Douglas Sannes</i>	<i>Wayne Dacar</i>	<i>Martha Dacar</i>	<i>Haley Bash</i>
<i>Andy Chapin</i>	<i>Michael Tucker</i>	<i>Kate Manning</i>	<i>Todd Gillett</i>
<i>Issac Manning</i>	<i>Lenny Magnusson</i>	<i>Jeremy Priest</i>	<i>Nola Priest</i>
<i>Heather Deming</i>	<i>Tonya Howard</i>	<i>Carden Gambee</i>	<i>Todd Shannon</i>
<i>Sean Manning</i>	<i>Marty Manning</i>	<i>Bill Johnson</i>	<i>Tim Moomey</i>
<i>Lynn Bartram</i>	<i>Dorothy Mason</i>	<i>Shan Taylor</i>	<i>Tonya Hockett</i>
<i>Tom Jost</i>	<i>Deanna Jost</i>		

Planner Cogburn said at the November 18, 2015 meeting Commissioner Haag requested staff supply information on housing available in the high density zoned lands, R3 and R4. He handed out to the Commission page 117 of the Comprehensive Plan which stated the comparative housing needs and land supply. Under table 25, High Density Residential included R3 and R4 zones, the buildable lands within the City totaled 34 acres. The land need for high density equaled a total of 34 acres. It was his understanding the only development that had occurred on R3 lands since the Comprehensive Plan was adopted, was the recent St. Vincent de Paul project with a total of 4.2 acres that left a little under 30 acres of buildable R3 lands.

Testimony - Proponents

Vice Chair Sumner asked if there was anyone who wished to offer testimony.

Denise Pratt, 26680 High Pass Road, Junction City, Oregon 97448, Junction City School District Board Chair understood a proposed use needed to be compatible with the zone in which it was located, and consistent with the goals of the Junction City Comprehensive Plan. A code text amendment was consistent with the Oregon Department of Land Conservation and Development (DLCD) direction and it could save tax dollars. It was appropriate for the Planning Commission to consider compatibility with such an amendment. However, it was not appropriate to weigh the personal financial interests of a few. Approval of the proposed code text amendment was not a referendum on a future bond measure or a response to a specific development proposal or specific to a particular piece of land. The request before the Commission was to allow the placement of public schools in areas zoned R3. The most logical placement of a future school was in a residential area.

A recently revised population forecast showed a marked decrease in population. That seemed to imply the City would need less multi-family acreage than was currently designated and that the inventory for R3 land could be modified.

At the last Planning Commission meeting, the issue of the school district not requesting potential school land during the last comprehensive plan update, was raised as a reason to deny this request. The school board was in the process of amending the long range facilities plan to make clear the need for more land for future schools. It was anticipated amendments to the plan would be approved in January or February, 2016.

Scott Gibson, 95644 Howard Lane, Junction City Oregon 97448, school board member, had two (2) children attending Junction City Schools. Quality of life and livability were important in attracting new home buyers and businesses to the area. According the National Homebuyers, 29% of those looking to purchase a home, looked at school location and quality. Respondents were willing to pay eight to 10 percent more for a home in the right area.

It made sense to locate schools in areas where families lived. As far as he was concerned, there was no better place, when talking about a zone change, than next to Oaklea Middle School.

Vice-chair Sumner asked if there were any comments from the Commissioners.

Commissioner Haag asked Planner Cogburn, if the other parcels around that area were high density.

Planner Cogburn responded parcels to the east were zoned R4 (Multi-Structural Residential). Parcels to the west were still within the county and had county zoning.

Commissioner Holderby asked how many acres were involved in that area (north of Oaklea Middle School, 1515 Rose St.)

Planner Cogburn clarified the code text amendment before the Commission did not include rezoning of a property. In terms of R3 (Multi-Family Residential) there was roughly 30 acres of buildable land. If the school were to locate on a particular site in an R3 zone, they would have 30 acres from which to choose. That was if the City were to approve the code text amendment.

Jill Case, 26094 Ferguson Road, Junction City, Oregon 97448, agreed with the statement from Mr. Gibson. She encouraged the Commission to be part of that vision for the future of Junction City.

Brady Sheppard, 1040 Tamarack Street, Junction City, Oregon 97448 agreed with Jill (Case) and Scott (Gibson). In order to grow our community, it needed a strong infra-structure. The schools were at capacity and were falling apart. The schools were what kept people in the community and returning.

Mark Steinmetz, 1345 Vine Court, Junction City, Oregon 97448, President of Junction City Athletics, said they occupied 13-14 acres behind Laurel Elementary. There were baseball, soccer and flag football fields, all through volunteer efforts and donations. From a practical standpoint the two (2) schools located next to each other made a lot of sense. He understood the need to have property in the inventory (for high density residential), but those folks not were here yet.

Vice Chair Sumner asked if there were any other comments in favor.

Brian Young 24707 Highway 99W, Junction City Oregon, 97448, Oaklea Middle School Principal fully supported the school district desire to plan for future land needs. He respected the signer of the petition (read earlier by Planner Cogburn); he worked with many of the families.

School located next to each other could:

- increased efficiencies and facilitate the sharing of resources, such as staff, gym space, playground and ball fields;
- offered better response time from the school resource officer
- better access for school events

The current lack of gym space meant third and fourth graders practicing until 9:00 p.m. There were games going on at 8:00 p.m. for third graders.

It would also increase the opportunity for eighth graders to mentor younger kids through a program called Laurel Connections.

Vice Chair Sumner explained the code text amendment, before the Commission, was not about one particular plot of land. It was about all R3 zoned land in Junction City. Everyone who spoke talked about one piece of land. If they wanted to rezone a particular piece of land, there was a different option to be used. The proposed code text amendment brought forth by the City, if approved, would authorize schools to be built anywhere in the R3 zone. Please keep that in mind.

Judy Croce, 95775 Howard Lane, Junction City Oregon, 97448 was concerned about safety. In the four block radius of Laurel Elementary there was a lot of pedestrian and vehicle activity. That area was not designed for that amount of traffic. She understood the discussion was not to be about a specific property; however it (the property) was ideal for the traffic flow. She added she had been on the school board for 12 years.

Jackie Gerdes, 95268 Highway 99E, Junction City Oregon, 97448 spoke in support of schools located next to one another. She cited reduced 'bullying' and cohesion of the student populations.

Shannon McAdams, 25373 Highway 36, Junction City Oregon, 97448 said the school district planned to build one school which would not use all of the R3 available lands.

A discussion took place regarding the distinction between a public hearing for an amendment to the zoning code and a land use action for a particular property. The process to change the zoning of a particular piece of property was a different type of land use action than the one before the Commission. A property owner of a particular property could submit an application to the city to request a change of zoning for their property.

Malcom McRae, 2503 W 12th Avenue, Junction City Oregon, 97448, Principal at Junction City High School supported the code text amendment. There were many other steps before a school could be built, should the text amendment be approved.

Kathleen Rodden Nord, 55 Chick Lane, Junction City Oregon 97448, Junction City School District Superintendent spoke in support of the code text amendment. DLCD (Department of Land Conservation and Development) recommended taking this approach so it would not have an adverse affect on the City's land inventory. Adding public schools as a permitted use in R3 did not impact the R3 land inventory.

Tim Nord, 55 Chick Lane, Junction City Oregon 97448, previous Planning Commissioner, encouraged the Commission to consider whether or not the use of a public school was compatible with existing uses in the R3.

Testimony - Opponents

John Gambée, 264 W 6th Avenue, Junction City Oregon, 97448, said there were an additional 23 names added to the petition since the petition was submitted to the City at 4:30 pm that afternoon. He was opposed to the text amendment.

Corey Walker, 1694 W 6th Avenue, Junction City, Oregon 97448 was opposed to the text amendment. There was already a shortage of R3 land, if schools were a permitted use in R3 it would take from land zoned for multi-family housing.

Joseph Walker, 1694 W 6th Avenue, Junction City, Oregon 97448 was opposed to the text amendment.

Tucker Gambée, 264 W 6th Avenue, Junction City Oregon 97448, a student at Oaklea Middle School, was opposed to the potential of an elementary school being built next to the middle school.

Vice Chair Sumner closed the public hearing for AMD-15-02 and called a break at 7:52 p.m.

Vice Chair Sumner called the meeting back to order at 7:59 p.m.

Deliberations

Commissioner Haag heard many good points for building a new school. Many of the comments the Commission heard did not pertain to the process (zoning code text amendment). He was not in support of the text amendment. He was concerned about the effect on the R3 land inventory.

Commissioner Holderby had no problem with building a new school. However, there was a need for affordable housing.

Commissioner Hukill agreed his concern was the R3 inventory.

Vice Chair Sumner and Commissioners Phelan, Dunn and Thiesfeld agreed with Commissions Haag and Hukill.

Vice Chair Sumner called for a motion.

Motion: Commissioner Haag made a motion to recommend denial to the City Council, of the proposed Zoning text amendment intimated by the City, file # AMD-15-02 based on findings as stated in the final order. Commissioner Thiesfeld seconded the motion.

Discussion

Vice Chair Sumner disagreed with the way in which the proposed text amendment had been initiated.

Vote: Passed by a vote of 7:0:0. Vice Chair Sumner; Commissioners, Dunn, Hukill, Haag, Thiesfeld, Phelan, and Holderby voted in favor

V. ELECTIONS: CHAIR AND VICE-CHAIR

●**Motion:** Commissioner Hukill made a motion to nominate Commissioner Thiesfeld as Chair. Commissioner Haag seconded the motion.

Commissioner Haag withdrew his second.

●**Motion:** Commissioner Dunn made a motion to nominate Commissioner Sumner as Chair. Commissioner Phelan seconded the motion.

●**Motion:** Commissioner Haag made a motion to nominate Commissioner Thiesfeld as Chair. Commissioner Holderby seconded the motion.

Vote: Commissioners Dunn and Phelan voted for Commissioner Sumner to be Planning Commission Chair (2:3:0). Commissioners Holderby, Haag and Hukill voted for Commissioner Thiesfeld to be Chair (3:2:0). By a majority vote, Commissioner Thiesfeld was elected Chair.

●**Motion:** Commissioner Haag made a motion to nominate Commissioner Sumner as Vice-Chair. Commissioner Thiesfeld seconded the motion.

Vote: Passed by a vote of 7:0:0. Vice Chair Sumner; Commissioners, Dunn, Hukill, Haag, Thiesfeld, Phelan, and Holderby voted in favor.

VI. PLANNING REPORT

Planner Cogburn reviewed the October Planning Report.

VII. COMMISSIONER COMMENTS

Commissioner Dunn wished everyone happy holidays

Commissioner Thiesfeld thanked the Commission and Planner Cogburn for their work.

Commissioner Haag thanked Planner Cogburn

Commissioner Holderby acknowledged there was a lot of emotion around the code text amendment and the Commission made the right decision.

Commissioner Hukill thanked Planner Cogburn

Vice Chair Sumner thanked the audience for attending the meeting.

VIII. ADJOURNMENT

Motion: Commissioner Hukill made a motion to adjourn the meeting. Commissioner Thiesfeld seconded the motion.

Vote: Passed by a vote of 7:0:0. Vice Chair Sumner; Commissioners, Dunn, Hukill, Haag, Thiesfeld, Phelan, and Holderby voted in favor

The meeting adjourned at 8:37 p.m.

The next regularly scheduled Planning Commission meeting would be Wednesday January 20, 2016 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Secretary

Jack Sumner, Planning Commission Vice Chair

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
	Timeline Reviews	Review of timelines associated with land use actions	Planning Commission requested opportunity to review timelines for the various types of land use actions.			Opened
13-01	Sign Regulations	Review and make necessary amendments to the sign regulations contained in JCMC 17.115	At least 1 issue has been discussed for potential amendment relating to the City's provisions for off-premise signs. Community Development Committee has been investigating how to initiate Open Banner sign program similar to those in Corvallis and Springfield. Current sign regulations provide a barrier to implementation and would need to be amended. Additional flexibility on sign regulations has also been discussed.	High (Banner Program)	2014: Review by Planning Commission - Feb-April, then City Council - May or June	
13-02	Comprehensive Plan Map & Zoning Map Inconsistencies	Review and address inconsistencies between land uses and the Comprehensive Plan Land Use Map and/or the Zoning Map	The Customized Periodic Review process and inquiries with the City identified areas of inconsistency between the current use and/or the Plan Designation or Zoning including:	High (Property Owner requests) otherwise low-medium	2014: May - September for Planning Commission Review	
13-02A			<u>1701 Juniper</u> - Current use as a mini storage facility is inconsistent with both the Plan Designation and Zoning (property owner request)	High	(see 13-02)	Closed: Approved by Council 2/10/15
13-02B			<u>West 17th Avenue</u> - Single family homes are non-conforming uses as the properties are designated High Density Residential (HDR) on the Plan Designation Map and R4 (multi-structural residential) on the Zoning Map	(see 1302)	(see 1302)	
13-02C			<u>East 10th Place</u> (Scandinavian Estates) - Single Family stick-built and manufactured homes are non-conforming uses as the properties are designated HDR and zoned R4	(see 13-02)	(see 13-02)	
13-02D			<u>Raintree Meadows Park</u> (Lots 92 & 93) - the Plan Designation is residential development. Property is City owned and developed as a public park	(see 1302)	(see 1302)	

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
13-02E			Juniper Street, 3rd to 15th - Plan Designation and Zoning are Commercial/Residential. Existing Single Family Homes are non-conforming uses	(see 13-02)	(see 13-02)	
13-03	Comprehensive Plan - Update to the Public Facilities Plan	Update the City's Public Facilities Planning to be consistent with planned growth and the new Urban Growth Boundary (UGB)	Following acknowledgement of the Customized Periodic Review revisions, the City will need to revise its facility plans to be consistent with the new planned growth and UGB addressing requirements of Statewide Planning Goal 11.	High	Junction City: Nov 2013 to Jan 2014 (Lane Co. adoption required)	In Process with Task Forces
13-04	Comp Plan update to the Transportation System Plan (TSP)	Update the City's TSP to be consistent with planned growth and new UGB	The City has begun the process to update its TSP to be consistent with the new UGB addressing requirements of Planning Goal 12.	High	Junction City: 11-2013 to 1-2014 (Lane Co. adoption required)	Process Restart winter 2015
13-05	Quasi-Judicial Land Use Applications	Review land use applications	As needed, when application are submitted	High	As needed	
13-06	M1 (Light Industrial) Zoning District Amendments	Revisions to allow small-scale retail uses in the M1	These revisions were being evaluated in the fall 2011 before the Planning Commission focused on the Customized Periodic Review	Medium	Not Scheduled at this time	
13-07	Planning Commission By-Laws Amendments	Review and make necessary amendments to the Planning Commission By-Laws	Review and make changes as needed	Medium	5/1/2014	In Process
13-08	Administrative Amendments	Modify Administrative provisions in JCMC 17.150 & 16.05 (subdivisions) to address changes in State Administrative Rules & provide clearer distinction between legislative & quasi-judicial review processes	there are a number of potentially outdated sections in the Zoning Code and Subdivision regulations that Staff recommends be reviewed and updated, if found necessary, including:	Low	Not Scheduled at this time	

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
13-08A			The appeals section of the Subdivision Ordinance (ORD 809)	Low	Not Scheduled at this time	
13-08B			Updating notice requirements (such as the shortened 35 day period now applicable to Dept. of Land Conservation and Development (DLCD) notices and notices under Measure 56)	Low	Not Scheduled at this time	
13-08C			Revising the public hearing procedures in JCMC 17.150.090 to clarify the difference between legislative and quasi-judicial hearing processes	Low	Not Scheduled at this time	
13-08D			Addressing whether the City would prefer to allow joint hearings of the Planning Commission and City Council	Low	Not Scheduled at this time	
13-09	Commercial Land Use Revisions	Provide greater flexibility in allowed uses	The land use listings in the commercial zoning districts are very detailed and may overlook new types of land uses. Some jurisdictions have revised their land use listings to provide greater flexibility by allowing general types of similar land uses.	Low	Not Scheduled at this time	
13-10	Property Line Adjustments and Replats	Develop new regulations governing property line adjustments and replats	Junction City Ordinances do not address lot line adjustments or replats. These two (2) types of land use actions are reviewed under the provisions contained in Oregon Revised Statute (ORS) 92.180-92.192	Low	Not Scheduled at this time	
13-011	Floodplain Development	Modify the provisions contained in JCMC 17.80	Modify the provisions contained in JCMC 17.80 to include address changes recommended by FEMA for such ordinances (the State recently issued a new Floodplain model ordinance)	Low	Winter/Spring 2016	
15-01	Eyes on the Street	Modify the provisions contained in JCMC 17.20.110	amend provisions require a smaller percentage of window area per elevation & floor	Low	Winter/Spring 2016	

OREGON MODEL FLOOD DAMAGE PREVENTION ORDINANCE

Effective January 2009

Modified August 2009

Modified January 2014

Adoption of this ordinance will ensure compliance with the standards for participation in the National Flood Insurance Program (NFIP). The model includes standards and provisions that encourage sound flood plain management and if implemented allows property owners to obtain flood insurance at a more affordable rate.

Development Permits

FEMA requires that a permit be issued for all development (see DEFINITIONS) in the regulatory floodplain. A floodplain development permit is not the same as a building permit. A floodplain development permit is intended to provide a mechanism for jurisdictions to review all proposed development in the regulatory floodplain.

Lowest Floor

NFIP minimum standards require that residential buildings have their lowest floor elevated to the base flood elevation (BFE). However, the Oregon Residential Specialty Code requires that the lowest floor be elevated one foot or more above BFE. Elevating one foot above the base flood elevation allows homeowners to receive a substantial reduction in the cost of their flood insurance. Also, as increased development happens, flood elevations can increase, and the one foot above standard allows for an additional margin of safety.

The NFIP allows non-residential buildings to be elevated or floodproofed. NFIP requires that an operations and maintenance plan be provided to the insurance agent in order to rate the policy. As a result, this requirement is included in this model.

Below-grade Crawlspace

Below-grade refers to the inside of the crawlspace being below-grade on all sides, similar to how FEMA defines basement. FEMA would prefer that NFIP communities prohibit below-grade crawl spaces in Special Flood Hazard Areas. If, however, your community decides to allow below grade crawl spaces, specific language must be included in your code. The model code contained herein was derived from Technical Bulletin 11-01: Crawlspace Construction for Buildings located in Special Flood Hazard Areas.

If crawlspace standards are not included in local code, FEMA considers crawlspaces to be basements, which are not allowed as new construction or substantial improvements.

Manufactured Dwellings

The 2011 Oregon Manufactured Dwelling and Park Specialty Code requires that manufactured dwellings be elevated such that the bottom of the chassis is at base flood elevation. The Code also requires that electrical cross-over connections be elevated at least 12” above Base Flood Elevation. Furthermore, the Code makes no distinction between existing and new manufactured dwelling parks. All new installations, repair of substantial damage, or substantial improvements must be elevated above the base flood elevation.

Accessory and Agricultural Buildings

Finally, the NFIP requires that accessory structures, including agricultural buildings be elevated or floodproofed. Agricultural buildings located in the Special Flood Hazard Area are not exempt from building codes.

Agricultural Buildings:

ORS 455.315 exempts certain agricultural buildings from application of the Oregon Structural Specialty Code, however, **the exemption does not apply to:**

- (A) A dwelling;
- (B) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (C) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;
- (D) A structure used by the public; or
- (E) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.**

AO and V Zones

This model code includes sections for development in Shallow Flooding Areas (AO Zones), Section 5.5 and Coastal High Hazard Areas (V1-V30, VE and/or V), Section 5.6. If your community does not have either of these zones designated on your Flood Insurance Rate Map, it is not necessary to adopt these sections of the model code.

If you have any questions concerning adoption of this model or participation in the NFIP, please contact our Regional Office at (425) 487-4677.

KEY

Items in *underlined italics* (on electronic copies) or *underlined italics* (on paper copies) of the ordinance need to be filled in by the community.

Highlighted text recommended but not in CFR or Oregon Building Codes

Blue means V-zone requirement

OREGON MODEL FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0 AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

1.1 AUTHORIZATION

The State of Oregon has in _____¹ delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the *city/town/county*, does ordain as follows: {*change for tribal government*}

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of *city/town/county/tribe* are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

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

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;

¹ Almost all Oregon cities and some Oregon counties will derive their authority to adopt a flood damage prevention ordinance from the home rule provisions of the Oregon Constitution. See Article XI, Section 2 of the Oregon Constitution and your local government charter, if applicable. All counties, including those without home rule charters, have been granted authority to enact ordinances under Oregon Revised Statute 203.035.

- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

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

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- (6) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

SECTION 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 and to give this ordinance its most reasonable application.

“APPEAL” means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

“AREA OF SHALLOW FLOODING” means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

“AREA OF SPECIAL FLOOD HAZARD” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

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

“BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.

“BELOW-GRADE CRAWL SPACE” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point

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

“COASTAL HIGH HAZARD AREA” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

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

“DEVELOPMENT” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“ELEVATED BUILDING” means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“FLOOD” OR “FLOODING” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or

- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“FLOOD INSURANCE RATE MAP (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“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 ordinance found at Section 5.2-1(2).

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

“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 this ordinance.

“RECREATIONAL VEHICLE” means 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 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 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 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 ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

“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.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of city/town/county/tribe.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the city/town/county/tribe – use county if FIRMs are in countywide format,” dated month day, 20yr, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at location. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 4.3-2.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ amount or imprisoned for not more than number days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city/town/county/tribe from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND SEVERABILITY

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and

another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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.

3.5 INTERPRETATION

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit or repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

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. This ordinance shall not create liability on the part of *city/town/county/tribe*, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1-1 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

4.1-2 Application for Development Permit

Application for a development permit shall be made on forms furnished by the dept., e.g. Planning, Engineering, etc. 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) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level of floodproofing in any structure;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The _____ is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.4 are met.

4.3-2 Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and

reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.3-2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 4.3-2:
 - (i) Verify and record the actual elevation (in relation to mean seal level), and
 - (ii) Maintain the floodproofing certifications required in Section 4.1-2(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 Alteration of Watercourses

- (1) 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.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Requirement to Submit New Technical Data

- (1) Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
- (2) The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
- (3) The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.

4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

NOTE: If you do not include Section 4.4 (Variance Procedure), end the above sentence after the word "interpretation," and add the following sentence: "such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

- (1) The _____ as established by *ordinance* shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The _____ shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the *city/town/county/tribe* in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the _____, or any taxpayer, may appeal such decision to the _____, as provided in *ordinance*.
- (4) In passing upon such applications, the _____ shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) The danger that materials may be swept onto other lands to the injury of others;
 - (ii) The danger to life and property due to flooding or erosion damage;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity to the facility of a waterfront location, where applicable;
 - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the _____ may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The *local floodplain administrator* shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions for Variances

- (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
- (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.1-4(4), or conflict with existing local laws or ordinances.

- (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4-2(1), and otherwise complies with Sections 5.1-1 through 5.1-3 of the GENERAL STANDARDS.
- (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using

methods and practices that minimize flood damage.

- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) 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.

5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.1-6 AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding 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 be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) 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.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.2-2 Nonresidential Construction

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

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

- and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2);
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2);
 - (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.
 - (6) Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
 - (7) Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

5.2-3 Manufactured Dwellings

- (4) Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with 5.1-1(2) above;
- (5) The bottom of the longitudinal chassis frame beam in A zones, shall be at or above BFE;
- (6) The manufactured dwelling 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;
- (7) Electrical crossover connections shall be a minimum of 12 inches above BFE.

5.2-4 Recreational Vehicles

Recreational vehicles placed on sites are required to:

- (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 requirements of 5.2-3 above and the elevation and anchoring

requirements for manufactured homes.

5.2-5 Small Accessory Structures

Relief from elevation or floodproofing as required in 5.2-1 or 5-2-2 above may be granted for small accessory structures that are:

- (1) less than 200 square feet and do not exceed one story;
- (2) not temperature controlled;
- (3) not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;
- (4) not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation
- (5) located and constructed to have low damage potential;
- (6) constructed with materials resistant to flood damage;
- (7) anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- (8) constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or
 - (i) provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
- (9) 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.

5.2-6 Below-grade crawl spaces

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

- (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- (2) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- (3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- (4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- (5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- (6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles

or gravel or crushed stone drainage by gravity or mechanical means.

- (8) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

ADDITIONAL OPTIONS

Include the diagrams from the Technical Bulletin in the ordinance to illustrate the 2 ft./4 ft. rules but revise to correctly reference the state building code requirements to elevate 1 ft. above BFE for residential structures.

Include language advising citizens about the increased insurance cost associated with below-grade crawlspaces. There is a charge added to the basic policy premium for a below-grade crawlspace.

5.3 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, 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.

5.4 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 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:

- (1) Except as provided in paragraph (3), 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.
- (2) If Section 5.4(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction

provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

(3) Projects for stream habitat restoration may be permitted in the floodway provided:

- (i) The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and,
- (ii) 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,
- (iii) No structures would be impacted by a potential rise in flood elevation; and,
- (iv) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

(4) Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June – October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.

(5) Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than 90 days within the dry season (June – October).

5.5 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

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

- (1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential structures

within AO zones shall either:

- (i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (ii) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 5.2-2(3).
- (3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (4) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
- (i) Be on the site for fewer than 180 consecutive days, and
 - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii) Meet the requirements of 5.5 above and the elevation and anchoring requirements for manufactured homes.

5.6 COASTAL HIGH HAZARD AREAS

Located within areas of special flood hazard established in Section 3.2 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 surges and, therefore, in addition to meeting all provisions in this ordinance and **state building code**, the following provisions shall also 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 so that:
- (i) 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
 - (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. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);

- (2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (i) and (ii) of this Section.
- (3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- (4) All new construction shall be located landward of the reach of mean high tide.
- (5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (i) Breakaway wall collapse shall result from 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 nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (7) Prohibit the use of fill for structural support of buildings.
- (8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(9) All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE 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 5.6(1) through (8) 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 FIRM meet the requirements of Section 5.2-3.

(10) 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, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (iii) Meet the requirements of Section 4.1-1(Permitting requirements) and paragraphs 5.6(1) through (8) of this section.

(11) For construction of new essential and new special occupancy structures refer to ORS 455.446 and 447 which states that new essential and new special occupancy structures may not be constructed in the Tsunami Inundation Zone. The Tsunami Inundation Zone would include V, A, and potentially other flood zones. If an exception is granted then the Coastal High Hazard Area construction standards in the model ordinance shall apply to the building of these new structures in the Tsunami Inundation Zone.

Coastal communities should be encouraged to adopt Coastal High Hazard Area standards to all new structures or substantially improved or damaged structures that fall within the Tsunami Inundation Zone.

5.7 CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).

Chapter 11

Types of Public Hearings

In processing land use actions in Oregon, there are two types of public hearing procedures: legislative and quasi-judicial. The two-hearing processes differ significantly in the procedural and public notice requirements.

A legislative hearing is a public hearing in which the planning commission, city council, board of commissioners, or county court is acting as a legislator, making new law. A quasi-judicial hearing is a type of land use proceeding in which the decision maker is acting in the capacity of a judge.

When deciding whether a particular matter is legislative or quasi-judicial, ask three questions:

- Does the issue being considered affect only one or a few parcels and a small number of property owners?
- Does the decision have to comply with existing approval criteria?
- Is the jurisdiction required to make a decision on the matter?

If the answers to these questions are yes, then use quasi-judicial procedures. If the answers to all the questions are no, it is a legislative matter. Sometimes the answers are mixed and it is not clear which hearing procedure should be employed. Legal counsel will be able to help decide ambiguous cases.

Springfield Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)**Chapter 3 PUBLIC IMPROVEMENTS**
STREETS[\[remove highlighting\]](#)**3.223 Placement of Signs in the Public Right-of-Way.**

(1) For the purpose of this chapter, these terms shall be defined as follows:

Banner. Any non-rigid material such as canvas, vinyl or cloth, with no enclosing framework that contains advertising copy.

Over-the-Street Banner. A banner that hangs between two poles that straddle the city street at locations designated by the city.

Open Banner. A double sided, embroidered banner displayed in the downtown or Mohawk area that is attached to a pole, purchased and installed by the city, and advertises a business or organization.

Pole Banner. A banner attached to city utility poles or traffic signal poles at designated areas throughout the city.

Portable Signs. A single- or double-faced sign which is temporary in nature. The sign or sign frame is not permanently attached to a structure or ground, and does not meet the definition of a banner. Also called sandwich board signs.

(2) No banner or sign as defined in section 3.223(1) of this code shall be placed in, upon, over or under the public right-of-way unless the owner of such a banner or sign shall have received a permit for a banner or a sign authorizing the placement of such banner or sign. Any violation of this provision shall be an infraction within the meaning of Chapter 5 of this code.

(3) All banners and signs defined in section 3.223(1) of this code shall be displayed in accordance with the following terms and conditions:

(a) All banners and signs shall follow the city's specification and design requirements.

(b) The city will install over-the-street and pole banners. The applicant must secure permission from the applicable road authority for over-the-street and pole banners that are at a location other than a city street.

(c) Over-the-street and pole banners may only be used to promote public service activities that provide a benefit to the community as a whole and are sponsored by governmental or nonprofit organizations.

(d) Open banners may only be used by businesses participating in the open banner program and displayed during business hours.

(e) Portable signs may only be displayed only during the regular business hours of the business presenting the portable sign.

(4) Banners or signs placed in the public right-of-way must not create a hazard or interfere with pedestrian and/or vehicular travel.

(a) Portable signs shall be placed to conform to all relevant portions of the Americans with Disabilities Act, and maintain a continuous, clear accessible route of travel upon the sidewalk and provide a width of 36 inches or more.

(b) Portable signs shall be placed to avoid conflict with opened doors of parked vehicles.

(c) The banner or sign shape, colors and appearance shall not be similar to any traffic control device. The final determination of banners or signs that are unacceptable due to appearance similar to

traffic control devices shall be made by the city traffic engineer.

(5) The applicant for any banner or sign as defined in section 3.223(1) of this code shall agree to defend, indemnify and hold harmless the city from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit.

(6) The applicant for any banner or sign as defined in section 3.223(1) of this code shall carry public liability insurance sufficient in the judgment of the city manager or his/her designee to save the city and its employees harmless against any injury or damage resulting from the acts of the applicant related to conduct of the work.

(7) Applications for a banner or a sign permit as defined in section 3.223(1) of this code shall be on the form prescribed by the city and accompanied by the fee therefor, in an amount fixed by the council by resolution. [Section 3.223 added by Ordinance No. 6302, enacted October 21, 2013.]

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8.202 Definitions.

The meaning of specific terms pertaining to the regulation of signs are:

Abandoned Sign. Those signs not used in conjunction with a business for more than 90 days.

Approved Plastics. As defined in the current Oregon Structural Specialty Code (OSSC), as adopted by the city of Springfield.

Awning. Any structure made of cloth, vinyl or metal with a noncombustible frame attached to a building which projects over a walkway or sidewalk. The area of the awning that contains sign copy shall be considered a wall sign.

Banner. Any non-rigid material such as canvas, vinyl or cloth, with no enclosing framework that contains advertising copy.

Billboard. Any sign greater than two hundred (200) square feet for one face shall be considered a billboard.

Building Official. The officer or other designated authority charged with the administration and enforcement of the State Building Code.

Copy Change. The replacing of an existing advertising copy and/or sign face to reflect an image change without altering the existing sign structure.

Curb Line. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the public works director or their authorized representative.

Development Area. The area of a commercial, industrial or residential development that is contained within a single tax lot.

Digital Billboard. An outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

Directional Sign. A permanent sign which is designed and erected solely for the purpose of directing vehicular traffic.

Directory Sign. A sign giving the name and room number or location of the occupants of a building.

Display Surface Area. The area enclosed by the display surface of the sign excluding structural supports. Only one face of a double faced sign shall be considered in determining the display surface area.

Double-Faced Sign. A sign that has two display surfaces that are used for advertising.

Electronic Reader Board. An electric sign which conveys a message supported by one or more uprights in the ground or by an approved method attached to a building wall.

Electric Sign. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source and provides artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

Exempt. Signs exempted from normal permit requirements; however, still subject to those restrictions as stated in sections 8.200 to 8.268.

Fees. The amount required to be paid to the city as specified to undertake any provision of sections 8.200

to 8.268 in pursuit of installing a sign.

Flashing Sign. An illuminated sign, or a sign constructed of reflective material to simulate movement, on or within which light is not maintained stationary and constant in intensity and color at all times. This description does not include an approved electronic reader board.

Freestanding or Pole Sign. A sign supported by one or more uprights in the ground and detached from any building or structure.

Grade. The lowest elevation point of the finished ground surface directly below or at the sign location, and any point within five feet from the sign location. If the sign or any projection is within five feet of a public sidewalk, alley, or other public way, the grade will be the elevation of the sidewalk, alley or public way.

Home Occupation Sign. An on-premise sign identifying a home occupation, as defined by the Springfield Development Code.

Illegal Sign. Any sign that has been installed without a sign permit, required inspections, or erected in violation of this Code.

Illuminated Sign. Any sign which has characters, letters, figures, or designs illuminated by internally mounted fluorescent lights or luminous tubes.

Incidental Sign. A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to “trading stamps,” “credit cards accepted,” “brand names,” “beverages,” “price signs” or “services.”

Indirectly Lighted Sign. A sign from which light is directed from an external source such as floodlights, or gooseneck reflectors.

Install. This term shall mean attach, place, alter, construct, reconstruct, enlarge or move, and includes the painting of wall signs, but does not include copy changes on any sign.

Logo. A letter, character, symbol or trademark used to symbolize or stand for a business that has been registered with the U.S. Patent and Trademark Office.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over public property and constructed of durable materials such as metal, glass or plastic.

Murals. An artistic painting applied to and made integral with a wall surface. The primary purpose of a mural is not to advertise products marketed within the structure.

Non-Combustible Material. As defined in the current Oregon Structural Specialty Code.

Non-Conforming Signs. A sign that does not meet the requirements in sections 8.200 to 8.268 for a legal sign.

Non-Structural Trim. Material which is molding, battens, caps, nailing strips, laticing, cutouts or letters and walkways which are attached to the sign structure.

Portable Sign. A single or double faced sign which is temporary in nature. The sign or sign frame is not attached permanently to the building or ground and does not meet the definition of a banner.

Portable Swinger Sign. An advertising device that is usually in the shape of an “A”, located on the ground and is easily movable.

Projecting Sign. Any sign other than a wall sign that projects more than 12 inches from an exterior wall.

Real Estate Sign. A temporary sign placed upon the affected property for the purpose of advertising to the public the sale, rent or lease of a property or a structure.

Revolving Sign. A sign which moves or rotates as if on an axis.

Roof Sign. A sign constructed upon or above a roof or parapet of a structure.

Sign. Any letter, figure, character, marquee, pictorial, picture, logo, trademark, reading matter, or illuminated service which is constructed, placed, attached, painted, erected, fastened, or manufactured in any

manner so that it shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, article, machine, merchandise which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification of this code.

Sign Copy. Any lettering placed on a building wall or on a sign face.

Sign Face. The entire area of a sign on which copy may be placed.

Sign Height. The vertical distance from grade to the highest point of a sign or a sign structure.

Sign Structure. Any structure which supports or is capable of supporting a sign as defined in this code.

Spotlight Illumination. Spotlight illumination shall mean illumination which comes from lamps, lenses or devices designed to focus or concentrate light rays on the source.

Stadium Signs. Signs located within a sports stadium or athletic field which are intended for viewing primarily by persons within the stadium.

Temporary Sign. A temporary sign is any sign, banner, pennant, balloon or valance not permanently attached to a building, structure or the ground.

Under Marquee Sign. A sign which is attached only to a marquee and which is suspended or projects downward from a marquee and has no portion of the sign above the bottom surface of the marquee structure.

Vision Clearance. A triangular shaped portion of land established at street intersections in which nothing over two and one-half feet is erected, placed, planted or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this code. All corner lots shall maintain a clear area at each access to a public street and on each corner of property at the intersection of two streets or a street and an alley in order to provide adequate sign distance for approaching traffic. The clear vision area shall be in the shape of a triangle. Two sides of the triangle shall be lot (property) lines for a distance of 25 feet. Where the lot (property) lines have rounded corners, the lines shall be measured by extending them in a straight line to a point of intersection. The third side of the triangle is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The required vision clearance area for any driveway shall be 10 feet and measured as described above. The required vision clearance for any alley shall be 15 feet and measured as described above. Exemptions for vision clearance areas are items associated with utilities or publicly owned structures such as poles and signs, and existing trees, no screen or other physical obstruction shall be permitted two and one-half and eight feet above the established height of the curb in the triangular area. For a visual diagram of the vision clearance, please refer to diagram 32-B of the Springfield Development Code.

Wall Sign. A sign painted on or attached to a building wall that projects no more than 12 inches from the wall. Hanging signs attached to a building eave or overhang and not classified as a projecting sign in section 8.202. Signs placed on, attached to or constructed on a canopy, awning or marquee, whether or not such structures are located in the public right-of-way, are also considered wall signs.

Wind Activated Sign. Any commercial advertisement flag, pennant, balloon, spinner or blimp. [Section 8.202 amended by Ordinance No. 5862, enacted September 15, 1997; further amended by Ordinance No. 6008, enacted March 18, 2002; further amended by Ordinance No. 6114, enacted February 7, 2005; further amended by Ordinance No. 6276, enacted March 19, 2012.]

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Springfield Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Chapter 8 BUILDING](#)[SIGNS](#)[Permit—Regulations—Fees](#)**8.218 General.**

Except as specified in section 8.234, no person shall erect, construct, alter or relocate any sign unless a permit has been obtained

from the building official. A separate electrical permit shall be required for each sign service equipment as specified in the Electrical Specialty Safety Code. Sign permits shall be issued only to contractors licensed in accordance with city and state regulations, or any property owner or a designee erecting a sign or sign structure on their own property, provided the sign erection work is performed by a person regularly and directly under their employ. The following requirements shall be included with each sign permit application:

(1) **Permit Applications.** Two complete sets of plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect.

(a) A scaled plot plan with building dimensions, setback and location of proposed signs shall be submitted with the sign permit application. A photograph of each facade of the building shall be submitted.

(b) A scaled elevation drawing shall be submitted in addition to the above requirements if a wall mounted sign will be erected.

(c) A description of materials, anchors, footings and attachment systems shall be provided.

(d) For all freestanding, pole or projecting signs over 20 feet in height, plans shall be submitted, drawn by a registered engineer.

(e) Each application shall include photographs of existing signage on the property associated with the business.

(f) If the application is for a billboard, the application must include an approved permit from the state of Oregon under the Oregon Motorists Information Act of 1971 (ORS 377.700 et seq.) prior to the erection of the billboard.

(2) **Permit-Fees.** Sign permit fees for permanent and temporary signs, excluding electrical, shall be set by resolution of the council. Only one face of a double-faced sign will be used for calculation purposes. Each sign shall be considered separately when calculating plan review and sign permit charges.

(3) **Temporary Sign Permit Fees.** Four permits for each approved development area shall be permitted per calendar year. The fee for each permit shall be set by resolution by the council. No temporary sign(s) shall be larger than 60 square feet and be erected for a maximum of 30 consecutive days per each permit. The temporary sign(s) shall be located completely on private property and shall be in compliance with the required setbacks as identified in this code. A security deposit is required when this permit is issued. If the applicant fails to remove the temporary sign(s) by the date specified on the permit, the deposit shall be forfeited and the city may remove the temporary sign(s). If any temporary signs are erected without first obtaining a permit, the permit fee shall be doubled. Temporary signs erected by or for the city for city sponsored events, authorized by the city, or for the park district, utility company, or hospital for community events are exempt.

(4) **Permit Issuance.**

(a) **Compliance.** The building official shall not issue a permit unless the sign and its location are in compliance with the provisions of this code and the Springfield Development Code. No permit issued shall be transferred to another party.

(b) **Expiration.** If the sign authorized by a sign permit is not installed within 180 days after the date the permit is issued, or an inspection requested to verify progress of the proposed installation, the permit shall be void. The building official may extend an unexpired sign permit for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond their control have prevented work on the sign. No permit shall be extended more than once.

(5) **Penalty Fees.** The fee for any sign permit where the applicant begins work (and/or erects or re-erects a sign) prior to obtaining a sign permit, shall be double the fee specified by resolution of the city council.

(6) **Insurance.**

(a) Every property owner or designee who applies for a permit to erect, alter, or maintain a sign which projects more than 12 inches over public property, shall file with the building official copies of their public liability and property damage insurance policies. These policies shall be maintained in full force and effect during the time the sign remains over public property. Public liability insurance shall not be less than \$300,000.00 for injuries, which includes accidental death to any person. The policy shall contain a requirement of notice of cancellation to the city.

(b) Any sign company erecting a sign owned by the company shall comply with section 8.218. [Section 8.218 amended by Ordinance No. 6138, enacted August 1, 2005; further amended by Ordinance No. 6008, enacted March 18, 2002; further amended by Ordinance No. 6114, enacted February 7, 2005; further amended by Ordinance No. 6276, enacted March 19, 2012.]

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DEPARTMENT OF PUBLIC WORKS
STANDARD OPERATING POLICIES AND PROCEDURES

SUBJECT: BANNERS (Over the Street)

PURPOSE

The purpose of this policy is to establish City policy and procedures concerning usage and placement of banners over street rights-of-way.

BANNER SITES

The banner sites discussed here includes the following location:

1. **Mohawk Boulevard near 'G' Street.** (McKenzie/Willamette Hospital Site)
2. **Main Street at 9th Street.**

POLICY

The City's policy on banners is that **only governmental or special district organizations** (specifically including McKenzie-Willamette Hospital) be allowed to have banners placed over the public right-of-way, and further, that such banners advertise public, not for profit events only.

Banners **shall be permitted** to advertise only the following activities:

1. Public service activity which provide benefits to the community as a whole; or,
2. Artistic or literary activities, provided that artistic shall include music and the performing arts; or
3. Scholastic activities, which are defined as activities sponsored by organizations which carry on general education activities.
4. Banners may display the name, slogan, advertising, logo or trademark of any sponsor of the activity.

Banners **shall not be permitted** to advertise the following:

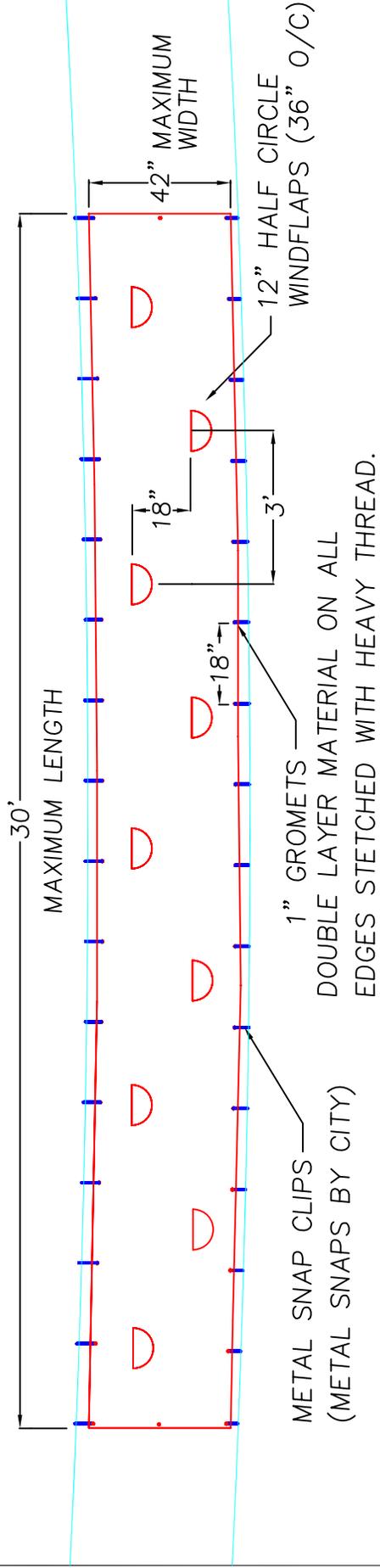
1. Banners shall not promote or be sponsored by any political candidate/party, religious or issue group.
2. Banner advertisement shall not be carried on for the purpose of earning a profit.

PROCEDURES

1. Those wishing to have a banner hung over the right-of-way within the City limits must submit a written application, available at Springfield City Hall, 225 Fifth Street (Northwest Quad). Main Street banner permit also requires the applicant, to have an Oregon Department of Transportation (ODOT) permit.
2. Banners shall be placed by the City on a first come, first serve basis.
3. A fee of \$105.00, covering the actual cost of the City for placing and removing the banner and processing the application, shall be submitted with the application. This fee shall be returned to the applicant only in the event of rejection of the application.
4. A banner may be displayed for a period up to three (3) weeks prior to the event at the Mohawk Blvd. site and up to two (2) weeks at the Main Street site.
5. The applicant shall deliver the banner to Springfield City Hall, 225 Fifth Street, (Northwest Quad) five (5) working days prior to the date the banner is to be hung. The banner shall be picked up by the applicant at the City Operations Division, 201 South 18th Street, (541-726-4612) within five (5) working days following the completion of the display period. The City shall store the banner for a period, not to exceed ten (10) working days, after which time the City may dispose of the banner and have no further responsibility.
6. The banner shall be inspected upon delivery to the City and may be rejected for policy non-compliance or materials deficiencies (See Exhibit A.). If upon inspection, the banner does not meet **all** of the required specs, the banner **will not** be installed.
7. The City accepts no responsibility or liability for damage to the banner.
8. Authority to accept or reject the banner application is delegated to the City Manager or his/her designee. Anyone whose application is rejected by the City Manager may appeal to the City Council by filing a written request with the City Manager not less than ten (10) days after notification of the application rejection.

Adopted: January 1, 1992
Amended: 7/07/2006, 3/16/2012
Replaces: Revision 1, Revision 2

EXHIBIT 'A'



CITY OF SPRINGFIELD MOHAWK BLVD. BANNER SPECIFICATIONS

NOTES:

- BANNER SHALL BE CONSTRUCTED OF HEAVY CANVAS OR EQUIVARIANT MATERIAL.
- GROMMETS SHALL BE METAL PRESS-FIT TYPE.
- GROMMETS SHALL BE PLACED THROUGH DOUBLE-LAYERED HEAVY DUTY MATERIAL SEAMED WITH EXTRA STRENGTH THREAD.
- BANNER SHALL BE INSPECTED BY THE CITY FOR COMPLIANCE WITH SPECIFICATIONS PRIOR TO INSTALLATION.



**APPLICATION AND PERMIT TO OCCUPY OR
PERFORM OPERATIONS UPON A STATE HIGHWAY**

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

CLASS :

KEY#

GENERAL LOCATION				PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)		
HIGHWAY NAME AND ROUTE NUMBER McKENZIE HWY (126)				<input type="checkbox"/> POLE LINE	TYPE N/A	MIN. VERT. CLEARANCE N/A
HIGHWAY NUMBER 015	COUNTY 20 = LANE			<input type="checkbox"/> BURIED CABLE	TYPE N/A	
BETWEEN OR NEAR LANDMARKS 8th ST. & 9th ST.				<input type="checkbox"/> PIPE LINE	TYPE N/A	
HWY. REFERENCE MAP AML	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> NON-COMMERCIAL SIGN	FEE AMOUNT \$0.00	
APPLICANT NAME AND ADDRESS NAME: _____ COMPANY OR EVENT: _____ MAILING ADDRESS: _____ STATE & ZIP: _____ PHONE: _____				<input checked="" type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW		
				FOR ODOT USE ONLY		
				BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-55 035(2)	AMOUNT OF BOND \$0.00
				INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	REFERENCE: OAR 734-55 035(1)	SPECIFIED COMP. DATE

DETAIL LOCATION OF FACILITY(For more space attach additional sheets)

MILE POINT	TO	MILE POINT	ENGINEERS STATION	TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
							CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	
HWY 015											
2.03			49+38			90°	VARIES	VARIES		BANNER	

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS FACILITIES

BANNER PERMIT

SPECIAL PROVISIONS (FOR MORE SPACE ATTACH ADDITIONAL SHEETS)

TRAFFIC CONTROL REQUIRED

YES [OAR 734-55-025(6)]

NO

- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?

YES [OAR 734-55-100(2)]

NO (OAR 734-55-100(1))

◆ AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE AT TELEPHONE NUMBER: **541-686-7626**

OR FAX A COPY OF THIS PAGE TO THE DISTRICT OFFICE AT: N/A

SPECIFY TIME AND DATE IN THE SPACE BELOW.

◆ A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.

◆ **ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987.**

CALL BEFORE YOU DIG 1-800-332-2344

COMMENTS - ODOT USE ONLY PERMIT AND PERMISSION TO HANG BANNER WITHIN ODOT RIGHT OF WAY.

BANNER TO READ: _____

FOR WHAT EVENT: _____ EVENT DATES: _____

DATE PLACED IN RIGHT OF WAY: _____ DATE TO BE REMOVED: _____

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE X		TITLE	DATE
APPLICANT SIGNATURE X	APPLICATION DATE	TITLE	TELEPHONE NO.
When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached: and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.			DISTRICT MANAGER OR REPRESENTATIVE X
			APPROVAL DATE

GENERAL PROVISIONS / SPECIAL PROVISIONS
BANNER PERMIT
McKENZIE HWY, MP 2.03

"APPLICANT/PERMITTEE SHALL BE RESPONSIBLE AND LIABLE FOR (1) INVESTIGATING PRESENCE/ABSENCE OF ANY LEGALLY PROTECTED OR REGULATED ENVIRONMENTAL RESOURCE(S) IN THE ACTION AREA; (2) DETERMINING ANY AND ALL RESTRICTIONS OR REQUIREMENTS THAT RELATE TO THE PROPOSED ACTIONS, AND COMPLYING WITH SUCH, INCLUDING BUT NOT LIMITED TO THOSE RELATING TO HAZARDOUS MATERIAL(S), WATER QUALITY CONSTRAINTS, WETLAND, ARCHEOLOGICAL OR HISTORIC RESOURCE(S), STATE AND FEDERAL THREATENED OR ENDANGERED SPECIES, ETC.; (3) COMPLYING WITH ALL FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS, RULES AND ORDINANCES, WHETHER ENVIRONMENTAL IN NATURE OR OTHER, PERTAINING TO THE PROPOSED ACTION, AND OBTAINING ALL REQUIRED AND NECESSARY PERMITS AND APPROVALS.

IF APPLICANT/PERMITTEE IMPACTS A LEGALLY PROTECTED/ REGULATED RESOURCE, APPLICANT/PERMITTEE SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH SUCH IMPACT, INCLUDING, BUT NOT LIMITED TO ALL COSTS OF MITIGATION AND REHABILITATION, AND SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS ODOT FOR SUCH IMPACTS AND BE RESPONSIBLE AND LIABLE TO ODOT FOR ANY COSTS OR CLAIMS THAT ODOT MAY HAVE." DIRECT QUESTIONS FOR ENVIRONMENTAL CONCERNS TO LOCAL ODOT CONTACTS, DENNIS JOLL AT 541-686-7526..

NOTHING IN THIS PERMIT IS INTENDED TO GRANT RIGHTS OR IMPLY APPROVAL NOT FALLING WITHIN THE AUTHORITY AND JURISDICTION OF ODOT. IT IS THE RESPONSIBILITY OF THE APPLICANT TO DETERMINE THE NEED FOR AND TO OBTAIN SUCH LICENSES, PERMITS OR OTHER FORM OF APPROVAL WHICH MAY BE REQUIRED BY OTHER STATE AGENCIES, FEDERAL AGENCIES, CITIES AND/OR COUNTIES OF OREGON, UTILITY OR RAILROADS. OAR 734-055-055.

GENERAL PROVISIONS

SHOULD TRAFFIC CONTROL BE NECESSARY FOR INSTALLATION, MAINTENANCE & REMOVAL IT SHALL BE ACCORDING TO THE CURRENT "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS," USDOT & ODOT MANUAL, "SHORT TERM TRAFFIC CONTROL HANDBOOK, MAY 2006,".

LIABILITY INSURANCE CERTIFICATE SHALL BE SUBMITTED TO THIS OFFICE PRIOR TO BANNER INSTALLATION(S).

NO MUD, DEBRIS OR SPOILS SHALL BE ALLOWED ON PAVED HIGHWAY SURFACE.

CONTACT ODOT REPRESENTATIVE AARON KETCH AT 541-744-8080 IF PROBLEMS ARISE. CONTACT 9-1-1 IN CASE OF AN EMERGENCY.

ANY DAMAGE TO ODOT RIGHT OF WAY SHALL BE RESTORED TO THAT CONDITION PRIOR TO CONSTRUCTION AND TO SATISFACTION OF ODOT REPRESENTATIVE.

SPECIAL PROVISIONS FOR BANNERS

BANNER TO BE HUNG AND REMOVED BY THE UTILITY COMPANY. IT IS APPLICANTS RESPONSIBILITY TO COORDINATE PLACEMENT AND REMOVAL OF BANNER WITH THE UTILITY COMPANY.

BANNER IS TO BE ERECTED SO THAT 20'-0" OF CLEARANCE WILL REMAIN BETWEEN THE ROADWAY ASPHALT AND THE AERIAL BANNER.

BANNER MATERIAL AND SUPPORT MUST BE MADE FROM A DURABLE MATERIAL AND CONSTRUCTED TO WITHSTAND WIND PRESSURE OF 20 POUNDS PER SQUARE FOOT OF EXPOSED SURFACE.

THE BANNER(S) MAY CONTAIN THE NAME AND/OR LOGO, DATE AND TIME, AND GENERAL LOCATION OF THE EVENT. BANNERS MAY NOT INCLUDE ANY ADVERTISING, COMMERCIAL MESSAGE, BRAND OR PRODUCT NAME, OR OTHER INFORMATION ABOUT THE EVENT SUCH AS COST, DIRECTIONS, ETC.

THE BANNER IS TO ADVERTISE AN EVENT THAT IS:

SPONSORED OR ENDORSED BY A CITY, COUNTY, OR STATE AGENCY.

TWO WEEKS OR SHORTER IN DURATION AND OPEN TO THE GENERAL PUBLIC.

LOCATED WITHIN A FIVE MILE RADIUS OF THE EVENT.

THE BANNER(S) MAY NOT BE ERECTED OR MAINTAINED IF THEY:

INTERFERE WITH, IMITATE, OR RESEMBLE ANY OFFICIAL TRAFFIC CONTROL DEVICE OR ATTEMPT OR APPEAR TO ATTEMPT TO DIRECT THE MOVEMENT OF TRAFFIC;

PREVENT THE DRIVER OF A MOTOR VEHICLE FROM HAVING A CLEAR AND UNOBSTRUCTED VIEW OF OFFICIAL TRAFFIC CONTROL DEVICES AND APPROACHING OR MERGING TRAFFIC;

HAVE ANY LIGHTING, UNLESS SUCH LIGHTING IS SHIELDED TO PREVENT LIGHT FROM BEING DIRECTED AT THE HIGHWAY OR IS OF SUCH LOW INTENSITY OR BRILLIANCE AS NOT TO CAUSE GLARE OR TO IMPAIR THE VISION OF THE DRIVER OF A MOTOR VEHICLE; OR ARE OTHERWISE A TRAFFIC HAZARD.

PERMITTEE, TO THE EXTENT PERMITTED BY THE OREGON CONSTITUTION AND THE OREGON TORT CLAIMS ACT, INDEMNIFY, DEFEND, SAVE, AND HOLD HARMLESS THE STATE OF OREGON, OREGON TRANSPORTATION COMMISSION AND ITS MEMBERS, DEPARTMENT OF TRANSPORTATION, ITS OFFICERS AND EMPLOYEES FROM ANY AND ALL CLAIMS, SUITS, AND LIABILITIES WHICH MAY OCCUR IN THE PERFORMANCE OF THIS ACTIVITY.



PLANNING COMMISSION

AGENDA FORECASTER

TABLE OF CONTENTS

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Current Business Items _____	1
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CURRENT BUSINESS ITEMS

Current Business Items

Item Major Variance VAR-15-02 (O'Connell)

Requested By Staff

Date Last at Commission N/A

Current Agenda Item Number 5.1

Item Description

Major Variance to allow the placement of a Manufactured Home within Scandinavian Estates Subdivision.

Current Status/Update

Planning Commission review

Item Commission Work Plan Discussion

Requested By Commission Chair

Date Last at Committee November, 2015

Current Agenda Item Number 6.1

Item Description

Monthly update on the CDC Project list

Current Status/Update

The current Progress Tracking Sheet is included in the packet for review

CURRENT BUSINESS ITEMS

Item Agenda Forecaster Review

Requested By Staff

Date Last at Committee N/A

Current Agenda Item Number 6.2

Item Description

Monthly update on the Planning Commission Projects and Agenda

Current Status/Update

N/A

Item January Planning and Building Report

Requested By Staff

Date Last at Committee December, 2015

Current Agenda Item Number 6

Item Description

Monthly update on the Planning Department progress and Building Department permit report

Current Status/Update

All Items are current

PENDING BUSINESS ITEMS

Pending Business Items

<u>Item</u>	Light Industrial (M1) Zoning District Text Amendments
<u>Requested By</u>	Planning Commission
<u>Staff Contact</u>	Planner Cogburn
<u>Date Last at Commission</u>	2013

Item Description

Revisions to allow small scale retail uses in the M1 zone

Current Status/Update

Item 13-06 of the Planning Commission work plan

<u>Item</u>	35-Day Noticing Requirement
<u>Requested By</u>	Planning Commission
<u>Staff Contact</u>	Planner Cogburn
<u>Date Last at Commission</u>	2013

Item Description

Updating notice requirements (such as the shortened 35 day period now applicable to Dept. of Land Conservation and Development (DLCD) notices and notices under Measure 56)

Current Status/Update

Item 13-08B of the Planning Commission work plan

PENDING BUSINESS ITEMS

Item Public Hearing Procedure Text Update
Requested By Planning Commission
Staff Contact Planner Cogburn
Date Last at Commission 2013

Item Description

Revising the public hearing procedures in JCMC 17.150.090 to clarify the difference between legislative and quasi-judicial hearing processes

Current Status/Update

Item 13-08C of the Planning Commission work plan

Item Eyes-On-The-Street Amendments
Requested By Staff Lead
Staff Contact Planner Cogburn
Date Last at Commission N/A

Item Description

Amend Multi-Family Residential provisions to require a smaller percentage of window area per elevation & floor

Current Status/Update

Staff requests direction from the Commission.

PENDING BUSINESS ITEMS

Item Floodplain Development Code Text Update

Requested By Staff Lead

Staff Contact Planner Cogburn

Date Last at Commission 2013

Item Description

Modify the provisions contained in JCMC 17.80 to include address changes recommended by FEMA for such ordinances (the State issued a new Floodplain model ordinance in 2009, with modifications in 2009 and 2014)

Current Status/Update

Staff requests direction from the Commission.

Item Banner Signs Code Text Amendment

Requested By Staff Lead

Staff Contact Planner Cogburn

Date Last at Commission 2013

Item Description

At least 1 issue has been discussed for potential amendment relating to the City's provisions for off-premise signs. Community Development Committee has been investigating how to initiate Open Banner sign program similar to those in Corvallis and Springfield. Current sign regulations provide a barrier to implementation and would need to be amended. Additional flexibility on sign regulations has also been discussed.

Current Status/Update

Staff requests direction from the Commission.

PENDING BUSINESS ITEMS

<u>Item</u>	Property Line Adjustment and Replat Code Text Amendments
<u>Requested By</u>	Staff Lead
<u>Staff Contact</u>	Planner Cogburn
<u>Date Last at Commission</u>	2013

Item Description

Junction City Ordinances do not address lot line adjustments or replats. These two (2) types of land use actions are reviewed under the provisions contained in Oregon Revised Statute (ORS) 92.180-92.192

Current Status/Update

Staff requests direction from the Commission.

FUTURE BUSINESS ITEMS

Future Business Items

Item Rolling Meadows - Phase 1

Requested By Applicant

Item Description

Phase 1 Final Plat Approval.

Item Land Use Application Review

Requested By Planning Staff

Item Description

Review of new Land Use applications as needed.

Item By-Law/Code Review

Requested By Commission

Item Description

Review Planning Commission By-Laws as needed to remove inconsistent with the JCMC

Item Comprehensive Plan Map & Zoning Map
Inconsistencies

Requested By Commission

Item Description

Review and address inconsistencies between land uses and the Comprehensive Plan Land Use Map and/or the Zoning Map

2016 COMMITTEE MEETING CALENDAR

2016 Committee Meeting Calendar

Calendar Key

- Packets Available Date
- Regular Meeting Date

JANUARY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
25	26	27	28	29	30	31

MAY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

S	M	T	W	T	F	S
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

JUNE

S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
25	26	27	28	29	28	29
30	31					

MARCH

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		8				
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JULY

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

S	M	T	W	T	F	S
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		8				
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

APRIL

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17	18	19	20	21	22	23
24	25	26	27	28	29	30

AUGUST

S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
						1

MEMORANDUM

TO: Planning Commission
FROM: Planning Department
RE: January Planning Activities

**Land Use Application and Planning Project Status**

- A Right-of-Way Vacation application submitted by Grain Millers, Inc. representatives has been presented to the Streets Committee for review. Additional review has been requested to clarify concerns over jurisdictional approval. Staff will continue to provide updates on this project as they become available.
- Planning Staff is currently reviewing the 2003 Downtown Plan in response to the Community's support of the downtown 3D model presented at the December Planning Commission meeting. The aim is to update the 13 year old plan with current conditions, desired outcomes, and long term projects for economic development, pedestrian safety, and increased presence. Additional information will be gathered once the Community Development Committee has provided direction.
- Planning Staff and the Revolving Loan Fund Chair are currently working with representatives of the Lane Community College Small Business Center to update the Junction City Small Business Development Loan Program. The aim is to refine the application to provide more stability to applicants, and to increase the longevity of City based economic developments. Staff is hoping to have a revised draft in the coming month.

City Council Update

- Amendments to the JCMC Chapter 2.50 - Planning Commission are scheduled to go before the Council at the February 9 standing meeting. The Amendments will bring the Municipal Code in-line with the recent changes to the Planning Commission By-Laws.
- An Ordinance regarding Senate Bill 915, a bill requiring municipalities that administers building inspection program under state building code to assess violation of program as civil penalty, will also go before the Council at the standing February 9 meeting. Adoption will bring City policies into compliance with State standards.

Future Action Items

- Major Variance - VAR-16-01 - Illuminated Sign Area - 189 West 6th Avenue - Boudica Salon.

TSP Update

- TSP revisions are currently underway. Staff met with the project consultant on Friday the 8th to review current progress. The revised draft is near completion with population and traffic count numbers significantly lower than the original draft. Additionally, the stop sign review report requested by the Council is also near completion, with recommended changes and considerations to be correlated with the Draft TSP. The Draft TSP and Stop Sign Review are on schedule and should be complete by the end of the month.

Planning Commission

- Staff is currently assessing the City's Development Code in response to the Commission's work plan recommendations. A list of discrepancies, deficiencies, and conflicting issues is being gathered in order to address Chapter 17 comprehensively.

Building Activities:

- The building report for December 2015 is included as an attachment to this Report.

2015 Building Permit Activity Report

Monthly Totals Residential Housing													
	January	February	March	April	May	June	July*	August	September	October	November	December	Total
Submitted Permits	8	3	4	4	1	4	2	2	0	0	0	4	32
Issued Permits	3	5	3	3	2	4	5	1	2	0	0	1	29
SFD - Total Sq Ft	5,163	9,855	5,143	5,272	4,056	12,488	53,608	0	4,263	0	0	1,400	101,248
SFD-Average Sq Ft	1,721	1,971	1,714	1,757	2,028	3,122	10,722	0	2,132	0	0	1,400	3,491
Permit Fees	\$ 4,047	\$15,208	\$11,899	\$8,498	\$6,177	\$ 10,344	\$ 63,940	\$ 3,311	\$ 6,585	\$ -	\$ -	\$ 445	\$ 130,453
SDC Fees	\$ 12,677	\$63,383	\$94,991	\$38,385	\$25,353	\$ 50,707	\$ 408,250	\$ 12,677	\$ 25,353	\$ -	\$ -	\$ -	\$ 731,775
Zone of Benefit	\$ 6,603	\$26,422	\$6,608	\$19,833	\$13,229	\$ 14,775	\$ 144,973	\$ -	\$ 13,266	\$ -	\$ -	\$ -	\$ 245,708
Total Valuation	\$ 372,000	\$1,237,000	\$563,000	\$663,000	\$516,000	\$ 769,000	\$ 6,727,000	\$ -	\$ 550,000	\$ -	\$ -	\$ 65,000	\$ 11,462,000
Monthly Totals Residential Remodel/Addition													
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Submitted Permits	1	2	3	0	0	0	0	3	11	0	0	0	20
Issued Permits	2	1	4	0	0	1	1	3	11	0	0	0	23
Permit Fees	17,200	104	1,206	0	0	118	504	258	1,470	0	0	0	\$ 20,859
Total Valuation	0	1,400	59,000	0	0	4,000	20,000	0	0	0	0	0	\$ 84,400
Monthly Totals Commercial /Industrial													
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Submitted Permits	0	0	0	2	7	2	1	0	1	9	7	1	30
Issued Permits	6	2	3	5	5	4	3	7	4	9	7	2	57
Permit Fees	\$3,315	\$606	\$599	\$5,747	\$1,010	\$904	\$875	\$988	\$6,585	\$1,088	\$3,878	\$5,794	\$ 31,387
SDC Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$42,089	\$ 42,089
Zone of Benefit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Valuation	\$0	\$0	\$0	\$922,000	\$0	\$41,000	\$26,000	\$0	\$717,000	\$1,600	\$130,000	\$793,394	\$ 2,630,994
Monthly Totals All Permits													
	January	February	March	April**	May	June	July	August	September	October	November	December	Total
Submitted Permits	16	8	12	9	10	21	14	0	13	22	9	14	148
Issued Permits	16	8	12	9	10	21	14	1	13	22	9	14	149
Permit Fees	\$1,889	\$833	\$1,812	\$643	\$1,212	\$118	\$1,605	\$118	\$1,597	\$4,239	\$1,088	\$2,366	\$ 17,520
Submitted	25	13	19	15	18	27	17	5	25	31	16	19	230
Issued	27	16	22	17	17	30	23	12	30	31	16	17	258
Permit Fees	\$ 26,451	\$ 16,751	\$ 15,516	\$ 14,887	\$ 8,400	\$ 11,484	\$ 66,924	\$ 4,674	\$ 16,235	\$ 5,327	\$ 4,965	\$ 8,605	\$ 200,220
SDC Fees	\$ 12,677	\$ 63,383	\$ 94,991	\$ 38,385	\$ 25,353	\$ 50,707	\$ 408,250	\$ 12,677	\$ 25,353	\$ -	\$ -	\$ 42,089	\$ 773,865
Zone of Benefit	\$ 6,603	\$ 26,422	\$ 6,608	\$ 19,833	\$ 13,229	\$ 14,775	\$ 144,973	\$ -	\$ 13,266	\$ -	\$ -	\$ -	\$ 245,708
Valuation	\$ 372,000	\$ 1,238,400	\$ 622,000	\$ 1,585,000	\$ 516,000	\$ 814,000	\$ 6,773,000	\$ -	\$ 1,267,000	\$ 1,600	\$ 130,000	\$ 858,394	\$ 14,177,394