



CITY COUNCIL AGENDA

November 12, 2018

Regular meeting

CITY COUNCIL CHAMBERS, CITY HALL
 29592 ELLENSBURG AVE
 GOLD BEACH OR 97444

Call to order: Time: _____

- 1. **The pledge of allegiance**
- 2. **Roll Call:**

	Present	Absent
Mayor Karl Popoff		
Council Position #1 VACANT		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
Council Position #4 VACANT		
Council Position #5 Tamie Kaufman BEGINNING VOTE		
City Administrator Jodi Fritts		
Student Liaison Vacant		

- 3. **Special Orders of Business:**
 - a. Compassionate Friends Proclamation for 2018 Worldwide Candle Lighting Day
- 4. **Consent Calendar:**
None Scheduled
- 5. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting
- 6. **Public Hearing**
 - a. FEMA Required amendment of current Flood Damage Prevention Ordinance
- 7. **Citizen Requested Agenda Items**
None Scheduled
- 8. **Public Contracts and Purchasing**
None Scheduled
- 9. **Ordinances & Resolutions**
 - a. Ordinance No. 668 Flood Damage Prevention Ordinance

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

- 10. Miscellaneous Items (including policy discussions and determinations)**
- a. *Monthly Update of City Strategic Plan Goals – work that has been planned or accomplished towards Goals: **MONTHLY REVIEW TO RESUME IN DECEMBER***
 - b. Schedule URA meetings for 2019
 - c. Election results and committee/commission vacancies

- 11. City Administrator’s Report**
To be presented at meeting

- 12. Mayor and Council Member Comments**
- a. Mayor Karl Popoff
 - b. Councilors
 - 1) VACANT
 - 2) Larry Brennan
 - 3) Becky Campbell
 - 4) VACANT
 - 5) Tamie Kaufman

- 13. Citizens Comments**
As permitted by the Mayor

- 14. Executive Session**
None Scheduled

The next regularly scheduled City Council meeting is **Monday, December 10th, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

- 15. Adjourn Time: _____**

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SPECIAL ORDERS OF BUSINESS



SECTION 3. Special Orders of Business

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **3 a.**

Council Meeting Date: November 12, 2018

TITLE: Compassionate Friends Worldwide Candle Lighting Day Proclamation

SUMMARY AND BACKGROUND:

The local chapter of the Compassionate Friends have requested that the Mayor issue a proclamation for Worldwide Candle Lighting Day to honor bereaved families who have experienced the death of a child. The group provided a copy of The Compassion Friends fact sheet for info on their organization.



PROCLAMATION
Designating the second Sunday in December 2018 as
Worldwide Candle Lighting Day

WHEREAS, every year in the United States nearly 150,000 infants, children, teens, and young adults die and countless tens of thousands are born still or are miscarried,

WHEREAS, we recognize that our children are our country, state, and city's most valuable resource,

WHEREAS, the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, siblings, and grandparents can work through their grief with the help of others traveling the same road,

WHEREAS, The Compassionate Friends Worldwide Candle Lighting, held the second Sunday in December, has become a symbolic day when these children are remembered around the globe.

NOW, THEREFORE, BE IT RESOLVED that I, Karl Popoff, Mayor of the City of Gold Beach, hereby declare and proclaim the second Sunday of December 2018, as Worldwide Candle Lighting Day for the City of Gold Beach.

BE IT FURTHER RESOLVED that all residents are encouraged to observe this day by lighting a candle for one hour at 7 p.m. the second Sunday of December in support of bereaved families in the City of Gold Beach and participate in other appropriate activities in remembrance of all children who have died.

So PROCLAIMED this 12th day of November, 2018.

Karl Popoff, Mayor



The
Compassionate
Friends
Supporting Family After a Child Dies



**The
Compassionate
Friends**
Supporting Family After a Child Dies

How Your Donation Is Making A Difference

When a child dies, at any age, the family suffers intense pain and may feel hopeless and isolated. The Compassionate Friends provides highly personal comfort, hope, and support to every family experiencing the death of a son or a daughter, a brother or a sister, or a grandchild, and helps others better assist the grieving family.

The Compassionate Friends (TCF) is a national nonprofit, self-help support organization, offering friendship, understanding, and hope to families grieving the death of a child of any age, from any cause. There is no religious affiliation, and no individual membership fees or dues are charged. All bereaved family members are welcome. Founded in England in 1969, TCF was established in the United States in 1972, with 501(c)(3) not-for-profit incorporation in 1978, under which provision the organization's nearly 600 local Chapters also operate. TCF operates as separate entities in at least 30 countries around the world.

Organization

- In the 40 years since its incorporation, TCF/USA has grown from 40 Chapters to nearly 600, with locations in all 50 states plus Washington D.C., Guam, Saipan, and Puerto Rico. More than 4,000 volunteers who are bereaved parents, siblings, or grandparents serve as Regional Coordinators, Chapter Leaders, meeting facilitators, Newsletter Editors, workshop presenters, and National Conference coordinators. An additional 300 volunteers moderate and support our growing online presence which includes our public Facebook page, 25 private Facebook groups and our online support chat rooms.
- The Compassionate Friends has a 13-member national volunteer Board of Directors consisting of bereaved parents, siblings, and grandparents who are elected for one or two three-year terms by the general membership.
- The Compassionate Friends National Office is located in Oak Brook, Illinois. Our paid staff includes the Executive Director who works in partnership with the board and is supported by six full-time and two part-time staff members.

Examples of Services Provided by the National Organization

- In 2016, more than one million families accessed one or more of our services. In addition, our resources are regularly accessed by grief professionals, social service departments, academic institutions, hospitals, hospice, religious entities and other grief organizations. The TCF National Office publishes more than 40 bereavement brochures (in English and Spanish) on most aspects of grief following the death of a child.
- TCF's national website (www.compassionatefriends.org) has more than 100,000 visitors each month and provides resources and information. In addition, TCF's National Facebook Page communicates with more than 275,000 followers and continues to grow.
- TCF offers an Online Support Community with chat rooms open every day, as well as 25 private Facebook groups covering many topics related to the death of a child.

- TCF's flagship magazine, *We Need Not Walk Alone*, is published and distributed digitally. It features articles from top grief professionals as well as individual stories of hope and healing, and provides the latest in grief related information. In addition, a monthly e-newsletter is sent to more than 45,000 people.

How Do We Do It?

- TCF's 2017 budget is over \$3 million, with 85 percent allocated for services to Chapters and the public. Administrative and fundraising costs comprise only 15 percent of the organization's total operating budget.
- TCF has been awarded The Independent Charities Seal of Excellence for being able to certify, document, and demonstrate on an annual basis that it meets the highest standards of public accountability, program effectiveness, and cost effectiveness. Only 2,000 of the one million charities operating in the United States today have been awarded this Seal. All contributions to The Compassionate Friends are tax-deductible.

Role of Local Chapters

- Each month more than 20,000 grieving family members attend meetings at our nearly 600 local Chapters. Monthly meetings provide a caring environment where the bereaved can work through their grief with the help of others who have "been there."
- Chapters are organized and facilitated by local members trained by the national organization. In addition to monthly meetings, Chapters provide community outreach and education, publish local newsletters, websites, Facebook Pages, and offer special programs.

Signature Events

- *National Conference* — In 2017 TCF hosted its 40th Annual National Conference in Orlando, Florida with record attendance of over 1,400 people. This three-day healing event rotates to a different city each year. In an environment that encourages parents to talk about their missing children and bond with a community of similarly grieving families, the conference also provides more than 100 workshops, special programs, ceremonies, and some of the top speakers on grief and loss.
- *Walk to Remember* — Started 17 years ago on the final day of our National Conference, more than 1,000 parents, grandparents and siblings carrying pictures, banners and signs with the names of their lost children participate in our Annual Walk to Remember. At the same time, hundreds of our Chapters host an annual walk in their local communities.
- *Worldwide Candle Lighting* — On the 2nd Sunday in December every year, The Compassionate Friends hosts the largest continuous lighting of candles in the world. Started in 1997 to commemorate the first Children's National Memorial Day, TCF initiated the Worldwide Candle Lighting. What began as a few gatherings throughout the United States has grown into a worldwide commemoration featuring thousands of events around the world. At 7 PM local time, candles are lighted in each time zone creating a virtual ring of light around the globe.

*It is our hope that ... "everyone who needs us will find us,
and everyone who finds us will be helped."*

For further information, contact The Compassionate Friends, Inc.

1000 Jorie Blvd, Ste. 140 • Oak Brook, IL 60523

Toll-free: (877) 969-0010 • Fax: (630) 990-0246

E-mail: nationaloffice@compassionatefriends.org • Website: www.compassionatefriends.org

Facebook: www.facebook.com/TCFUSA • Twitter: <https://twitter.com/TCFofUSA>

NOVEMBER 10, 2018 COUNCIL PACKET

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PUBLIC HEARING



SECTION 6. Public Hearing
SECTION 9. Ordinances & Resolutions

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **6. & 9. a.**
Council Meeting Date: November 12, 2018

TITLE: FEMA Required Flood Ordinance Update

PUBLIC HEARING SUMMARY AND BACKGROUND:

The City first adopted a FEMA required Flood Damage Prevention Ordinance in June of 1980. Since that time the ordinance has been amended in order to continue to comply with changing National Flood Insurance Program (NFIP) requirements. The City's Flood Insurance Rate Maps (FIRM) are part of the ordinance adoption process. FEMA, in a process that started about 6 years ago, amended most of the FIRM maps in Oregon. As you can imagine, Curry County is one of the last counties to be finished by them. The City's maps did not substantially change, but we are required to adopt the updated FIRM maps as part of the Ordinance amendment. The Planning Department administers the City's flood damage prevention program through the building permit review process. I can provide further information about the administration of the flood program at the council meeting for those that are interested.

I am including an October letter from FEMA regarding the required amendment and adoption. We really have no option as far as compliance. If we don't adopt the proposed amendments, the City (or more specifically the citizens within our jurisdiction) will not be able to purchase flood insurance.

The amendment from FEMA is not substantially different than what we current have in our 2009 adopted code. Most of the changes are definitions and some things related to building code requirements that are no longer part of the state code. Attached is the model code they sent for adoption based on their review of our current code. **Everything in regular text is what we currently have in our 2009 code. Only the text underlined are the required compliance additions.**

We have to adopt the amended code by November 16th. Tonight's adoption contains and emergency clause.



RECEIVED

OCT 15 2018

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

CITY OF GOLD BEACH



FEMA

OCT 12 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Karl Popoff
Mayor, City of Gold Beach
City Hall
29592 Ellensburg Avenue
Gold Beach, Oregon 97444

Dear Mayor Popoff:

I am writing this letter as an official reminder that the City of Gold Beach, Oregon, has until November 16, 2018, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations.

The City of Gold Beach must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by November 16, 2018, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

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

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

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

The Honorable Karl Popoff

OCT 12 2018

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I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Oregon Department of Land Conservation and Development. Christine Shirley, CFM, the NFIP State Coordinator, is accessible by telephone at (503) 373-0050, in writing at 635 Capitol Street, Northeast, Suite 150, Salem, Oregon 97301-2540, or by electronic mail at christine.shirley@state.or.us.

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

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

Sincerely,



Rachel Sears, Director
Floodplain Management Director
Mitigation Directorate | FEMA

Enclosure

cc: Mike O'Hare, Regional Administrator, FEMA Region X
Christine Shirley, CFM, NFIP State Coordinator, Oregon Department of Land Conservation and Development
Jodi Fritts-Matthey, City of Administrator and Planning Director, City of Gold Beach

ORDINANCE NO. 668

**AN ORDINANCE ADOPTING A REVISED FLOOD DAMAGE PREVENTION ORDINANCE AND
REPEALING ORDINANCE NO. 626 AND ANY OTHER ORDINANCES THAT MAY BE CONFLICT**

WHEREAS, Pursuant to Code of Federal Regulations (CFR) Section 59.24, the City of Gold Beach is subject to suspension from the National Flood Insurance Program (NFIP) if the City fails to adopt adequate floodplain management regulations. The City was notified by the Federal Emergency Management Agency (FEMA) that the City must amend the current Flood Damage Prevention Ordinance No. 626, to meet or exceed the current NFIP requirements, prior to November 16, 2018 to avoid suspension from the NFIP; therefore:

THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

SECTION 1.0 TITLE

This ordinance shall be known as the "Flood Damage Prevention Ordinance of the City of Gold Beach, Oregon."

1.1 AUTHORIZATION

The State of Oregon has 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 of Gold Beach, does ordain as follows:

1.2 FINDINGS OF FACT

- 1) The flood hazard areas of Gold Beach are subject to periodic inundation which may result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- 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;
- 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.

1. "APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.
2. "AREA OF SHALLOW FLOODING" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is characterized by ponding or sheet flow.
3. "AREA OF SPECIAL FLOOD HAZARD" is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO. Or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
4. "BASE FLOOD" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
5. "BASE FLOOD ELEVATION" means the water surface elevation of the one percent (1%) annual chance flood (100-year flood).
6. "BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.
7. "BELOW-GRADE CRAWL SPACE" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point
8. "BREAKAWAY WALL" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific

lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

9. "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.
10. "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
11. "DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
12. "ELEVATED BUILDING" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns
13. "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
14. "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction or streets, and either final site grading or the pouring of concrete pads).
15. "FEMA" means the Federal Emergency Management Agency.
16. "FLOOD" or "FLOODING" means:
 - a) 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 or runoff of surface waters from any source.
 - 3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.
17. "FLOOD INSURANCE RATE MAP" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazards areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
18. "FLOOD INSURANCE STUDY" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
19. "FLOODPLAIN ADMINISTRATOR" means the person(s) appointed to administer and implement the Flood Damage Prevention Ordinance and floodplain management and development regulations in accordance with state and FEMA regulations. The ordinance appoints the Planning Director, or designee, as the City Floodplain Administrator.
20. "FLOOD PROOFING" means any combination of structural and non-structural additions, changes, or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
21. "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.

22. "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).
23. "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 home" does not include a "recreational vehicle". A "manufactured dwelling" may also be referred to as a "manufactured home".
24. "MANUFACTURED DWELLING PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
25. "NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community (this ordinance) and includes any subsequent improvements to such structures.
26. "NEW MANUFACTURED DWELLING PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.
27. "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.
28. "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within

180 days 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.

29. "STATE BUILDING CODE" means the combined specialty codes.
30. "STRUCTURE" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
31. "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 real market value of the structure before the damage occurred.
32. "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
- a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
 - b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
33. "VARIANCE" means a grant of relief by a community from the terms of a floodplain management regulation this ordinance.

34. "WATERCOURSE" means a natural channel, rather than manmade, in which a flow of water occurs either continually or intermittently.
35. "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 the City of Gold Beach.

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 Curry County, Oregon and Incorporated Areas, dated November 16, 2018*," with accompanying Flood Insurance Rate Maps (FIRM) is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Recorder's Office, City Hall, Gold Beach, Oregon, 97444. 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:

- 1) Be sent a letter from the Floodplain Administrator notifying the property owner of the alleged violation and require them to respond to the allegations;
- 2) If the violation is not corrected within, 30 days, the property owner shall be cited into municipal court.

- 3) Nothing herein contained shall prevent the City of Gold Beach from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

Where this ordinance or another ordinance, state building code, or federal regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Severability: 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 nor repeal any other powers granted under State statutes and rules including the state building code.

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 the City of Gold Beach, any Administrator 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

A development permit shall be obtained before construction or development begins within

any area of special flood hazard established in Section 3.1. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all other development including fill and other activities, also as set forth in the "DEFINITIONS". Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- 1) 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 FLOODPLAIN ADMINISTRATOR

The Planning Director 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 FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain 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) Within one week of the decision, notice of the decision and of the opportunity to appeal shall be mailed to the applicant and to the owners of record of property located within

100 feet of the subject property. The decision shall be final upon the expiration of fifteen days from the date of the mailing (postmark date) of the notice.

4.3-2 USE OF OTHER BASE FLOOD DATA

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 Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.5 FLOODWAYS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement 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:
 - (i) verify and record the actual elevation (in relation to mean sea level), and
 - (ii) Maintain the floodproofing certifications required in Section 4.1.
- 3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- 1) Notify Curry County, the Department of State Lands, the Department of Land Conservation and Development, and the Oregon Water Resources Department, 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 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 4.5-1.

4.4 EXPIRATION OF DEVELOPMENT PERMIT

A development permit issued under the provisions of this ordinance shall expire if "start of construction" does not occur within two (2) years from the date of issuance. Extensions are possible if requested in writing prior to expiration of the development permit and for reasons including but not limited to the following:

- 1) Delays in obtaining other related permits;
- 2) Weather constraints; or
- 3) Delays in obtaining financing.

4.5 VARIANCE PROCEDURE

4.5-1 APPEAL

- 1) Those adversely affected or aggrieved by the decision of the Planning Director may appeal such decision to the Gold Beach Planning Commission, as provided in this ordinance.
- 2) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this ordinance.
- 3) A decision by the Planning Commission may be appealed to the City Council subject to the appeal process as outlined in the Gold Beach Zoning Ordinance Section 9.040-9.050
- 4) In passing upon such appeals, the Planning Commission or the City Council shall consider all technical evaluations, all relevant factors, standards specified in other section 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 floodplain 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) The Floodplain Administrator shall maintain the records of all appeal actions.

4.5-2 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 4.5-1(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 State Inventory of Historic Places, 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 4.5-1(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 of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- 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 4.5-2(1) and otherwise complies with Sections 5.1-1 and 5.1-2 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.

- 9) The Floodplain Administrator shall maintain the records of all variance applications and shall report any variances to the Federal Insurance Administration upon request.

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 shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (iv) any additions to the manufactured home be similarly anchored.

- 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the City Engineer, that this standard has been met.

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;
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 LAND DIVISION PROPOSALS

- 1) All land division proposals shall be consistent with the need to minimize flood damage;
- 2) All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All land division 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 land division proposals and other proposed development 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, 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 the lowest floor at least two (2) feet above grade in these zones may result in higher insurance rates.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided 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, 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 one foot above established base flood elevation.
- 2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - (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; and
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and
 - (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 to be one foot above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- 1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 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.

5.2-3 MANUFACTURED DWELLINGS

- 1) Manufactured dwellings shall be anchored in accordance with Section 5.1-1.
- 2) All manufactured homes to be placed or substantially improved on sites within Zones A1-30, AH, and AE on the communities FIRM:
 - (i) Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 5.2-1(2) above;
 - (ii) Shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam of the manufactured dwelling is elevated to be at or above the base flood elevation;
 - (iii) The manufactured dwelling shall be securely anchored to prevent flotation, collapse and lateral movement during the base flood in accordance with section 5.1-1 above, and;
 - (iv) Electrical crossover connections shall be a minimum of 12 inches above BFE.

5.2-4 RECREATIONAL VEHICLES

Recreational vehicles placed on sites within Zones A1-30, AH, AE, VI-30, V, and VE on the community's FIRM either:

- 1) Be on site for fewer than 180 consecutive days, and 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 have no permanently attached additions; or
- 2) Meet the requirements of Section 5.2-3 and the elevation and anchoring requirements for manufactured dwellings.

5.2-5 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.

5.3 STANDARDS FOR FILLING , EXCAVATION AND GRADING

In addition to applicable items required in Section 4.1, the application must include a map which shows the area involved with accurate dimensions and elevations, both current and proposed, evidence the fill/ excavation/ grading is:

- i) protected from erosion and scour,
- ii) properly compacted
- iii) does not cause drainage or flow onto neighboring properties. Resurfacing of existing roads does not require a floodplain development permit.

5.4 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.

5.5 FLOODWAYS

Located within areas of special flood hazard established in Section 3.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 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, to a level which is satisfactory with the Federal Emergency Management Agency (FEMA), demonstrating through hydrologic and

hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in base flood or floodway elevations during the occurrence of the base flood discharge.

2) If Section 5.5(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) New installation of manufactured dwellings are prohibited (*2002 Oregon Manufactured Dwelling and Park Specialty Code*). Manufactured dwellings may only be located in floodways according to one of the following conditions:

- (i) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
- (ii) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria

- 1) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3) , it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase

in flood levels during the occurrence of the base flood discharge;

- 2) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
- 3) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
- 4) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
- 5) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- 6) Any other requirements deemed necessary by the authority having jurisdiction.

5.6 COASTAL HIGH HAZARD AREAS

Located within areas of special flood hazard established in Section 3.1 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 not 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 one foot or more 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 VI-30 and VE and whether or not such structures contain a basement. The City Engineer, or his designee, 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 dwellings to be placed or substantially improved within Zones VI-V30, V and VE on the community's FIRM on sites shall meet the standards of paragraphs 5.7(1) through (8) of this section, the requirements of Section 5.2-3(i), (iii), and (iv), and shall have the bottom of the longitudinal chassis frame beam elevated to a minimum of one foot above the base flood elevation.
- 10) Recreational vehicles placed on sites within Zones VI-30, V, and VE on the community's FIRM either:
 - i) Be on the site for fewer than 180 consecutive days and 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
 - ii) Meet the requirements of Section 4.1 (Permitting requirements) and paragraphs 5.7 (~~8~~9) 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.

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). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the

height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above.

Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, CURRY COUNTY, OREGON, THIS 12th DAY OF NOVEMBER, 2018. THE COUNCIL HEREBY DECLARES AN EMERGENCY PURSUANT TO CITY CHARTER SECTION 35 IN ENACTING THIS ORDINANCE, AND THEREFORE BECOMES EFFECTIVE IMMEDIATELY UPON PASSAGE.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

1st READING NOVEMBER 12, 2018	
AYES	NAYS
2nd READING NOVEMBER 12, 2018	
AYES	NAYS



ORDINANCES & RESOLUTIONS



SECTION 6. Public Hearing
SECTION 9. Ordinances & Resolutions

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 6. & 9. a.
Council Meeting Date: November 12, 2018

TITLE: Ordinance No. 668 Flood Damage Prevention Ordinance

ORDINANCES & RESOLUTIONS SUMMARY AND BACKGROUND:

As mentioned in the earlier Public Hearing report, the City is required to adopt an updated Flood Damage Prevention Ordinance to comply with current FEMA standards.

Because it is necessary to adopt the ordinance in one meeting to comply with the November 16th FEMA deadline, we need two motions to read the ordinance by title only and enact an emergency adoption clause.

SUGGESTED MOTIONS FOR ADOPTION

Motion #1:

I make the motion that the Council adopt ORDINANCE NO. 668 AN ORDINANCE ADOPTING A REVISED FLOOD DAMAGE PREVENTION ORDINANCE AND REPEALING ORDINANCE NO. 626 AND ANY OTHER ORDINANCES THAT MAY BE IN CONFLICT. First Reading to be by TITLE ONLY.

The City Administrator will read the title of the ordinance into the record for the First Reading.

Motion #2:

I make the motion that the Council approve the 2nd reading of ORDINANCE NO. 668 AN ORDINANCE ADOPTING A REVISED FLOOD DAMAGE PREVENTION



SECTION 6. Public Hearing
SECTION 9. Ordinances & Resolutions

ORDINANCE AND REPEALING ORDINANCE NO. 626 AND ANY OTHER ORDINANCES THAT MAY BE CONFLICT **by TITLE ONLY.**

The City Administrator will read the title of the ordinance into the record for the Second Reading and declare the immediate emergency adoption of the ordinance.



MISC. ITEMS

(Including policy discussions and determinations)



SECTION 10.

MISC. ITEMS (including policy discussions and determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. b.**

Council Meeting Date: November 12, 2018

TITLE: URA Meeting Schedule

SUMMARY AND BACKGROUND:

Previously we had decided to hold the Urban Renewal Agency meetings on the 4th Monday (that we keep reserved for Council meetings) of even numbered months. It appears that 4th Monday may no longer be viable. We need to discuss and decide on URA meeting dates for 2019.



SECTION 10.

MISC. ITEMS (including policy discussions and determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. d.**

Council Meeting Date: November 12, 2018

TITLE: November 6th General Election Results

SUMMARY AND BACKGROUND:

The proposed fuel tax to fund street repairs and maintenance failed by a huge margin despite polling citizens how they preferred to fund the streets program. The election results have not been certified (they should be by the next council meeting) but as of November 9th the results were:

YES: 379 votes 37.27%

NO: 638 votes 62.73

For the Council races:

Position #1: Summer Matteson

Position #3: Anthony Pagano

Position #5: Tamie Kaufman

Pursuant to Charter Section 29 the new councilors take office on December 15th. Mr. Mayor will conduct the swearing in ceremony at the December 10th Council meeting.

Council/Commission/Committee Vacancies

Pursuant to Section 18 & Section 31 of the City Charter, the Mayor fills vacancies by appointment with approval of the majority of the Council.

Staff would like to make the suggestion that we contact those persons that ran for the open council seats to inquire whether they would be interested in serving in one or more of the commissions and committees that have vacancies. We especially need to seat at least one other person on the Planning Commission in order to conduct planning business.



SECTION 10.

MISC. ITEMS (including policy discussions and determinations)

COUNCIL:

Council Position #4 was vacated when Doug Brand moved to Brookings in October. The term expires in 2020.

BUDGET:

Positions #1 & #4 expire December 31st of this year. Position #2 is currently vacant and expires December 31, 2021.

PLANNING:

Positions #2 & #4 which expire December 31, 2019 are currently vacant. When Ms. Matteson takes her Council position next month that will leave her position #1 vacant on the Planning Commission. We will no longer have a quorum to conduct planning business.

URA Advisory

Position #3 which expires December 31, 2021 is currently vacant.

Position #4 which expires December 31, 2019 is currently vacant.

When Ms. Matteson takes her Council position next month that will leave her position #2 vacant on the committee.

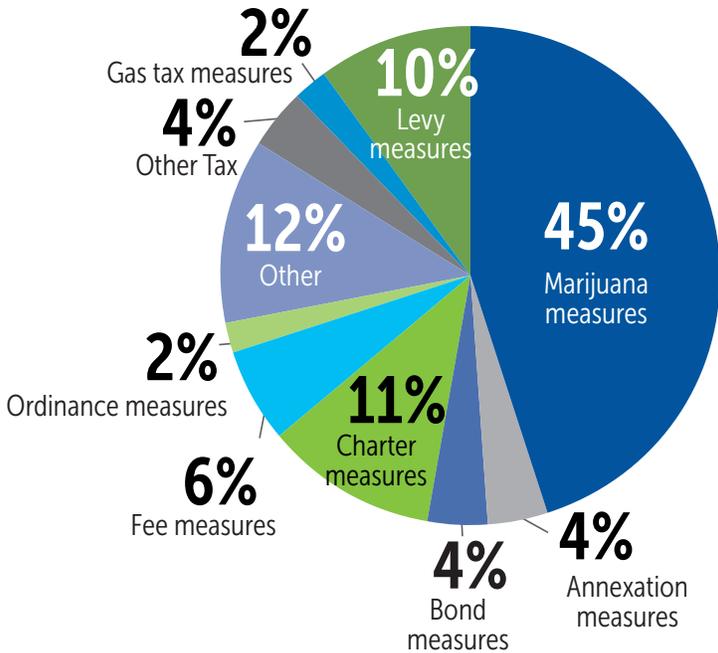
Just as an FYI-attached to this report is a copy of state measure results from the League of Oregon Cities

General Election, November 6, 2018

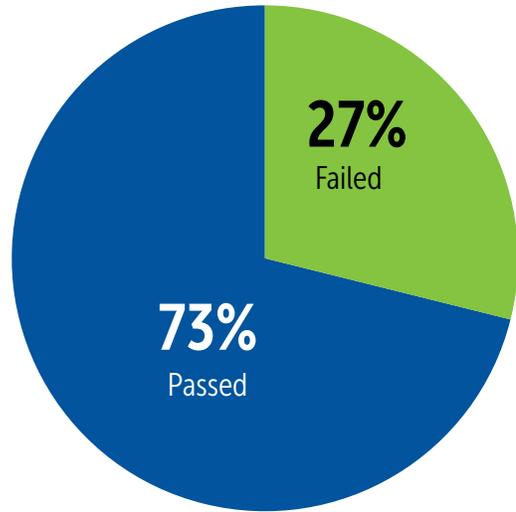
Unofficial Results

Summary of City Measures

Types of City Measures



Results of City Measures



100% of bond measures passed (2)

40% of levy measures passed (2)

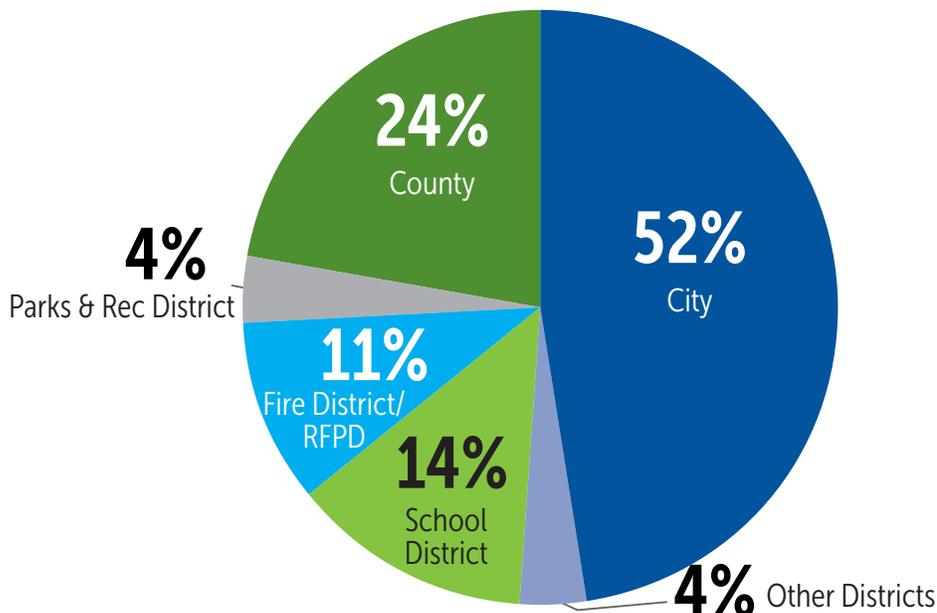
66% of city charter measures passed (4)

33% of fee measures passed (1)

100% of annexation measures passed (2)

76% of marijuana measures passed (19)

Types of All Local Government Measures



Bond Measures by Local Governments

Local Government Type	Number of Measures	Passed	Failed
Cities	2	100%	0%
Counties	2	100%	0%
School Districts	11	55%	45%
Special Districts	1	0%	100%
RFPD/Fire Districts	2	50%	50%

Levy Measures by Local Governments

Local Government Type	Number of Measures	Passed	Failed
Cities	5	40%	60%
Counties	3	66%	33%
School Districts	6	66%	33%
Park & Rec Districts	3	66%	33%
RFPD/Fire Districts	9	78%	22%

City Measure Details

Annexation Measures

Sandy		<i>Annexation</i>	
Annexation of land outside of Sandy's urban growth boundary			
Pass			
Yes		No	
3,189	77%	970	23%

Shady Cove		<i>Annexation</i>	
Annexation into Rogue Valley Sewer Services District (City of Shady Cove)			
Pass			
Yes		No	
872	62%	536	38%

Bond Measures

Lafayette		<i>Bond</i>	
\$5,200,000; General obligation bond for new fire station			
Pass			
Yes		No	
928	56%	726	44%

Springfield		<i>Bond</i>	
\$10,000,000; Authorizes general obligation bonds to fix Springfield streets			
Pass			
Yes		No	
12,151	55%	10,072	45%

Charter Amendments

Jefferson		<i>Charter Amendment</i>	
Measure proposing modernizing amendments to charter			
Pass			
Yes		No	
514	68%	240	32%

Lake Oswego		<i>Charter Amendment</i>	
Amends charter to allow the cancellation of up to three regular City Council meetings each year			
Pass			
Yes		No	
13,369	69%	6,060	31%

Portland		<i>Charter Amendment</i>	
Amends Charter: Limits candidate contributions, expenditures; campaign communications identify funders			
Pass			
Yes		No	
261,199	87%	37,727	13%

Cascade Locks		<i>Charter Amendment</i>	
Amends charter ensuring plurality in elections following a city council vacancy			
Pass			
Yes		No	
362	68%	170	32%

Lake Oswego		<i>Charter Amendment</i>	
Amends charter to remove the requirement to post notices of proposed ordinances in two public places			
Fail			
Yes		No	
9,412	48%	10,219	52%

Dunes City		<i>Charter Amendment</i>	
Amends city charter to clarify the authority of the municipal judge and creation of a municipal court			
Fail			
Yes		No	
313	36%	547	64%

Fee Measures

North Bend		<i>Fee</i>	
Public Safety Fee Increase for police and fire department operations to \$25			
Fail			
Yes		No	
1,779	45%	2,191	55%

Sheridan		<i>Fee</i>	
Establishes a police services fee			
Fail			
Yes		No	
632	41%	910	59%

Cascade Locks		<i>Fee</i>	
Ordinance continuing EMS service fee to fund emergency medical services			
Pass			
Yes		No	
421	78%	121	22%

Gas Tax Measures

Gold Beach		<i>Gas Tax</i>	
Adoption of ordinance on tax on motor vehicle fuel dealers			
Fail			
Yes		No	
379	37%	638	63%

Levy Measures

Port Orford		<i>Levy</i>	
5 years, \$1.80 per 1000 AV; Local option tax levy for funding port orford police department			
Fail			
Yes		No	
285	47%	320	53%

Gladstone		<i>Levy</i>	
5 years, \$0.31 per 1000 AV; Renewal of current operating levy for fire and medical services			
Pass			
Yes		No	
4,092	80%	1,020	20%

Dunes City		<i>Levy</i>	
5 years, \$.005 per 1000 AV; Five-year local option tax for city operations			
Fail			
Yes		No	
244	27%	645	73%

Gladstone		<i>Levy</i>	
5 years, \$0.68 per 1000 AV; Renewal of current operating levy for police services			
Pass			
Yes		No	
3,778	74%	1,314	26%

St. Paul		<i>Levy</i>	
3 years, \$1.50 per 1000 AV; Local option tax for city operations			
Fail			
Yes		No	
59	47%	66	53%

Marijuana Measures

Clatskanie		<i>Marijuana</i>	
Prohibits marijuana registrants and licensees			
Fail			
Yes		No	
179	90%	20	10%

Grants Pass		<i>Marijuana</i>	
Imposes three percent city tax on marijuana retailers' sales of marijuana items			
Pass			
Yes		No	
11,513	78%	3,310	22%

Turner		<i>Marijuana</i>	
Banning new medical and recreational marijuana operations			
Pass			
Yes		No	
492	64%	281	36%

Shady Cove		<i>Marijuana</i>	
Allow recreational marijuana retailers' sale of marijuana			
Fail			
Yes		No	
695	47%	782	53%

Lakeview		<i>Marijuana</i>	
Imposes a three percent tax on the sale of marijuana items by marijuana retailer			
Pass			
Yes		No	
856	85%	149	15%

Gearhart		<i>Marijuana</i>	
Amends city's taxes on sales of marijuana products to three percent			
Pass			
Yes		No	
672	72%	262	28%

Imbler		<i>Marijuana</i>	
Prohibits certain marijuana registrants and or licenses			
Pass			
Yes		No	
113	65%	61	35%

Clatskanie		<i>Marijuana</i>	
Prohibits marijuana registrants and licensees			
Fail			
Yes		No	
314	47%	353	53%

Klamath Falls		<i>Marijuana</i>	
Allows recreational marijuana production and sales and a three percent tax on retail sales			
Pass			
Yes		No	
4,113	54%	3,485	46%

Unity		<i>Marijuana</i>	
Prohibits marijuana registrants and/or licensees			
Pass			
Yes		No	
21	70%	9	30%

Manzanita		<i>Marijuana</i>	
Imposes city tax on marijuana retailer's sale of marijuana items			
Pass			

Gates		<i>Marijuana</i>	
Prohibits certain marijuana registrants and licensees			
Fail			

Yes		No	
269	63%	158	37%

Yes		No	
78	42%	109	58%

Coquille		<i>Marijuana</i>	
Imposes a three percent city tax on recreational marijuana retailers' sale of marijuana items			
Pass			
Yes		No	
1,284	76%	396	24%

Dunes City		<i>Marijuana</i>	
Prohibits certain marijuana registrants and/or licenses			
Pass			
Yes		No	
566	63%	331	37%

Dufur		<i>Marijuana</i>	
Prohibits certain marijuana registrants and/or licensees			
Pass			
Yes		No	
178	52%	163	48%

Haines		<i>Marijuana</i>	
Authorizing three percent tax on cannabis retailers, manufacturers and by-products			
Pass			
Yes		No	
179	90%	10	10%

Turner		<i>Marijuana</i>	
Imposes three percent tax on marijuana sales			
Pass			
Yes		No	
612	79%	158	21%

Culver		<i>Marijuana</i>	
Prohibits certain marijuana registrants and/or licensees			
Pass			
Yes		No	
245	50%	242	50%

Cave Junction		<i>Marijuana</i>	
Imposes three percent tax on recreational marijuana sales			
Pass			
Yes		No	
550	75%	180	25%

Brownsville		<i>Marijuana</i>	
Prohibits certain commercial marijuana facilities			
Pass			
Yes		No	
518	61%	336	39%

Sisters		<i>Marijuana</i>	
Imposes three percent city tax on retail sale of recreational marijuana			
Pass			
Yes		No	
1,164	82%	262	18%

Ontario		<i>Marijuana</i>	
Allows marijuana-related businesses, imposes three percent recreational marijuana sales tax			
Pass			
Yes		No	
1,904	57%	1,450	43%

Sisters		<i>Marijuana</i>	
Allows recreational and medical marijuana establishments			
Fail			
Yes		No	
630	44%	807	56%

Sumpter		<i>Marijuana</i>	
Bans marijuana businesses			
Fail			
Yes		No	
72	50%	73	50%

Haines		<i>Marijuana</i>	
Prohibits commercial marijuana facilities			
Pass			
Yes		No	
128	63%	75	37%

Ordinance Approval Measures

Tangent		<i>Ordinance</i>	
City development code amendments on time, place and manner restriction on marijuana			
Pass			
Yes		No	
272	53%	239	47%

Other Measures

Oregon City		<i>Other</i>	
Authorizes use of portions of public park for improving roadway safety			
Pass			
Yes		No	
11,041	78%	3,067	22%

West Linn		<i>Other</i>	
Authorizes I-205 project temporary impact to City parks and open space at 5300 River Street			
Pass			
Yes		No	
11,472	84%	2,249	16%

West Linn		<i>Other</i>	
Authorizes I-205 project temporary impact to City parks and open space at 5350 River Street			
Pass			
Yes		No	
11,226	82%	2,466	18%

Lafayette		<i>Other</i>	
Allows for the raising chickens and rabbits inside the city limits			
Pass			
Yes		No	
1,171	70%	495	30%

Bandon		<i>Other</i>	
Voter approval required for city to expend funds on pool			
Pass			
Yes		No	
920	60%	601	40%

Portland		<i>Other</i>	
Imposes surcharge on certain retailers; funds clean energy, job training			
Pass			
Yes		No	
197,945	65%	196,292	35%

Other Tax Measures

Jacksonville		<i>Other Tax</i>	
Establish a food and beverage tax to fund public safety			
Fail			
Yes		No	
688	34%	1,343	66%

Ontario		<i>Formation</i>	
Formation of Ontario recreation district with permanent tax rate			
Pass			
Yes		No	
2,601	56%	2,077	44%

Elected State Officials

**indicates incumbents*

Governor

Kate Brown*

State Senators

District #	Senator
1	Dallas Heard*
3	Jessica Gomez
4	Floyd Prozanski*
6	Lee Beyer*
7	James Manning Jr.*
8	Sara Gelser*
10	Jackie Winters*
11	Peter Courtney*
13	Kim Thatcher*
15	Chuck Riley*
16	Betsy Johnson*
17	Elizabeth Steiner Hayward*
19	Rob Wagner*
20	Alan Olsen*
24	Shamia Fagan
26	Chuck Thomsen*
30	Cliff Bentz*

State Representatives

District #	Representative
1	David Brock Smith*
2	Gary Leif*
3	Carl Wilson*

4	Duane Stark*
5	Pam Marsh*
6	Kim Wallan
7	Cedric Hayden*
8	Paul Holvey*
9	Caddy McKeown*
10	David Gomberg*
11	Marty Wilde
12	John Lively*
13	Nancy Nathanson*
14	Julie Fahey*
15	Shelly Boshart Davis
16	Dan Rayfield*
17	Sherrie Sprenger*
18	Rick Lewis*
19	Denyc Boles*
20	Paul Evans*
21	Brian Clem*
22	Teresa Alonso Leon*
23	Mike Nearman*
24	Ron Noble*
25	Bill Post*
26	Courtney Neron
27	Sheri Malstrom*
28	Jeff Barker*
29	Susan McLain*
30	Janeen Sollman*
31	Brad Witt*
32	Tiffany Mitchell
33	Mitch Greenlick*
34	Ken Helm*
35	Margaret Doherty*
36	Jennifer Williamson*
37	Rachel Prusak
38	Andrea Salinas*
39	Christine Drazan
40	Mark Meek*
41	Karin Power*

42	Rob Nosse*
43	Tawna Sanchez*
44	Tina Kotek*
45	Barbara Smith Warner*
46	Alissa Keny-Guyer*
47	Diego Hernandez*
48	Jeff Reardon*
49	Chris Gorsek*
50	Carla Piluso*
51	Janelle Bynum*
52	Anna Williams
53	Jack Zika
54	Cheri Helt
55	Mike McLane*
56	Werner Reschke*
57	Greg Smith*
58	Greg Barreto*
59	Daniel Bonham*
60	Lynn Findley*