ORDINANCE NO. 214-25

AN ORDINANCE AMENDING TITLE 15 FLOOD DAMAGE PREVENTION SECTION 15.12 OF THE CITY OF SILETZ MUNICIPAL CODE

WHEREAS, The City of Siletz City Council is interested in finding sensible solutions to mitigating flood hazards in the community as well as protecting endangered salmon;

WHEREAS, The City of Siletz City Council is responding to a federal court case that requires local jurisdictions in Oregon to mitigate the effects of new development to protect salmon habitat with no net loss standards with new code standards by July 31, 2025;

WHEREAS, The City Council held a work session on February 10 and March 24, 2025 to learn more about the proposed mitigation measures for when new development is proposed in the Special Flood Hazard Area (SFHA);

WHEREAS, a staff report and proposal for a development code amendment was presented to the Siletz City Council at a public hearing on June 23, 2025 that was properly noticed, accepted testimony, and deliberated a decision to tentatively approve on July X, 2025.

WHEREAS, Siletz City Council adopted findings of fact and conclusions of law in support of the application and thereby approves the code amendment based on the applicable review criteria;

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF SILETZ ORDAINS AS FOLLOWS:

WHEREAS, the Siletz adopts Ordinance No. 214-25 to revise the Flood Hazard Management Code Section 15.12 (Exhibit A: **Bold** is new text and ~~strikethrough~~ is deleted) and will become effective 30 days from adoption.

Approved for its first reading on the Xth day of July, 2025.

Approved and Adopted upon its second reading on the Xnd day of July, 2025 by the following vote:

Yeas:
Nays:
Absent:
Abstain:

Approved and signed by the Mayor on this X day of July, 2025.

ATTEST:

CITY RECORDER	MAYOR
Barbara Chestler	Will Worman

Chapter 15.12 FLOOD DAMAGE PREVENTION[1]

Sections:

[1]Editor's note(s)—Ord. No. 186A, adopted Oct. 2, 2019, repealed former Ch. 15.12, §§ 15.12.010—15.12.160, and enacted a new Ch. 15.12, §§15.12.010—15.12.470 as set out herein. The former chapter pertained to similar subject matter and derived from Ord. No. 186, § 1, adopted Nov. 12, 2009.

Article I Statutory Authority, Findings of Fact, Purpose, and Methods

15.12.010 Statutory authorization.

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

(Ord. No. 186A, 10-2-2019)

15.12.020 Findings of Fact.

A. The flood hazard areas of the City of Siletz preserve the natural and beneficial values provided by floodplains, and are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(Ord. No. 186A, 10-2-2019)

15.12.030 Statement of Purpose.

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

A. Protect human life and health **while preserving natural and beneficial floodplain functions**;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

G. Notify potential buyers that the property is in a special flood hazard area

H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions

I. Participate in and maintain eligibility for flood insurance in the National Flood Insurance Program (NFIP) and disaster relief.

(Ord. No. 186A, 10-2-2019)

15.12.040 Methods of reducing flood losses.

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

A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage;

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

F. Employing a standard of "no net loss" of natural and beneficial floodplain functions.

(Ord. No. 186A, 10-2-2019)

Article II Definitions

15.12.040 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.

"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 Zone AO, AH, AR/AO or AR/AH) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

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

"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.

"Fill" as used in SMC 15.12 means placement of any materials

such as soil, gravel, crushed stone, or other materials that change the elevation of the

floodplain. The placement of fill is considered "development."

"Fish accessible space" means the volumetric space available to fish to access.

"Fish egress-able space" means the volumetric space available to fish to exit or

leave from.

"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.

(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.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study (FIS)" see "Flood elevation study".

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

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

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Green infrastructure” means the use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior or

b. Directly by the Secretary of the Interior in states without approved programs.

"Habitat restoration activities" means activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

"Hazard Trees" means standing dead, dying, or diseased trees, or trees with structural defects that makes such trees likely to fail in whole or in part, and that present a potential hazard to structures, utilities, or people.

"Hydraulically equivalent elevation" means a location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

"Hydrologically connected" means the interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

"Impervious surface" means a surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff.

"Low impact development" means an approach to land development or redevelopment that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control

stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

"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.

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

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

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

“Mean Higher-High Water (MHHW)” means the average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

"New construction" means for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Siletz and includes any subsequent improvements to such structures.

“No net loss” as used in LCC 1.2005 through 1.2320 means a standard that requires that adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

“Offsite” as used in SMC 1.2005 through 1.2320 means mitigation that occurs outside of the project area.

“Onsite” as used in SMC 1.2005 through 1.2320 means mitigation that occurs within the project area.

“Ordinary high water mark” means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

“Qualified professional” as used in SMC 1.2005 through 1.2320 means an appropriate subject matter expert qualified by education, training, and experience to provide analysis, expert opinion, and conclusions regarding compliance with the requirements of LCC

1.2280 through 1.2320.

“Reach” means a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Riparian” means of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

“Riparian buffer zone (RBZ)” as used in LCC 1.2005 through 1.2320 means an area, the outer boundary of which is measured from the ordinary high water mark of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach, to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

“Riparian buffer zone fringe” as used in LCC 1.2005 through 1.2320 means the portion of the special flood hazard area that is outside of the RBZ and floodway.

“Silviculture” means the art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

"Special flood hazard area" see "Area of special flood hazard" for this definition.

"Start of construction" includes substantial improvement and" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"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 dwelling.

"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 fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty 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:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

“Undeveloped Space” as used in LCC 1.2005 through 1.2320 means the volume

of flood capacity and fish-accessible/egress-able habitat from the existing ground up to the

base flood elevation that is undeveloped. Any form of development including, but not limited

to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and

dikes, or any other development that reduces flood storage volume and fish accessible/egress able habitat must achieve no net loss.

"Variance" means a grant of relief by the City of Siletz from the terms of a flood plain management regulation.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 186A, 10-2-2019)

Article III General Provisions

15.12.050 Lands to which this ordinance applies.

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Siletz.

(Ord. No. 186A, 10-2-2019)

15.12.060 Basis for establishing the special flood hazard areas.

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Lincoln County, Oregon and Incorporated Areas, dated 10/18/2019, with accompanying Flood Insurance Rate Maps (FIRMs) FIRM panels: 41041C0381E and 41041C0383E are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at City Hall 215 W. Buford Avenue, Siletz, OR and Lincoln County Planning Building 210 SW 2nd St. Newport, Oregon.

(Ord. No. 186A, 10-2-2019)

15.12.070 Coordination with State of Oregon specialty codes.

Pursuant to the requirement established in ORS 455 that the City of Siletz administers and enforces the State of Oregon Specialty Codes, the City of Siletz does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

(Ord. No. 186A, 10-2-2019)

Article IV Compliance And Penalties For Noncompliance

15.12.080 Compliance.

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

(Ord. No. 186A, 10-2-2019)

15.12.090 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 violation of the City code Section 17.44.140 - Violation - Penalty. Shall constitute a person violating provisions of this title shall, upon conviction be punished by imprisonment for not more than thirty days or by a fine of not more than five hundred dollars or both. A violation of this title shall be considered a separate offense for each day the violation continues. Nothing contained herein shall prevent the City of Siletz from taking such other lawful action as is necessary to prevent or remedy any violation **and any property or owner in noncompliance shall not be entitled to nor granted any other permit under the SMC, Chapter 15 or Chapter 17, for property in violation of this section during any period of noncompliance, except any permit that, as determined by the Division, is necessary to remedy a violation of this section.**

(Ord. No. 186A, 10-2-2019)

Article V Abrogation and Severability

15.12.100 Abrogation.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 186A, 10-2-2019)

15.12.110 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(Ord. No. 186A, 10-2-2019)

15.12.120 Interpretation.

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

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 186A, 10-2-2019)

Article VI Warning and Disclaimer of Liability

15.12.130 Warning.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

(Ord. No. 186A, 10-2-2019)

15.12.140 Disclaimer of liability.

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

(Ord. No. 186A, 10-2-2019)

Article VII Administration

15.12.150 Designation of the floodplain administrator.

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

(Ord. No. 186A, 10-2-2019)

15.12.160 Duties and responsibilities of the floodplain administrator.

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

(Ord. No. 186A, 10-2-2019)

15.12.170 Permit review.

Review all development permits to determine that:

A. The permit requirements of this ordinance have been satisfied;

B. All other required local, state, and federal permits have been obtained and approved.

C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 15.12.470 are met; and

D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 15.12.350; and

E. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.

F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 15.12.040.

G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 15.12.290.

H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

I. Review all development permits to determine if the proposed development activity complies with "no net loss" requirements of FHM Sections 1.2280 through 1.2320.

(Ord. No. 186A, 10-2-2019)

15.12.180 Information to be obtained and maintained.

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 15.12.350.

B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 15.12.470 and 15.12.170(B) are adhered to.

C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

E. Maintain all Elevation Certificates (EC) submitted to the City of Siletz;

F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 15.12.350.

G. Maintain all floodproofing certificates required under this ordinance;

H. Record and maintain all variance actions, including justification for their issuance;

I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 15.12.470.

J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 15.12.220.

K. Maintain for public inspection all records pertaining to the provisions of this ordinance.

L. Obtain and maintain documentation of how the no net loss requirements of FHM Sections 1.2280 through 1.2320 have been met.

(Ord. No. 186A, 10-2-20

Article VIII Requirement to Notify Other Entities and Submit New Technical Data

15.12.190 Community boundary alterations.

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

(Ord. No. 186A, 10-2-2019)

15.12.200 Watercourse alterations.

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

B. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 15.12.210. Ensure compliance with all applicable requirements in sections 15.12.210 and 15.12.290.

(Ord. No. 186A, 10-2-2019)

15.12.210 Requirement to submit new technical data.

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

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

A. Proposed floodway encroachments that increase the base flood elevation; and

B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

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

(Ord. No. 186A, 10-2-2019)

15.12.220 Substantial improvement and substantial damage assessments and determinations.

Conduct Substantial Improvement (SI) (as defined in section 15.12.040) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 15.12.160. Conduct Substantial Damage (SD) (as defined in section 15.12.040) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 15.12.060) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

(Ord. No. 186A, 10-2-2019)

Article IX Establishment Of Development Permit.

15.12.230 Floodplain development permit required.

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 15.12.060. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 15.12.040, including fill and other development activities.

(Ord. No. 186A, 10-2-2019)

15.12.240 Application for development permit.

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 15.12.180.

B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.

C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the flood proofing criteria for non-residential structures in section 15.12.430.

D. Description of the extent to which any watercourse will be altered or relocated.

E. Base Flood Elevation data for subdivision proposals or other development when required per sections 15.12.170 and 15.12.340.

F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

G. The amount and location of any fill or excavation activities proposed.

I. For development subject to the no net loss standards of FHM subsections 1.2280 through 1.2320, documentation prepared by a qualified professional that demonstrates compliance with subsections 1.2280 through 1.2320.

15.12.245 Procedure for Review of Flood Plain Development Permit

(1) Applications for Floodplain Development Permits that seek authorization of development that, in accordance with section 1.2315, is exempt from the no net loss and other standards of sections 1.2280 through 1.2320, shall be reviewed in accordance with the ministerial procedure.

(2) Applications for Floodplain Development Permits that seek authorization for development that is subject to the no net loss and other requirements of sections 1.2280 through 1.2320 shall be reviewed in accordance with a quasi judicial procedure.

(Ord. No. 186A, 10-2-2019)

Article X Variance Procedure

15.12.250 Variance procedure.

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

(Ord. No. 186A, 10-2-2019)

15.12.260 Conditions for variances

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 15.12.260 (C) and (E), and 15.12.270. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 15.12.260 (B) - (D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. A variance shall not be issued unless it is demonstrated that the proposed development will result in no net loss of floodplain functions in the SFHA in compliance.

with sections 1.2280 through 1.2320.

(Ord. No. 186A, 10-2-2019)

15.12.270 Variance notification.

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 15.12.160.

(Ord. No. 186A, 10-2-2019)

Article XI Provisions for Flood Hazard Reduction

15.12.280 General standards.

In all special flood hazard areas, the following standards shall be adhered to.

(Ord. No. 186A, 10-2-2019)

15.12.290 Alteration of watercourses

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 15.12.200 and 15.12.210.

(Ord. No. 186A, 10-2-2019)

15.12.300 Anchoring.

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

B. All manufactured dwellings shall be anchored per section 15.12.440.

(Ord. No. 186A, 10-2-2019)

15.12.310 Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(Ord. No. 186A, 10-2-2019)

Article XII Utilities and Equipment

15.12.310 Water supply, sanitary sewer, and on-site waste disposal systems.

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

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

(Ord. No. 186A, 10-2-2019)

15.12.320 Electrical, mechanical, plumbing, and other equipment.

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall meet all the requirements of this section if replaced as part of a substantial improvement.

(Ord. No. 186A, 10-2-2019)

15.12.330 Tanks.

A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

B. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(Ord. No. 186A, 10-2-2019)

15.12.340 Subdivision proposals and other proposed developments.

A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.

B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

1. Be consistent with the need to minimize flood damage.

2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

3. Have adequate drainage provided to reduce exposure to flood hazards.

4. Comply with the standards for no net loss of floodplain functions set forth in sections 1.2280 through 1.2320.

(Ord. No. 186A, 10-2-2019)

15.12.350 Use of other base flood data.

When Base Flood Elevation data has not been provided in accordance with section 15.12.060 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer article XI. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 15.12.340.

Base Flood Elevations shall be determined for development proposals that are five acres or more in size or are fifty lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc… where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(Ord. No. 186A, 10-2-2019)

15.12.360 Structures located in multiple or partial flood zones.

In coordination with the State of Oregon Specialty Codes:

A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(Ord. No. 186A, 10-2-2019)

15.12.370 Specific standards for riverine (including all non-coastal) flood zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 15.12.280 of this ordinance.

(Ord. No. 186A, 10-2-2019)

15.12.380 Flood openings.

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

B. Be used solely for parking, storage, or building access;

C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

1. A minimum of two openings,

2. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,

3. The bottom of all openings shall be no higher than one foot above grade.

4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

(Ord. No. 186A, 10-2-2019)

15.12.390 Garages.

A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

   1. If located within a floodway the proposed garage must comply with the requirements of section 15.12.470.

   2. The floors are at or above grade on not less than one side;

   3. The garage is used solely for parking, building access, and/or storage;

   4. The garage is constructed with flood openings in compliance with section 15.12.380 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

   5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;

   6. The garage is constructed in compliance with the standards in section 15.12.280; and

   7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 15.12.460 or non-residential structures in section 15.12.430 depending on the square footage of the garage.

(Ord. No. 186A, 10-2-2019)

15.12.400 For riverine (non-coastal) special flood hazard areas with base flood elevations.

In addition to the general standards listed in section 15.12.280 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

(Ord. No. 186A, 10-2-2019)

15.12.410 Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. **When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards of subsection 1.2280.**

(Ord. No. 186A, 10-2-2019)

15.12.420 Residential construction.

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the Base Flood Elevation (BFE).

B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 15.12.290.

(Ord. No. 186A, 10-2-2019)

15.12.430 Non-residential construction.

A. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:

1. Have the lowest floor, including basement elevated a minimum of one foot above the Base Flood Elevation (BFE);

   Or, together with attendant utility and sanitary facilities,

2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

4. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 15.12.160.

B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 15.12.290.

C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below.

(Ord. No. 186A, 10-2-2019)

15.12.440 Manufactured dwellings.

A. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 15.12.290;

B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

C. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

D. Electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation (BFE).

(Ord. No. 186A, 10-2-2019)

15.12.450 Recreational vehicles.

Notwithstanding the provisions of the underlying zone, the nonpermanent placement of a recreational vehicle on an individual lot between April 15 and October 15, subject to the provisions of this subsection, shall be permitted as an outright use in the Special Flood Hazard Area and placed on sites are required to:

A. Be on the site for fewer than one hundred eighty consecutive days,

B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Meet the requirements of section 15.12.440, including the anchoring and elevation requirements for manufactured dwellings.

(Ord. No. 186A, 10-2-2019)

15.12.460 Appurtenant (accessory) structures.

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 15.12.470.

B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than two hundred square feet, or four hundred square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of twenty feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to one hunded twenty square feet.

D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;

E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 15.12.380;

G. Appurtenant structures shall be located and constructed to have low damage potential;

H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with section 15.12.330.

I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

(Ord. No. 186A, 10-2-2019)

15.12.470 Floodways.

Located within the special flood hazard areas established in section 15.12.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or,

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled **conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in sections 1.2280 through 1.2320.**

B. If the requirements of section 15.12.470 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of article XI.

(Ord. No. 186A, 10-2-2019)

PROVISIONS TO PRESERVE FLOODPLAIN FUNCTIONS

1.2280 No Net Loss of Floodplain Functions

The standards of subsections 1.2280 through 1.2320 are intended to preserve the three beneficial floodplain functions of flood storage, water quality and vegetation by preventing diminution or loss of these functions caused by development activities in the SFHA. Except for the exempt activities listed in section 1.2315, the standards of subsections 1.2280 through 1.2320 apply to all development in the SFHA.

(1) To protect the floodplain functions of flood storage, water quality and vegetation, the proxies of undeveloped space, pervious surface, and trees that are 6-inches dbh or greater are established. Development in the SFHA may be authorized only if it is demonstrated that the proposed development, together with required mitigation, will result in no net loss within the SFHA of undeveloped space, pervious surface, and trees greater than 6-inches diameter dbh.

(2) No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then providing mitigation that replaces and/or otherwise compensates for, offsets, or rectifies the residual adverse effects to the three floodplain functions.

(3) Actions required to achieve no net loss of undeveloped space or pervious surface are preferred to occur prior to the loss, but, at a minimum, shall occur concurrent with the loss.

(4) Actions required to achieve no net loss must be provided, in order of priority:

(a) On the lot or parcel from which the floodplain functions were removed;

(b) Off-site, but within the same reach of the waterbody where the development is proposed; or

(c) In a location within the special flood hazard area that is hydrologically connected to the area of the proposed development. Applicants proposing off-site mitigation must demonstrate why higher priority locations are not feasible.

1.2285 Undeveloped Space

(1) Development shall not result in a net loss of fish-accessible and egress-able habitat and flood storage capacity created by undeveloped space within the special flood hazard area.

(2) To achieve no net loss, lost undeveloped space must be replaced with fish accessible and egress-able space and compensatory flood storage volume based on the ratio in section 1.2320.

(3) Sites that serve to replace lost undeveloped space shall be:

(a) Hydrologically connected to the waterbody that is the flooding source; and

(b) Designed so that there is no increase in flood velocity;

1.2290 Impervious Surfaces

The creation of new impervious surfaces within the SFHA may only be permitted in compliance with the following requirements:

(1) Existing impervious surfaces are removed in the amount prescribed in subsection 1.2320 ; or

(2) Low impact development or green infrastructure methods are used to infiltrate and treat stormwater created by the new impervious surfaces, as documented by a qualified professional.

(3) If a qualified professional documents that the methods in subsections (1) and (2) above are not feasible, then stormwater management and treatment is required. Stormwater management shall conform to the requirements of section 1.2295 and be designed to:

(a) Ensure no increase in peak volume or flow;

(b) Maximize infiltration; and

(c) Provide treatment of retained stormwater to minimize pollutant loading.

1.2295 Stormwater Management and Treatment

Where stormwater retention is required in accordance with section 1.2290, the following requirements apply:

(1) Stormwater management shall include:

(a) Water quality (pollution reduction) treatment for post construction stormwater runoff created by any net increase in impervious surfaces, unless the stormwater outfall

discharges directly to the ocean; and

(b) Water quantity treatment (retention) unless the stormwater outfall discharges directly to the ocean.

(2) Required retention facilities shall:

(a) Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a

continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series);

(b) Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body;

(c) Be designed to not entrap fish and drain to the source of flooding; and

(d) Be certified as meeting these requirements by a Professional Engineer licensed in Oregon.

(3) Stormwater management and treatment practices for multi-ownership developments such subdivisions or planned developments shall have an enforceable operation and maintenance mechanism established by a recorded agreement that is legally binding on all owners and future owners.

(4) The maintenance and operation agreement required by subsection (3) shall:

(a) Authorize access to stormwater treatment facilities by the Floodplain Administrator for purposes of inspection;

(b) Require the maintenance of functionality of all elements of the stormwater management and treatment system, including vegetation and soil permeability;

(c) Require records of maintenance and repairs to the stormwater management and treatment system that shall be retained and made available for inspection by the Floodplain Administrator for a period of five years after completion of any maintenance or repair; and

(d) Be available on site at all times.

1.2300 Trees

(1) Trees of 6 inches dbh or greater that are removed within the SFHA shall be replaced at the ratios specified in subsection 1.2320.

(2) Replacement trees may be seedlings or larger, shall be native species that would occur naturally in the Level III ecoregion from which trees are removed, and shall be planted within the SFHA.

1.2310 Riparian Buffer Zone (RBZ)

(1) The Riparian Buffer Zone (RBZ) consists of the stream channel or water body, and that portion of the SFHA that is within 170 feet, measured horizontally, of:

(a) the ordinary high water mark of all sides of a fresh waterbody (lake, pond, ephemeral, intermittent or perennial stream); and

(b) mean higher high water of a marine shoreline or tidally influenced portion of a river or stream.

(2) Except for functionally dependent uses and exempt activities set forth in subsection 1.2315, all development within the RBZ is subject to the no net loss requirements of sections 1.2280 through 1.2300, the mitigation ratios of subsection 1.2320, and additional beneficial gain requirements as follows:

(a) An area equivalent to 5% of the area of development within the RBZ shall be planted with native herbaceous and shrub and tree vegetation; and

(b) The area of planting required in subsection (a) shall be within the same reach as the area of development.

(3) Ancillary uses that are located within the RBZ and are associated with, but do not directly impact, functionally dependent uses (including manufacturing support facilities and restrooms) are subject to the beneficial gain requirements of subsection (2).

1.2315 Exempt Activities

The following activities are not subject to the no net loss and other requirements of sections 1.2280 through 1.2300 and 1.2320. Activities listed in this subsection that meet the definition of development in LCC 1.1115 nonetheless require a Floodplain Development Permit in accordance with subsection 1.2115.

(1) Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the building footprint or expansion of the roof of the structure;

(2) Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, provided that the activity does not alter contours, use, or alter culverts, and does not include expansion of paved areas;

(3) Routine maintenance of landscaping that does not involve grading, excavation, or filling;

(4) Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration, provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;

(5) Routine silviculture practices (harvesting of trees), including hazardous fuel reduction and hazard tree removal as long as root balls are left in place:

(6) Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;

(7) Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles, provided there is no net change in footprint;

(8) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe, or the addition of protection on the face or toe with rock armor;

(9) Repair of an existing, functional bulkhead in the same location and footprint with the same materials, when the Ordinary High-Water Mark (OHWM) is still outside of the face of the bulkhead;

(10) Habitat restoration activities;

(11) Preemptive removal of documented susceptible trees to manage the spread of invasive species; and

(12) Development that is covered under separate consultations under Section 4(d), Section 7 or Section 10 of the Endangered Species Act (ESA).

1.2320 Mitigation Ratios and Multipliers

Basic Mitigate Ratios	**Undeveloped Space (ft3)**	**Impervious Surface (ft2)**	**Trees (6”<dbh≤20”)**	**Trees (20”<dbh≤39”)**	**Trees (39”<dbh)**
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1.5:1*	1:1	2:1*	4:1	5:1
Mitigation Multipliers					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5th field)	200%	200%	200%	200%	200%

1. Ratios of this section with asterisks are indicated in the BiOp

2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled: For example, if a development would create 1,000 square feet of new impervious surface, then 1,000 square feet of new pervious surface would need to be created. However, if only 500 square feet can be created within the same reach, the remaining 500 square feet created within a different reach would need to be double the required amount because of the 200 percent multiplier. In other words, another 1,000 square feet of pervious surface would need to be created at the location in the different reach, in addition to the 500 square feet created within the same reach

Alternate Language to Achieve No Net Loss 6.0STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0.

6.1NO NET LOSS STANDARDS

A. No net loss of the proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.

B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss.

C. No net loss must be provided within, in order of preference:

1) the lot or parcel that floodplain functions were removed from,

2) the same reach of the waterbody where the development is proposed, or

3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

6.1.1 UNDEVELOPED SPACE

A. Development proposals shall not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the special flood hazard area. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish accessible and egress-able space and flood storage volume.

i. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1.

ii. Hydrologically connected to the waterbody that is the flooding source;

6.1.2 Designed so that there is no increase in velocity IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

A. Development proposals shall not result in a net increase in impervious surface area within the SFHA through the use of ratios prescribed in Table 1, or

B. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or

C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.

6.1.3 TREES

A. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area.

i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1 and planted within the special flood hazard area. ii. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

6.2 STORMWATER MANAGEMENT Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include the following:

A. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and

B. Water quantity treatment (retention or detention facilities) unless the outfall discharges into the ocean.

C. Retention and detention facilities must:

i. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving waterbody.

iii. Be designed to not entrap fish.

iv. Be certified by a qualified professional.

D. Detention facilities must:

i. Drain to the source of flooding.

ii. Designed by a qualified professional.

E. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

v. Access to stormwater treatment facilities at the site by the City of Siletz for the purpose of inspection and repair.

vi. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.

vii. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

viii. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Siletz for five years

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

The following activities are not subject to the no net loss standards in Section 6.1; however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
C. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
E. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;
F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.
I. Habitat restoration activities.
J. Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.
K. Projects that are covered under separate consultations under Section 4(d), 7, or 10 of the Endangered Species Act (ESA).

6.4 RIPARIAN BUFFER ZONE (RBZ)

A. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

B. Functionally dependent uses are only subject to the no net loss standards in Section 6.1 for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.

C. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.

D. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous, shrub and tree vegetation.