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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 510

Related to Land Use Planning; amending the Lincoln County Code (LCC) Chapter One by amending section 1.1115 Definitions and Section 1.1309(9) Classification of Zones; repealing sections 1.1395 (Flood Hazard Overlay Zone); and 1.1810(6) and (7) and adding a new Flood Hazard Management Section (LCC 1.2005-1.2275) which adds new text and repeals the 2009 Flood Insurance Rate Maps (FIRM) and adopts the 2019 FIRM as well as the accompanying Flood Insurance Study (FIS) report; and declaring an emergency

WHEREAS, the United States Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968; and

WHEREAS, the NFIP is a Federal program allowing participating communities to enable property owners to purchase insurance as a protection against flood losses in exchange for State and community floodplain management; and

WHEREAS, the NFIP is administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, FEMA sets standards for local governments participating in the NFIP, including requirements for local floodplain development ordinances; and

WHEREAS, the Department of Land Conservation and Development (DLCD) is designated as Oregon’s NFIP coordinating agency and assists local governments with implementation of the federal standards; and

WHEREAS, in 2014, FEMA and its contractors sent to the Lincoln County Planning Department new draft flood insurance rate maps (FIRM) to replace the old maps which had been previously adopted in 2009; and

1 WHEREAS, Lincoln County reviewed those maps, and made recommendations to
2 FEMA and its contractors for corrective changes; and

3 WHEREAS, some of the maps were revised, and a draft new FIRM and accompanying
4 Flood Insurance Study (FIS) report were released; and

5 WHEREAS, Lincoln County made these maps available to the general public and
6 conducted an outreach program to inform residents of these newly created maps, and what the
7 maps mean; and

8 WHEREAS, on April 27, 2017, Lincoln County provided public notice of a Flood Risk
9 Open House on May 18, 2017, in Newport, Oregon, at the Oregon Coast Community College to
10 highlight changes to the flood maps in Lincoln County (and certain cities within the County), and
11 it encouraged those who own property in or near the flood plain areas to attend the open house.
12 The public notice indicated that at the event property owners would have a chance to learn about
13 the flood mapping process and what changes mean for them, and that it would provide an
14 opportunity for participants to ask questions about how the maps would impact property, the
15 community, and insurance status; and

16 WHEREAS, the public meeting/workshop on the maps was held on May 18, 2017, as
17 scheduled; and

18 WHEREAS, Lincoln County mailed notice to affected property owners, and held a
19 second Flood Risk Open House on June 28, 2017, in generally the same way as the first open
20 house; and

21 WHEREAS, Lincoln County needs to approve and adopt the 2019 FIRM as well as the
22 accompanying FIS report to be compliant with the NFIP; and

23 WHEREAS, on July 22, 2019, DLCD sent to Lincoln County a draft Model Flood
24 Hazard Ordinance for implementation in Lincoln County; and

25 WHEREAS, the Model Flood Hazard Ordinance includes standards and provisions that
26 encourage sound floodplain management; and

27 WHEREAS, the language is based on the minimum requirements of the NFIP found in
28 the Code of Federal Regulations (CFRs), Oregon's statewide land use planning Goal 7, and the
29 Oregon specialty codes; and

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WHEREAS, the Model Flood Hazard Ordinance also contains optional language that can be adopted by local jurisdictions, and this optional language is found in appendices A & B of the Model Flood Hazard Ordinance; and

WHEREAS, adoption of the ordinance provided will ensure compliance with the minimum standards for participation in the NFIP; and

WHEREAS, FEMA completed a review of the Model Flood Hazard Ordinance and approved it on August 9, 2019; and

WHEREAS, the Lincoln County Code (LCC) currently has a Flood Hazard Overlay Zone (Section 1.1395) which is outdated, and needs to be repealed and replaced by the Model Flood Hazard Ordinance; and

WHEREAS, LCC 1.180(6) and (7) also needs to be repealed because it needs to be updated with new model language (new LCC 1.2125 through 1.2135); and

WHEREAS, the definitions (found in LCC 1.1115) related to the Flood Hazard Overlay Zone, and which will now be used in conjunction with the Model Flood Hazard Ordinance, need to be amended;

WHEREAS, it is appropriate for the Lincoln County Board of Commissioners to repeal the old 2009 FIRM and to adopt the 2019 FIRM, along with the accompanying FIS report, and to adopt the 2019 Model Flood Hazard Ordinance, with appropriate optional language, while repealing and amending some of the old language in the LCC; and

WHEREAS, the LCC Section on Classification of Zones (LCC 1.1301(9)) needs to be amended to provide an update on the overlays;

NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1: AMENDMENT TO LCC CHAPTER ONE

LCC Chapter One is amended as follows:

- 1) LCC 1.1115 is amended as outlined in Attachment “A” which is incorporated by reference.
- 2) LCC 1.1395 is hereby repealed.
- 3) LCC 1.1810(6) and (7) are hereby repealed.

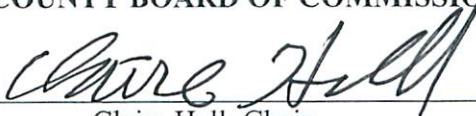
1 4) A new Flood Hazard Management Section (LCC 1.2005-1.2275) as outlined in Attachment
2 "B" which is incorporated by reference, is hereby adopted. This is based on the model
3 Ordinance.
4 5) LCC 1.1301(9) is amended as outlined in Attachment "C" which is incorporated by reference.
5

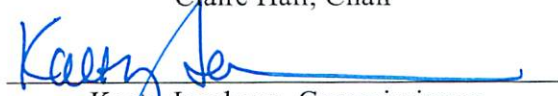
6 **SECTION 2: EMERGENCY CLAUSE**

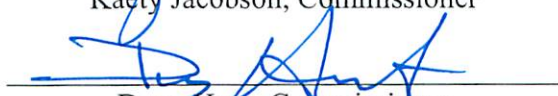
7 This Ordinance being necessary for the immediate preservation of the public health and safety,
8 an emergency is declared to exist and this Ordinance shall take effect on October 18, 2019.

9 DATED this 16th day of October, 2019.

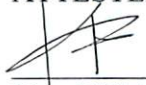
10
11 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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13 _____
14 Claire Hall, Chair

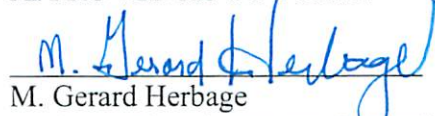
15 
16 _____
17 Kaety Jacobson, Commissioner

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19 _____
20 Doug Hunt, Commissioner

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22
23 ATTESTED TO:

24 
25 _____
26 Kristi Whitaker, Recorder
27

APPROVED AS TO FORM:



M. Gerard Herbage
Assistant Lincoln County Counsel

Attachment A

1.1115 Definitions

As used in this Chapter:

(1) "**Access**" means the way or means by which pedestrians or vehicles enter and leave property.

(2) "**Accessory structure or accessory use**" means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

(3)(a) "**Accessory home occupation**" means an occupation or business conducted within a residence and meeting the following criteria:

(A) No persons other than residents of the dwelling are employed;

(B) No more than 5 persons are employed;

(C) The occupation or business is conducted entirely within the residence or residential accessory structure;

(D) No more than 600 square feet of floor area is devoted to the business or occupation;

(E) There is no outward appearance of the occupation or business other than an accessory sign permitted by LCC 1.1405 (3)(e)(A);

(F) Client or customer visits are limited to no more than 5 per day;

(G) Only incidental on-site retail sales are conducted;

(H) There is no outside storage of equipment, goods or commodities associated with the occupation or business; and

(I) Shipping or delivery of products or supplies is limited to small parcel services provided by United States Postal Service, United Parcel Service, FedEx, or other similar services customarily providing delivery to residential addresses.

(b) Accessory home occupations are accessory to any permitted residential use and are not subject to conditional use review.

(4) "**Alley**" means a minor way for secondary access to properties which abut other streets.

(5) "**Agricultural land**" means land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Also, lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands.

(6) "**Appeal**" means, with respect to the Flood Hazard Management Section (FHM Section), a request for review of the interpretation of any provision of this FHM Section, or a request for a variance.

~~(7)(6) "Areas of shallow flooding" means areas where the base flood depth is between one to three feet, a clearly defined channel does not exist and the path of flooding is not determinable.~~

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Areas of shallow flooding are identified on the FIRM as zone "A-O." a designated Zone AO, AH, AR/AO, AR/AH or VO on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one 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.

(8)(7) "Areas of special flood hazard" means land in the floodplain within a community subject to where a one percent or greater chance of flooding in any given year occurs. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99 AR, V, VO, V1-30, VE. "Special Flood Hazard Area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

(9)(8) "Automobile wrecking yard" means any property used for the dismantling or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers, or their parts.

(10)(9) "Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

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

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

(13)(10) "Bed and breakfast inn" means a structure designed for and occupied as a single-family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid, or to be paid, for the rental or use of these facilities.

(14)(11) "Block" means an area of land within a subdivision which may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, water courses, or any combination thereof.

(15)(12) "Boathouse" means a facility attached to a floating device for the purpose of sheltering a boat or boats and generally enclosed on the sides and top.

(16)(13) "Board" means the Lincoln County Board of Commissioners.

(17)(14) "Breakaway walls" means a walls which are that is not part of the structural support of the building and which are designed to break away under flood conditions without damage to the structural integrity of the building or any building to which they might be carried by flood waters. is intended through it design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(18)(15) "Build" means to create by assembling basic elements, such as foundations, floors, walls, roofs, plumbing and wiring systems, by following step-by-step construction procedures.

(19)(16) "Building" means a structure built or assembled for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

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(20) "Coastal high hazard area" means an area of special flood hazard extending from the 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.

~~(18)~~ **(21)(17) "Clinic"** means a building utilized by persons licensed by the State of Oregon to treat or analyze medical or surgical needs of humans or animals.

~~(19)~~ **(22)(18) "Coastal flood zone"** means areas subject to high velocity ocean waters, including but not limited to storm surge or tsunamis. Coastal flood zones are identified on FIRM maps as V zone.

~~(20)~~ **(23)(19) "Commission"** means the Lincoln County Planning Commission.

~~(21)~~ **(24)(20) "Common property"** means a lot or lots, together with the improvements thereon, the use and enjoyment of which are shared by owners and occupants of individual building sites in a Planned Unit Subdivision or standard subdivision.

~~(22)~~ **(25)(21) "Community center"** means a facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

~~(23)~~ **(26)(22) "Comprehensive Plan"** means the adopted comprehensive plan for Lincoln County as defined in ORS 197.015(4).

~~(24)~~ **(27)(23) "Comprehensive Plan Inventory"** means written and mapped information which comprises the factual base for the Lincoln County Comprehensive Plan and which is adopted by resolution of the Board.

~~(25)~~ **(28)(24) "County"** means the County of Lincoln, State of Oregon.

~~(26)~~ **(29)(25) "Cross section"** means a profile of the ground surface perpendicular to the center line of a stream or tidal estuary.

~~(27)~~ **(30)(26) "Development within areas of special flood hazard"** means any man-made change or improvement involving buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling that alters in any way the flood plain.

~~(28)~~ **(31) "Development"** means, as it relates to the Flood Hazard Management Section, 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.

~~(29)~~ **(32)(27) "Director"** means the Lincoln County Planning Director or the director's duly authorized representatives.

~~(30)~~ **(33)(28) "Dock"** means a floating moorage facility constructed perpendicular or parallel to the shoreline, or a fixed facility designed or designated for the loading or unloading of trucks or railroad cars.

~~(31)~~ **(34)(29) "Dwelling unit"** means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation and only one cooking area.

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(a) A **"single family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise one dwelling unit, including but not limited to factory built dwellings, mobile homes and site built dwellings.

(b) A **"two family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise two dwelling units including but not limited to factory built dwellings, mobile homes and site built dwellings.

(c) A **"multi-family dwelling"** means a structure of which all habitable portions thereof are connected structurally and comprise three or more dwelling units, including, but not limited to, factory built dwellings, mobile homes and site built dwellings.

~~(33)~~**(30) "Easement"** means a right of usage of real property granted for a specific purpose by an owner to specific persons, firms, corporations, or the public.

~~(34)~~**(31) "Factory built dwelling"** means a dwelling unit built substantially or entirely at a place other than the residential site, meeting County and State building code requirements, and including, but not limited to, prefabricated or modular homes, but excluding mobile homes.

~~(35)~~**(32) "Family"** means an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

~~(36)~~**(33) "Farm use"** means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultural Christmas trees as defined in ORS chapter 215.

~~(37)~~**(34) "Fence"** (sight obscuring) consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed or planted so as to effectively screen a particular use from view.

~~(35) "FIRM" means the Flood Insurance Rate Maps issued by the Federal Insurance Administration and adopted by Lincoln County, that delineate both the area of special flood hazard and risk premium zones.~~

~~(38)~~**(36) "Flag lot"** means a lot, the major portion of which has access to a public road by means narrow strip of land called the "staff."

(39) "Flood or Flooding" means

(a) a general and temporary condition of partial or complete inundation of normally dry areas from:

(A) The overflow of inland or tidal waters.

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

(C) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(B) of this definition and are akin to a river of liquid and flowing mud on the

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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 the 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(A) of this definition.

(40) "Flood evaluation 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.

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

(42) "Flood Insurance Study" (FIS) See "Flood elevation study".

(43) "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.

~~(37) "Floodplain" means the area adjoining a stream, estuary, or ocean that is subject to inundation by the base flood discharge.~~

~~(44)(38) "Floodway" means the normal stream channel and that adjoining area needed to convey the waters of a base flood while causing less than one foot increase in flood elevation.~~ 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".

~~(39) "Floodway fringe" means the area of the flood plain lying outside of the floodway.~~

~~(40) "Floodway map" means the floodway boundary and floodway maps issued by the Federal Insurance Administration which delineate the regulatory floodway and floodway fringe boundaries for the base flood.~~

(45)(41) "Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

- (a) Attic space providing headroom of less than seven feet.
- (b) Basement, if the floor above is less than six feet above grade.
- (c) Uncovered steps or fire escapes.
- (d) Private garages, carports, or porches.
- (e) Accessory water towers or cooling towers.

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(f) Accessory off-street parking or loading spaces.

(46) "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 only includes 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.

(47)(42) "Ground level grade" means the average elevation of the finished ground elevation at the centers of all walls of a building.

(48)(43) "Habitable floor" means any floor usable for working, sleeping, eating, cooking, recreation, or other living purpose.

(49)(44) "Health Department" means the County Health Officer and the County Health Officer's duly designated representatives.

(50)(45) "Height of building" means the vertical distance from grade to the highest point of a roof.

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

(52) "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on as state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) 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.

(53)(46) "Home occupation" means an occupation or profession carried on within a dwelling, or a residential accessory structure, by a resident of the dwelling, where such occupation or profession is secondary to the main use of the property as a residence and which is not an accessory home occupation.

(54)(47) "Home owner's association" means an incorporated, non-profit corporation to operate under recorded land agreement through which:

(a) Each lot owner in a Planned Unit Subdivision or other described land area is automatically a member; and

(b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

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~~(55)(48)~~ **"Hospital"** means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

~~(56)(49)~~ **"Junk yard"** means any property utilized for breaking up, dismantling, sorting, storing, distributing, buying, or selling of any scrap, waste material, junk, or used equipment or machinery of any nature.

~~(57)(50)~~ **"Kennel"** means a lot or building which provides for the keeping of four or more dogs, cats, or animals, at least four months of age, where such animals are kept commercially for board, propagation, training, or sale.

~~(58)(51)~~ **"Livestock"** means domestic animals and fowl of types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs and cats.

~~(59)(52)~~ **"Lodge"** means a structure or group of related structures wherein transient eating or sleeping accommodations are provided in connection with outdoor recreation activities.

~~(60)(53)~~ **"Lot,"** as used in LCC 1.1101 through 1.1999, but excepting LCC 1.1371 to 1.1375, means an area of land with fixed boundaries, used or intended to be used by a single use and its accessory uses and not divided by any public road or alley. "Lot," as used in LCC 1.3210 through 1.3270, means a unit of land created by a division of land.

(a) A **"corner lot"** is a lot abutting on two or more streets, other than an alley, at their intersections.

(b) An **"interior lot"** is a lot other than a corner lot.

(c) A **"lot area"** is the total horizontal area within the lot lines of a lot exclusive of public roads.

(d) A **"lot depth"** is the average horizontal distance between the front lot line and the rear lot line.

(e) A **"lot width"** is the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

~~(61)(54)~~ **"Lot line"** is the property line bounding a lot.

(a) A **"front lot line"** is the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.

(b) A **"rear lot line"** is a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length, within the lot, parallel to and at a maximum distance from the front lot line.

(c) A **"side lot line"** is any property line not a front or rear lot line.

(62) "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 accessor 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

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of the applicable non-elevation design requirements of the Flood Hazard Management Section.

~~(63)(55)~~ **"Manufactured dwelling"** with respect to the Flood Hazard Management Section (FHM Section) has the meaning given that term in ~~ORS 446.003~~, 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"** with respect to other aspects of this FHM Section has the meaning given that term in **ORS 446.003**.

~~(64)~~ **"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.

~~(65)(56)~~ **"Major partition"** means a partition of land wherein one or more of the parcels created does not have direct frontage on an existing public road, excepting that partitions creating parcel, solely for the purpose of forest use, farm use or mining operations shall not be considered major partitions.

~~(66)(57)~~ **"Marina"** means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage, boat houses and related commercial activities.

~~(67)(58)~~ **"Mean sea level (NGVD)"** means, ~~the average height of the sea at all stages of tide for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the Base Flood Elevations shown on a community's Flood Insurance Map are referenced.~~

~~(68)(59)~~ **"Minor partition"** means a partition of land wherein all of the parcels created have direct frontage on an existing public road or are created solely for the purpose of forest use, farm use, or mining operations.

~~(69)(60)~~ **"Mobile home"** means a dwelling unit or units, designed for long-term occupancy; designed to be transported after fabrication on its own wheels; providing plumbing or electrical connections for attachment to outside systems; and having a mobile home license or "X" number

(a) A **"single wide mobile home"** is a mobile home which is constructed and transported to its site as a single frame unit. A single wide may have extension or tilt out areas, but remains as a single frame unit after set-up.

(b) A **"multi-wide mobile home"** is a mobile home which is constructed and transported to its site as two or more frame units which are structurally connected on-site to form one or more dwelling units.

~~(70)(61)~~ **"Mobile home park"** means a lot providing water, sewage disposal and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodations.

~~(71)(62)~~ **"New construction"**, with respect to the Flood Hazard Management Section, as used in ~~LCC 1.1386 through 1.1394 and LCC 1.1810(6)~~, means structures for which the start of construction commenced on or after September 3, 1980, or new additions to the exterior of existing structures for which the start of construction commenced on or after September 3, 1980. **means, for**

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floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by Lincoln County and includes any subsequent improvements to such structures.

~~(72)(63)~~ **"Nonconforming use"** means the use of a structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance, no longer conforms to the use requirements for the use zone in which it is located.

~~(73)(64)~~ **"Outdoor recreation activity"** includes fishing, camping, swimming, clam digging, hunting, boating, hiking, bicycling, horseback riding and similar outdoor activities engaged in for leisure and recreation.

~~(74)(65)~~ **"Outdoor recreation development"** includes those public or private structural or other improvements customarily found in connection with outdoor recreation activities. Such improvements may include picnic parks or organizational camps as defined in ORS chapter 446, and similar types of facilities. Such development may also include recreation parks as defined in ORS Chapter 446, provided that only minimal levels of improvements are provided. Outdoor recreation development does not include high intensity recreational development such as marinas or recreational vehicle parks providing full hook-ups or commercial services. Outdoor recreation development does not include commercial amusement uses such as miniature golf courses, go-cart tracks and similar uses.

~~(75)(66)~~ **"Parcel"** means a unit of land that is created by partitioning land.

~~(76)(67)~~ **"Parking space"** means an off-street enclosed or unenclosed surfaced area of not less than 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords ingress and egress for automobiles.

~~(77)(68)~~ **"Partition"** means either an act of partitioning land or an area or tract of land partitioned as defined in this chapter.

~~(78)(69)~~ **"Partition land"** means to divide an area or land into two or three parcels within a calendar year. "Partition land" does not include:

(a) A division or divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots;

(b) An adjustment of a property line by the relocation of a common boundary where an additional parcel is not created and where the existing unit of land reduced in size is not reduced below the minimum lot size established by the applicable use zone;

(c) The division of land resulting from the recording of a subdivision or condominium plat; or

(d) A sale or grant to a public agency or public body for state highway, county road, city street or other right-of-way purposes, if the road or right-of-way complies with the comprehensive plan and ORS 215.283(2)(p) through (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way

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purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

(79)(70) "Performance agreement" means a bond executed by a surety company licensed in the State of Oregon, or other security acceptable to the Board, to insure the completion of the conditions of approval of any land use action.

(80)(71) "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

(81)(72) "Pier" means a fixed moorage facility constructed outward from the shoreline.

(82)(73) "Planned Unit Subdivision" means a land in which the individual building sites may be reduced in size but are compensated by area used in common for recreational or other open space purposes. Planned Unit Subdivisions involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story, or multi-storied units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

(83)(74) "Planning Division" means the Lincoln County Planning Director and the director's duly designated representatives.

(84)(75) "Plat" and "replat" mean a final diagram, drawing, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(85)(76) "Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors, or persons engaged in similar occupations.

(86)(77) "Recreational vehicle" and "R.V." mean ~~a vacation trailer or other wheeled mobile unit, with or without motive power, which is designed for temporary human occupancy and licensed as either a motor home, recreational trailer, or camper by the Oregon Motor Vehicles Division, or similar units licensed by another state.~~ **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 or propelled or permanently towable by a light duty truck; and**
- (d) Designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.**

(87)(78) "Recreational vehicle park" means a park intended, designed or utilized for temporary occupancy by recreational vehicles or other similar portable devices, and accompanied by other accessory uses as needed.

(88)(79) "Reserve strip" means a strip of land usually one foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed.

(89)(80) "Right-of-way" means a strip of land within which is located a passageway, as conveyed for a specific purpose.

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(90)(81) "Road" and "street" mean a public or private way created to provide vehicular access to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide access to such land in conjunction with its use for forestry, mining, or agricultural purposes.

(a) A **"public road"** is a road dedicated for public use.

(b) A **"private road"** is a road created by easement.

(c) An **"arterial highway"** and **"major highway"** are streets designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.

(d) A **"collector street"** and **"secondary street"** are streets designed to carry traffic between minor streets and the arterial system, to function as primary traffic carriers within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, provide access to commercial and industrial properties.

(e) A **"minor street"** is a street designed to provide access to abutting residential property with only incidental service to through traffic.

(f) A **"cul-de-sac"** and **"dead end street"** are minor streets with only one outlet which provides a vehicular turn-around.

(91)(82) "Sign" has the meaning provided in LCC 1.1405.

(92)(83) "Skirt" means a durable all-weather material having a finished exterior surface surrounding a mobile home and effectively screening the under-carriage from view.

(93)(84) "Solid waste" has the meaning given that term in LCC 2.1005(14).

(94)(85) "Solid waste disposal site" has the meaning given that term in LCC 2.1005(5).

(95) "Special Flood Hazard Area" See **"Area of special flood hazard"** for this definition.

(96) "Start of Construction", with respect to the Flood Hazard Management Section, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a 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 dwelling, whether or not that alteration affects the external dimensions of a building.

(97)(87) "Street" has the same meaning as "road."

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(98)(88) **"Structural alteration"** means any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

(99)(89) **"Structure"** means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. A "structure," ~~as used in LCC 1.1395 (floodplain), means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home for floodplain management purposes,~~ **means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.** "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as mobile home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

(100)(90) **"Subdivide land"** means to divide an area or tract of land into four or more lots within a calendar year when such an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of a year.

(101)(91) **"Subdivision"** means an area or tract of land divided into four or more lots within a calendar year.

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

(103)(92) **"Substantial improvement"** means ~~any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the true cash value of the structure~~ **any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The 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 which are the minimum necessary to assure safe living conditions;**

(104)(93) **"Tentative plan"** means a diagram including any writings showing the general design of a proposed partition, together with other information the proposed partition may require.

(105)(94) **"Transfer station"** means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and disposal site, including, but not limited to a large hopper, railroad gondola or barge.

(106)(95) **"Use"** means the purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.

(107) **"Variance", with respect to the Flood Hazard Management Section, means a grant of relief by Lincoln County from the terms of a flood plain management regulation.**

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(108) "Violation", with respect to the Flood Hazard Management Section (FHM Section), 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 the FHM Section is presumed to be in violation until such time as that documentation is provided.

(109)(96) "Wharf" means a fixed moorage parallel to the shoreline continuously thereto.

(110)(97) "Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

(a) A **"front yard"** is a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

(b) A **"rear yard"** is a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, or the mean higher high water line or ordinary high water line when applicable, to the nearest part of a building.

(c) A **"side yard"** is a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of a building.

(d) A **"street side yard"** is a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building. [1985 o.231 §1; 1997 o.369 §1; 2006 o.438 §1; 2009 o.461 §1]

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Attachment B

FLOOD HAZARD MANAGEMENT

TITLE, STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

1.2005 Title/ Definitions

This portion of Chapter One of the Lincoln County Code (LCC) shall be called the “Flood Hazard Management Section”, and shall be generally referred to hereafter as the FHM Section. Definitions of terms used within the FHM Section shall be found in LCC 1.1115, the definition section for Chapter One of the LCC, and those definitions and related FHM provisions within the Code shall be considered part of the FHM Section.

1.2010 Statutory Authorization

The State of Oregon has in ORS 203.035 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.

1.2015 Findings of Fact

(1) The flood hazard areas of Lincoln County 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 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.

1.2020 Statement of Purpose

It is the purpose of this FHM Section 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:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

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- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) 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;
- (6) 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;
- (7) Notify potential buyers that the property is in a special flood hazard area;
- (8) Notify those who occupy special flood hazard areas that they assume responsibility for their actions; and
- (9) Participate in and maintain eligibility for flood insurance and disaster relief.

1.2025 Methods of Reducing Flood Losses

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

- (1) 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;
- (2) Requiring that development 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 floodplains, 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; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

GENERAL PROVISIONS

1.2030 Lands to Which This FHM Section Applies

This FHM Section shall apply to all special flood hazard areas within the jurisdiction of Lincoln County.

1.2035 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", dated October 18, 2019, with accompanying Flood Insurance Rate Maps

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(FIRMs) as listed on pages 3 and 4 of the FIS, which are incorporated by reference, are hereby adopted and declared to be a part of this ordinance, and are further described as: 41041C0020E, 41041C0025D*, 41041C0040E, 41041C0045E, 41041C0065E, 41041C0070E, 41041C100D*, 41041C0107E, 41041C0109E, 41041C0116E, 41041C0117E, 41041C0120E, 41041C0125D*, 41041C0126E, 41041C0130E, 41041C0135E, 41041C0136E, 41041C0140E, 41041C0145E, 41041C0175E, 41041C0200D*, 41041C0225D*, 41041C0229E, 41041C0233E, 41041C0235E, 41041C0237E, 41041C0239E, 41041C0241E, 41041C0245E, 41041C0250D*, 41041C0275E, 41041C0300E, 41041C0325E, 41041C0350D*, 41041C0352E, 41041C0354E, 41041C0360E, 41041C0362E, 41041C0364E, 41041C0366E, 41041C0367D*, 41041C0368E, 41041C0369E, 41041C0375D*, 41041C0380E, 41041C0381E, 41041C0383E, 41041C0385E, 41041C0389E, 41041C0390E, 41041C0393E, 41041C0395E, 41041C0420E, 41041C0425E, 41041C0450E, 41041C0475E, 41041C0500D*, 41041C0502E, 41041C0504E, 41041C0505D*, 41041C0506E, 41041C0507E, 41041C0508E, 41041C0509E, 41041C0515E, 41041C0520E, 41041C0527E, 41041C0531E, 41041C0550E, 41041C0575E, 41041C0600E, 41041C0625E, 41041C0650D*, 41041C0655E, 41041C0660E, 41041C0662E, 41041C0665E, 41041C0666E, 41041C0670E, 41041C0690E, 41041C0695E, 41041C0700E, 41041C0715E, 41041C0720E, 41041C0725D*, 41041C0740E, 41041C0750D*, 41041C0775D*, 41041C0800D*, 41041C0801E, 41041C0802E, 41041C0803E, 41041C0804D*, 41041C0811E, 41041C0815E, 41041C0825E, 41041C0850E, 41041C0875E, 41041C0880E

The FIS and FIRM panels are on file at the Lincoln County Planning and Development Department, which is located at 210 SW Second Street, Newport, Oregon, at the time of the adoption of this FHM Section.

1.2040 Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that Lincoln County administers and enforces the State of Oregon Specialty Codes, Lincoln County 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 FHM Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

1.2045 Compliance

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

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1.2050 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this FHM Section and other applicable regulations. Violations of the provisions of this FHM Section 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 LCC with penalties upon conviction as outlined in Chapter 10 of the LCC. Nothing contained herein shall prevent Lincoln County from taking such other lawful action as is necessary to prevent or remedy any violation.

ABROGATION AND SEVERABILITY

1.2055 Abrogation

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

1.2060 Severability

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

1.2065 Interpretation

In the interpretation and application of this FHM Section, 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.

WARNING AND DISCLAIMER OF LIABILITY

1.2070 Warning

The degree of flood protection required by this FHM Section 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 FHM Section does not imply that land

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outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

1.2075 Disclaimer of Liability

This FHM Section shall not create liability on the part of Lincoln County, 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.

ADMINISTRATION

1.2080 Designation of the Floodplain Administrator

The Lincoln County Planning and Development Director and his/her designee is hereby appointed to administer, implement, and enforce this FHM Section by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

1.2085 Permit Review

The duties of the floodplain administrator, or his/her designee, shall include, but not be limited to:

Review all development permits to determine that:

- (1) The permit requirements of this FHM Section have been satisfied;
- (2) All other required local, state, and federal permits have been obtained and approved;
- (3) 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 FHM Section in section 1.2235 are met;
- (4) 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 1.2185;
- (5) Provide to building officials the Base Flood Elevation (BFE), along with relevant minimum elevations above the BFE as required by this FHM Section, applicable to any building requiring a development permit;
- (6) Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 1.1115;

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(7) 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 1.2145; and

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

1.2090 Information to be Obtained and Maintained

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

(1) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 1.2185;

(2) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 1.2235, 1.2260(6), 1.2085(2) are adhered to;

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

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

(5) Maintain all Elevation Certificates (EC) submitted to Lincoln County);

(6) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this FHM Section and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 1.2185;

(7) Maintain all floodproofing certificates required under this FHM Section;

(8) Record and maintain all variance actions, including justification for their issuance;

(9) Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 1.2235;

(10) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 1.2110; and

(11) Maintain for public inspection all records pertaining to the provisions of this FHM Section.

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REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

1.2095 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.

1.2100 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:

- (1) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- (2) 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 1.2105. Ensure compliance with all applicable requirements in sections 1.2105 and 1.2145.

1.2105 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. In Lincoln County the property owner shall be responsible for preparing all

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technical data to support the LOMR application and paying any processing or application fees associated with the LOMR.

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

- (1) Proposed floodway encroachments that increase the base flood elevation; and
- (2) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this FHM Section and all applicable state and federal laws.

An applicant shall Notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

1.2110 Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in section 1.1115) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 1.2090. Conduct Substantial Damage (SD) (as defined in section 1.1115) 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 1.2035 are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

ESTABLISHMENT OF DEVELOPMENT PERMIT

1.2115 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 1.2035. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 1.1115, including fill and other development activities.

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1.2120 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:

(1) In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 1.2090;

(2) In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement;

(3) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(4) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in section 1.2215;

(5) Description of the extent to which any watercourse will be altered or relocated;

(6) Base Flood Elevation data for subdivision proposals or other development when required per sections 1.2085 and 1.2180;

(7) Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; and

(8) The amount and location of any fill or excavation activities proposed.

1.2125 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.

1.2130 Conditions for Variances

(1) 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 1.2130(3) and (5), and, 1.2135. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

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

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

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) 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.

(5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(6) 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 1.2130(2) through 1.2130(6) 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.

1.2135 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 1.2090.

PROVISIONS FOR FLOOD HAZARD REDUCTION

1.2140 General Standards

In all special flood hazard areas, the following standards found in sections 1.2140 through 1.2275 shall be adhered to:

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1.2145 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 1.2100 and 1.2105.

1.2150 Anchoring

(1) 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.

(2) All manufactured dwellings shall be anchored per section 1.2220.

1.2155 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.

UTILITIES AND EQUIPMENT

1.2160 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

(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 consistent with the Oregon Department of Environmental Quality.

1.2170 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,

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ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

(1) If replaced as part of a substantial improvement shall meet all the requirements of this section.

(2) Not be mounted on or penetrate through breakaway walls.

1.2175 Tanks

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

(2) Above-ground tanks shall be installed one foot above the base flood level, or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(3) In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

1.2180 Subdivision Proposals and Other Proposed Developments

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

(2) All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:

(a) Be consistent with the need to minimize flood damage.

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

(c) Have adequate drainage provided to reduce exposure to flood hazards.

1.2185 Use of Other Base Flood Data

When Base Flood Elevation data has not been provided in accordance with section 1.2035, 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 the sections under 1.2140 through 1.2275. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 1.2180.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not

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have an established base flood elevation proposals in compliance with Oregon Specialty Codes, with the exception of development proposals located within a riverine unnumbered A Zone. 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, where available, and the Environmental Hazard Inventory, Coastal Lincoln County, RNKR and Associates, 1977. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

1.2190 Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- (1) When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.**
- (2) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.**

1.2192 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 1.2140 through 1.2275 of this FHM Section.

1.2195 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:

- (1) Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exist of floodwaters;**
- (2) Be used solely for parking, storage, or building access;**
- (3) Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - (a) A minimum of two openings;**
 - (b)The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;**
 - (c) The bottom of all openings shall be no higher than one foot above grade;****

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(d) 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; and

(e) 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.

1.2200 Garages

(1) 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:

(a) If located within a floodway the proposed garage must comply with the requirements of section 1.2235;

(b) The floors are at or above grade on not less than one side;

(c) The garage is used solely for parking, building access, and/or storage;

(d) The garage is constructed with flood openings in compliance with section 1.2195 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;

(e) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;

(f) The garage is constructed in compliance with the standards in section 1.2140 through 1.2275; and

(g) 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.

(2) Detached garages must be constructed in compliance with the standards for appurtenant structures in section 1.2230 or nonresidential structures in section 1.2215 depending on the square footage of the garage.

1.2203 For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the general standards listed in section 1.2140 through 1.2275, 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.

1.2205 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

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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.

1.2210 Residential Construction

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the Base Flood Elevation (BFE).

(2) Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 1.2195.

1.2215 Non-Residential Construction

(1) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall:

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

Or, together with attendant utility and sanitary facilities,

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

(c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(d) 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 1.2090.

(2) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 1.2195.

(3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

1.2220 Manufactured Dwellings

(1) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with section 1.2195;

(2) The bottom of the longitudinal chassis frame beam shall be elevated to one (1) foot above Base Flood Elevation (BFE);

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(3) 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

(4) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

1.2225 Recreational Vehicles

Recreational vehicles placed on sites are required to:

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

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

(3) Meet the requirements of section 1.2220, including the anchoring and elevation requirements for manufactured dwellings.

1.2230 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:

(1) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 1.2235;

(2) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

(3) In compliance with State of Oregon Specialty Codes, Appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;

(4) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;

(5) 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;

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(6) 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 1.2195;

(7) Appurtenant structures shall be located and constructed to have low damage potential;

(8) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 1.2175; and

(9) 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.

1.2235 Floodways

Located within the special flood hazard areas established in section 1.2035 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:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

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

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.

(2) If the requirements of section 1.2235(1) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of sections 1.2140 through 1.2275.

1.2240 Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where

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the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow.

For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

1.2245 Standards for AH Zones

Development within AH Zones must comply with the standards in sections 1.2140, through 1.2250.

1.2250 Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirement in section 1.2240:

(1) New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum shall be one (1) foot above the specified depth number on the Flood Insurance Rate Maps (FIRM). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

(2) New construction and substantial improvements of non-nonresidential structures within AO zones shall either:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum at the specified depth number on the Flood Insurance Rate Maps (FIRMS); or

(b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above the specified depth number on the FIRM, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 1.2215(1)(d).

(3) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

(a) Be on the site for fewer than 180 consecutive days; and

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

(c) Meet the requirements of 1.2225 above, including the elevation and anchoring requirements for manufactured dwellings.

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(4) In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 1.2230.

(5) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 1.2195.

1.2255 Specific Standards for Coastal High Hazard Flood Zones

Located within special flood hazard areas established in section 1.2035 are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the FIRMs as the area between the Limit of Moderate Wave Action (LiMWA) and the Zone V boundary. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this FHM Section and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in section 1.2140 through 1.2190.

1.2260 Development Standards

(1) All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one (1) foot above the Base Flood Elevation (BFE) level; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes.

(2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

(3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The local floodplain administrator shall maintain a record of all such information in accordance with section 1.2090.

(4) 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

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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:

(a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(b) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation; and

(c) Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 1.2195.

(5) 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 water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.

(6) Prohibit the use of fill for structural support of buildings.

(7) All new construction shall be located landward of the reach of mean high tide.

(8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(9) All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section 1.2260. Floodproofing of non-residential structures is prohibited.

1.2265 Manufactured Dwelling Standards for Coastal High Hazard Zones

All manufactured dwellings to be placed or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:

(1) Comply with all of the standards within section 1.2255;

(2) The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and

(3) Electrical crossover connections shall be a minimum of 12 inches above the BFE.

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**1.2270 Recreational Vehicle Standards for Coastal High Hazard Zones
Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:**

- (1) Be on the site for fewer than 180 consecutive days, and**
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or**
- (3) Meet the permit requirements of sections 1.2080 through 1.2135 and the requirements for manufactured homes in section 1.2265.**

**1.2275 Tank Standards for Coastal High Hazard Zones
Tanks shall meet the requirements of section 1.2175.**

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Attachment C

1.1301 Classification of Zones

For the purposes of LCC 1.1301 through 1.1399 the following zones are hereby established in the County:

| | <u>Abrev/Desig</u> | <u>Map/Desig</u> |
|---|--------------------|--------------------|
| (1) Residential Zones: | | |
| (a) Residential R-1 | R-1 | R-1 |
| (b) Residential R-1-A | R-1-A | R-1-A |
| (c) Residential R-2 | R-2 | R-2 |
| (d) Residential R-3 | R-3 | R-3 |
| (e) Residential R-4 | R-4 | R-4 |
| (2) Rural Residential Zones: | | |
| (a) Rural Residential RR1-2 | RR-2 | RR-2 |
| (b) Rural Residential RR-5 | RR-5 | RR-5 |
| (3) Commercial Zones: | | |
| (a) Tourist Commercial C-T | C-T | C-T |
| (b) Retail Commercial C-1 | C-1 | C-1 |
| (c) General Commercial C-2 | C-2 | C-2 |
| (4) Industrial Zones: | | |
| (a) Planned Industrial I-P | I-P | I-P |
| (5) Marine Zones: | | |
| (a) Marine Waterway M-W | M-W | M-W |
| (b) Planned Marine M-P | M-P | M-P |
| (6) Resource Zones: | | |
| (a) Agricultural Conservation A-C | A-C | A-C |
| (b) Timber Conservation T-C | T-C | T-C |
| (7) Public Facilities: | | |
| (a) Public Facilities P-F | P-F | P-F |
| (8) Special Zones: | | |
| (a) Planned Development P-D | P-D | P-D |
| (b) Coastal Shorelands Overlay C-S | C-S | C-S |
| (c) Dredge Material Disposal Overlay DMDS | DMDS | DMDS |
| (9) Flood Plain Management: | | |
| (a) Floodplain Overlay A | A | A |
| (b) Floodplain Overlay AE | AE | AE |
| (c) Floodway Overlay AE | AE-Floodway | AE-Floodway |
| (a) Floodway Overlay F-W | F-W | F-W |
| (b) Flood Fringe Overlay F-F | F-F | F-F |
| (e) (d) Coastal Flood Overlay V | V | V |
| (e) Coastal Flood Overlay VE | VE | VE |
| (d) (f) Shallow Flooding Overlay AO | AO | AO |
| (g) Shallow Flooding Overlay AH | AH | AH |
| (h) 500-Year Floodplain X | X | X |
| (i) Undetermined Floodplain D | D | D |

NOTE: This Ordinance amends the existing provisions of the Lincoln County Code. Changes in language are shown in **boldface** for additions and ~~strikethrough~~ for deletions.

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