CHAPTER 220. SITE PLAN REVIEW

Sec. 220.005. Site plan review.

(a) Applicability.

(1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:

(A) Prior to issuance of a building permit, for any development that requires a building permit;

(B) Prior to a change of use, when a building permit is not otherwise required; and

(C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:

(i) Development of a new off-street parking or vehicle use area~~s~~;

(ii) Expansion of an existing off-street parking or vehicle use area~~s~~, when additional paved surface is added;

(iii) Alteration of an existing off-street parking or vehicle use area~~s~~, when the existing paved surface is replaced with a new paved surface;

(iv) Paving of an unpaved area, unless there are no development standards applicable to the proposed paved area such as stormwater standards or development site landscaping;

(v) Restriping of an off-street parking or vehicular use area, when the layout will be reconfigured but not including when existing parking spaces are removed or when existing parking spaces are converted to ADA parking spaces and the location of driveways, drive-aisles, and other parking spaces is not changed; and

(vi) Development of a gravel outdoor storage area within the IG zone.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

(i) Development of a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.

(ii) Sign installation.

(iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(iv) The alteration to the facade of a building, except in those zones or overlay zones that include design standards to regulate the appearance of a building, such as ground floor building height, building façade articulation, building entrance location, amounts of ground or upper floor windows, or provision of weather protection, unless none of the design standards are applicable to the proposed

façade alteration.

(v) Interior construction or tenant improvements that involve no change of use or occupancy.

(vi) Demolition permit.

(vii) Construction of a fence or retaining wall.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

(b) *Classes.* The three classes of site plan review are:

(1) *Class 1 site plan review.* Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

(A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or

(B) A change of use when a building permit is not otherwise required.

(2) *Class 2 site plan review.* Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

(3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

(A)Requires a Transportation Impact Analysis pursuant to SRC chapter 803;

~~(B)Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;~~

(~~C~~ B)Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;

(~~D~~ C)Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

(~~E~~ D)Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; ~~or~~

(~~F~~ E)Involves the imposition of conditions of approval; ~~or~~

(~~G~~ F)Requires a variance, adjustment, or conditional use permit; or

(~~H~~ G)Requires a floodplain mitigation assessment in accordance with SRC 601.100.

(a) Procedure type.

(1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.

(2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.

(3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

(4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

(b) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

(1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

(2) The address or location of the subject property and its assessor's map and tax lot number;

(3) The size of the subject property;

(4) The comprehensive plan designation and zoning of the subject property;

(5) The type of application(s);

(6) A brief description of the proposal; and

(7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

(c) Submittal requirements for Class 2 and Class 3 site plan review.

(1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;

(iii) Loading areas, if included in the proposed development;

(iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;

(v) An indication of future phases of development on the site, if applicable;

(vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;

(vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;

(viii) The location of drainage patterns and drainage courses, if applicable;

(ix) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;

(x) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86;

(xi) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

(xii) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;

(iii) The type, size, and location of all existing trees on the property, with an identification of those trees that will be preserved and those trees that will be removed; and

(iv) The location of the 100-year floodplain, if applicable.

(C) A tree plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of all existing trees, indicating their species, DBH, critical root zone, and whether they will be preserved or removed;

(iii) The location of all new trees proposed to be planted on the development site, indicating their species and caliper at the time of planting;

(iv) The perimeter and soil depth of all proposed tree planting areas;

(v) The location of all existing and proposed primary and accessory structures;

(vi) The location of all existing and proposed parking and vehicle use areas; and

(vii) For developments that include more than one-half acre of new off-street surface parking, the tree plan shall include the expected tree canopy area after 15 years for all trees not removed by the proposed development, and the caliper of all proposed new trees at the time of planting in addition to the other requirements of the tree planting plan.

(D) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.

(E) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services.

(F) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards.

(G) A completed trip generation estimate for the proposed development, on forms provided by the City.

(H) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.

(I) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

(J) For developments that include more than one-half acre of new off-street surface parking, proof of coordination with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

(2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

(A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

(C) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;

(D) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

(E) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

(F) A Transportation Impact Analysis, if required by SRC chapter 803.

(G) A floodplain mitigation assessment, if required by SRC chapter 601.

(d) Criteria.

(1) *Class 1 site plan review.* An application for a Class 1 site plan review shall be granted if:

(A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

(B) Only construction or improvements to the interior of the building or structure will be made;

(C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

(D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

(E) The application meets all applicable standards of the UDC.

(2) *Class 2 site plan review.* An application for a Class 2 site plan review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

(B) The application meets all the applicable standards of the UDC.

(3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:

(A) The application meets all applicable standards of the UDC;
The transportation system into and out of the proposed development conforms to all applicable city standards;

(B) The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable; and

(C) The proposed development will be served with City water, sewer, stormwater facilities, and other utilities

(D) The proposed development will be served with City water, sewer, stormwater facilities, and other utilities.

CHAPTER 300. PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS

Sec. 300.100. Procedure types.

(a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES

Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

TABLE 300-2. LAND USE APPLICATIONS BY PROCEDURE TYPE

		Application Pre-Submittal			**Review Authority**			
Application	**Procedure Type**	**Pre-App. Required**	**N.A Contact**	**Open House**	**Decision**	**Appeal**	**Council Review**	**Applicable Code Chapter(s)**
Adjustment								
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 1 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Airport overlay zone height variance	I	N	N	N	PA	-	N	SRC 602
Annexation								
Annexation without comprehensive plan map amendment and/or zone change	III	Y	N	N	CC	-	N	SRC 260
Annexation with comprehensive plan map amendment and/or zone change	IV	Y	Y(1)	Y(1)	PC - Recommendation; CC - Decision	-	N	SRC 260

Comprehensive plan map amendment (minor)	III	Y	N	Y	PC	CC	Y	SRC 64
Conditional use	III	Y	Y	N	HO	PC	Y	SRC 240
Conditional use (modification)	II	N	N	N	PA	HO	Y	SRC 240
Design review								
Design review	I	Y	N	N	PA	-	N	SRC 225
Design review (modification)	I	N	N	N	PA	-	N	SRC 225
Driveway approach permit								
Class 1 driveway approach permit	I	N	N	N	PA	-	N	SRC 804
Class 2 driveway approach permit	II	N	N	N	PA	HO	N	SRC 804
Extensions								
Class 1 Extension	I	N	N	N	PA	-	N	SRC 300
Class 2 Extension	II	N	N	N	PA	HO	N	SRC 300
Fairview Mixed-Use Zone								
Fairview plan	III	Y	Y	Y	PC	CC	Y	SRC 530
Fairview plan amendment	III	Y	N	Y	PC	CC	Y	SRC 530
Refinement plan	III	Y	N	Y	PC	CC	Y	SRC 530
Refinement plan amendment (minor)	II	Y	Y	N	PA	PC	Y	SRC 530
Refinement plan amendment (major)	III	Y	N	Y	PC	CC	Y	SRC 530
Floodplain Overlay Zone								
Class 1 Floodplain development permit	I	N	N	N	BO & FM	-	N	SRC 601
Class 2 Floodplain development permit	II	N	N	N	BO & FM	HO	N	SRC 601
Floodplain Overlay Zone Variance	III	N	N	N	HO	CC	Y	SRC 601
Historic Review								

Class 1 minor historic design review	I	N	N	N	PA	-	N	SRC 230
Class 2 minor historic design review	II	N	N	N	PA	HLC	N	SRC 230
Class 3 major historic design review	III	N	N	N	HLC	HO	N	SRC 230
Class 3 major historic design review—new construction	III	N	N	N	HLC	HO	Y	SRC 230
Historic resource adaptive reuse	III	N	Y	N	HO	PC	Y	SRC 231
Historic resource adaptive reuse expansion	III	N	Y	N	HO	PC	Y	SRC 231
Determination of historic resource relocation feasibility	I	N	N	N	PA	-	N	SRC 230
Historic resource relocation	III	N	N	N	HLC	CC	Y	SRC 230
Historic resource demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Class 1 historic accessory structure demolition	I	N	N	N	PA	-	N	SRC 230
Class 2 historic accessory structure demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Local historic resource designation	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Class 1 local historic resource designation removal	I	N	N	N	PA	-	N	SRC 230
Class 2 local historic resource	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230

designation removal								
Landscaping permit	I	N	N	N	PA	-	N	SRC 807
Landslide hazard construction permit	I	N	N	N	PWD	HO	N	SRC 810
Manufactured dwelling park permit	II	Y	N	N	PA	HO	N	SRC 235
Manufactured dwelling park permit (modification)	II	N	N	N	PA	HO	N	SRC 235
Middle housing land division								
Tentative plan[(2)]	Per ORS	N	Y	N	PA	HO	N	SRC 205
	II	N	Y	N	PA	PC	Y	
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Neighborhood plan map amendment	III	Y	Y	N	PC	CC	Y	SRC 64
Nonconforming use extension, alteration, expansion, or substitution	II	Y	Y	N	PA	PC	Y	SRC 270
Partition								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Planned unit development								
Tentative plan	III	Y	Y	N	PC	CC	Y	SRC 210
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 210
Final plan	I	N	N	N	PA	-	N	SRC 210
Final plan (modification)	I	N	N	N	PA	-	N	SRC 210
Property line adjustment	I	N	N	N	PA	-	N	SRC 205
Replat								
Tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Signs								
Sign permit	I	N	N	N	PA	-	N	SRC 900
Site Plan Review								
Class 1 site plan review	I	N	N	N	PA	-	N	SRC 220

Class 1 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 3 site plan review	II	N	Y	N	PA	HO	Y(3)	SRC 220
Class 3 site plan review (modification)	II	N	N	N	PA	HO	Y(3)	SRC 220
South Waterfront Mixed-Use Zone								
Development phasing plan	II	N	N	N	PA	HO	Y	SRC 531
Development phasing plan (modification)	II	N	N	N	PA	HO	Y	SRC 531
Subdivision								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Modification of subdivision condition of approval designating lots for neighborhood hub uses or middle housing dwelling units	I	N	N	N	PA	-	N	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Temporary Use Permit								

Class 1 temporary use permit	I	N	N	N	PA	-	N	SRC 701
Class 2 temporary use permit	II	N	N	N	PA	HO	N	SRC 701
Tree & vegetation removal								
Tree Conservation Plan	I	N	N	N	PA	HO	N	SRC 808
Tree conservation plan adjustment	I	N	N	N	PA	HO	N	SRC 808
Tree & vegetation removal permit	I	N	N	N	PA	-	N	SRC 808
Tree variance	II	N	N	N	PA	HO	Y	SRC 808
Urban growth management								
Urban service area amendment	IV	N	N	N	CC	-	N	SRC 200
Urban Growth Preliminary Declaration	II	N	N	N	PA	PC	Y	SRC 200
Urban Growth Preliminary Declaration (Amendment)	II	N	N	N	PA	PC	Y	SRC 200
Validation of unit of land	II	Y	N	N	PA	HO	N	SRC 205
Variance	III	Y	Y	N	HO	PC	Y	SRC 245
Variance (modification)	III	N	N	N	HO	PC	Y	SRC 245
Willamette Greenway								
Class 1 greenway development permit	II	N	Y	N	PA	HO	Y	SRC 600
Class 2 greenway development permit	III	Y	Y	N	HO	PC	Y	SRC 600
Wireless communication facilities								
Temporary siting permit	I	N	N	N	PA	-	N	SRC 703
Class 1 siting permit	I	N	N	N	PA	-	N	SRC 703
Class 2 siting permit	II	N	N	N	PA	HO	Y	SRC 703

Class 3 siting permit	III	Y	N	N	HO	PC	Y	SRC 703
Wireless communication facilities adjustment	II	Y	N	N	PA	HO	Y	SRC 703
Zone change (quasi-judicial)	III	Y	Y	N	HO	CC	Y	SRC 265
Limitations and Qualifications (1) Annexation applications with a quasi-judicial zone change are required to provide neighborhood contact pursuant to SRC 300.310. Annexation applications with a comprehensive plan map amendment are required to conduct an open house pursuant to SRC 300.320. Annexation applications with both a comprehensive plan map amendment and zone change are required to only conduct an open house. (2) The tentative plan of a middle housing land division shall be reviewed according to the procedures of ORS 197.360 through ORS 197.380 unless an applicant requests the application be reviewed according to the procedures of SRC Chapter 300. If an applicant requests review of the application based on the procedures of SRC Chapter 300, the application shall be processed as a Type II procedure. (3) Decision eligible for City Council Review only upon receipt of an appeal. See SRC 300.520(f)(4)(A).								
LEGEND								
PA - Planning Administrator; **BO** - Building Official; **CPDD** - Community Planning and Development Director; **PWD** - Public Works Director; **HO** - Hearings Officer; **HLC** - Historic Landmarks Commission; **PC** - Planning Commission; **CC** - City Council; **FM** - Floodplain Manager								

Sec. 300.850. Expiration and extensions.

(a) *Approval expiration and termination.*

(1) Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:

(A) Development has commenced in compliance with the land use approval;

(B) An extension has been granted pursuant to SRC 300.850(b); or

(C) The land use approval has been revoked as provided under SRC 300.860 or is otherwise invalidated by an administrative board or court of competent jurisdiction.

(2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.

(b) *Extensions.*

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.

(2) Classes.

(A) Class 1 extension. A Class 1 extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application.

(B) Class 2 extension. A Class 2 extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

(3) Procedure type.

(A) A Class 1 extension is processed as a Type I procedure under SRC chapter 300.

(B) A Class 2 extension is processed as a Type II procedure under SRC chapter 300.

(4) Criteria.

(A) A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.

(B) A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

(5) Appeal and review.

(A) The decision on a Class 1 extension may not be appealed, and is not subject to Council review.

(B) The decision on a Class 2 extension may be appealed, and is subject to Council review pursuant to SRC 300.1050. The Review Authority for an appeal of a Class 2 extension shall be the Hearings Officer.

(6) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(7) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

TABLE 300-3. EXPIRATION AND EXTENSION OF APPROVALS

Procedure Type	Expiration Period[1]	Extensions Allowed	Maximum Period for Each Extension[2]	Limitations & Qualifications
Type I				
Design review	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
Class 1 driveway approach permit	4 Years	None	N/A	
Minor historic design review	2 Years	2	2 Years	
Landscaping permit	4 years	None	N/A	

Property line adjustment	2 years	None	N/A	
Sign permit	180 Days	2	180 Days	
Class 1 site plan review Class 2 site plan review	4 Years	None	N/A	If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later.
Class 1 Floodplain development permit	4 Years	None	N/A	
All other Type I	No Expiration Period	N/A	N/A	
Type II				
Class 1 adjustment	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
	2 Years	4	2 Years	Applicable if consolidated with an application for a partition, subdivision, or replat.
	2 Years	4	2 Years	Applicable if consolidated with an application for a phased subdivision (first phase).
	10 Years	None	N/A	Applicable if consolidated with an application for a phased subdivision (all other phases).
Class 2 adjustment	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
	2 Years	4	2 Years	Applicable if consolidated with an application for a

				partition, subdivision, or replat.
	2 Years	4	2 Years	Applicable if consolidated with an application for a phased subdivision (first phase).
	10 Years	None	N/A	Applicable if consolidated with an application for a phased subdivision (all other phases).
Class 2 driveway approach permit	4 Years	None	N/A	
Middle housing land division tentative plan	3 years	None	N/A	Three-year expiration period applies regardless of whether the application is reviewed pursuant to ORS 197.360 to ORS 197.380 or the Type II procedure of this Chapter.
Partition tentative plan; tentative replat	2 Years	4	2 Years	
Subdivision tentative plan	2 Years	4	2 Years	
Phased subdivision tentative plan (first phase)	2 Years	4	2 Years	
Phased subdivision tentative plan (all other phases)	10 Years	None	N/A	
Class 3 site plan review	4 Years	None	N/A	If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later.
<u>Class 2 Floodplain Development Permit</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	
All other Type II	2 Years	2	2 Years	
Type III				
Annexation without minor comprehensive plan map amendment	No Expiration Period	N/A	N/A	

Comprehensive plan map amendment (minor); zone change (quasi-judicial)	No Expiration Period	N/A	N/A	
Planned unit development tentative plan (with land division)	2 Years	4	2 Years	
Floodplain overlay zone variance	4 Years	None	N/A	
All other Type III	2 Years	2	2 Years	
All Type IV	No Expiration Period	N/A	N/A	

[1] The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal.
[2] The extension period is calculated from the date of expiration of the approval.

CHAPTER 601. FLOODPLAIN OVERLAY ZONE

Sec. 601.005. Definitions.

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

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

Appurtenant structure means a non-habitable structure used solely for parking and/or storage, the use of which is incidental to the use of the property or the principal structure on the property.

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

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

Unnumbered A zone means areas with a one-percent annual chance of flooding and a 26-percent chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas, no depths or base flood elevations are shown within these zones.

AE zone means the base flood area where base flood elevations are provided.

AH zone means areas with a one-percent annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet. These areas have a 26-percent chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.

AO zone means river or stream flood hazard areas, and areas with a one-percent or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from one to three feet. These areas have a 26-percent chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses as contained in the FIS are shown within these zones.

AR zone means areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam).

A1—30 zone means the base flood area where base flood elevations are provided.

A99 zone means areas with a one-percent annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.

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

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

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

Bridge means a structure, including supports, erected over a depression or an obstruction such as a waterway, highway, or railway, and having a deck or passageway for transporting pedestrians, vehicles, or other moving loads, and having an opening measured along the center of the deck or passageway of more than 20 feet between undercroppings of abutments, or spring lines of arches, or extreme ends of openings for multiple boxes, and which includes multiple pipes where the clear distance between openings is less than half of the smallest contiguous opening.

Crawlspace is an enclosed area with the floor of the space at or above the lowest grade adjacent to the building and the height does not exceed four feet at any point as measured from the interior grade of the crawlspace to the top of the crawlspace foundation.

Crawlspace, below-grade means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height does not exceed four feet any point as measured from the interior grade of the crawlspace to the top of the crawlspace foundation.

Develop or *development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosed area means an area with two or more outside rigid walls and an affixed roof. Enclosed areas do not include the uncovered portion of a structure, roof canopy areas with only one wall, or areas below the finish floor that are separated by permeable surfaces such as lattice work, or insect screening.

Fish enhancement means the modification of stream channel width, length, depth, alignment, location, profile, bank shape, or in-stream structures, for the purpose of improving ecological, aquatic or habitat functions that have been determined by the Director to have been degraded or lost in the immediate project area, specific stream corridor, or watershed.

Fill means the placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development"; see definition of "development".

Fish Accessible Space means the volumetric space of floodplain areas available to fish to access.

Fish Egress-able Space means the volumetric space of floodplain areas available to fish to exit or leave from.

Flood or *flooding* means:

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

(1) The overflow of inland or tidal waters.

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

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or

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

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

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

Flood insurance study (FIS) means "Flood elevation study."

Floodproofing 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.

Floodplain means any land area susceptible to being inundated by water from any source. See "Flood" or "flooding."

Floodplain Storage Capacity means the volume of floodwater that an area of floodplain can hold during the one-percent annual chance flood.

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

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

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

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

Historic structure means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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 or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a 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:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Impervious surface means an area or surface that prohibits or delays infiltration of rainfall or otherwise causes drainage water to run off the land surface at an increased rate of flow from that present under predeveloped conditions. By way of illustration but not limitation, impervious surfaces may include building roofs, concrete or asphalt paving on walkways, driveways, parking lots, gravel subject to vehicular traffic, roads, compacted soil, and compacted fill.

Interim flood hazard area means an area of flood hazard designated by the Director. The interim flood hazard area is established on a waterway which does not have base flood elevations, floodway, or SFHA boundaries established through a flood insurance study or is established as a more restrictive standard in an existing SFHA. An interim flood hazard area is an approximation of the floodplain.

Letter of Map Change (LOMC) means an official Federal Emergency Management Agency (FEMA) determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (one-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA.

Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the SFHA through the placement of fill outside the existing regulatory floodway.

Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the SFHA.

Letter of Map Revision (LOMR): A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA's modification of the SFHA shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

PMR: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA.

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

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

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

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, such as North American Vertical Datum 88 (NAVD 88), to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

No Net Loss means a standard where adverse impacts are avoided or off-set through adherence to certain requirements so there is no net change in the function from the existing condition when a development application is submitted. The floodplain functions that must be maintained through no-net loss are floodplain storage; water quality; and vegetation.

Qualified Professional means an appropriate subject matter expert that is defined by the City of Salem.

Recreational vehicle means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred square feet or less in area when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine means relating to or situated on a river or riverbank.

Riverine flood zone means riverine flood hazard zones A, AO, AH, A1-30, AE, A99, or AR.

Sheet flow means a type of flood hazard with flooding depths of one to three feet that occurs in areas of sloping land.

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

Special flood hazard area means "Area of special flood hazard."

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land

preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

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

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

Undeveloped space means the volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped.

Variance means grant of relief by the City of Salem from the terms of a floodplain management regulation.

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

Waterway means any perennial river, stream, or creek within the City of Salem.

Waterway centerline means a line one-half the distance between the edges of the low flow channel of the waterway.

Sec. 601.040. Duties and responsibilities of the floodplain administrator.

The Floodplain Administrator is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

(a) *Permit review.* Determine that development permits meet the following criteria:

(1) The permit requirements of this chapter have been satisfied;

(2) All other required local, state, and federal permits have been obtained and approved;

(3) If the development is located in the floodway, assure that the floodway provisions of SRC 601.075(d) are met; and

(4) The proposed development is designed based on Base Flood Elevation (BFE) data available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then the development shall comply with the provisions of SRC 601.070(c);

(5) The development plans shall indicate the minimum elevation of the lowest floor based on the Base Flood Elevation (BFE) applicable to any building requiring a development permit;

(6) The permit requirements have been satisfied related to substantial improvements if the proposed development qualifies as a substantial improvement as defined in SRC 601.005;

(7) The provisions in SRC 601.070(a)(1) have been satisfied if the proposed development activity is a watercourse alteration; and

(8) The provisions in SRC Chapter 82 have been satisfied if the proposed development activity includes the placement of fill or excavation.

(9) Determine whether the proposed development activity complies with the no-let loss standards and mitigation assessment and mitigation plans required under SRC 601.100.

(b) *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), or Flood Insurance Rate Map (FIRM), or obtained in accordance with SRC 601.070(c);

(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 SRC 601.075(d) and SRC 601.040(a)(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 the City of Salem;

(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 chapter and where Base Flood Elevation (BFE) data is provided through the FIS, or FIRM, or obtained in accordance with SRC 601.070(c);

(7) Maintain all floodproofing certificates required under this chapter;

(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 SRC 601.075(d);

(10) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under SRC 601.040(f);

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

(12) Obtain and maintain all habitat and mitigation assessment and mitigation plans required under SRC 601.100.

(c) *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. Such notification shall include 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.

(d) *Watercourse alterations.*

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

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

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

(2) The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under SRC 601.040(e). The Floodplain Administrator shall ensure compliance with all applicable requirements in SRC 601.040(e) and 601.070(a)(1).

(e) *Requirement to submit new technical data.*

(1) 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), Subsection 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.

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

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

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

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

(f) *Substantial improvement and substantial damage assessments and determinations.*

(1) Conduct Substantial Improvement (SI) (as defined in SRC 601.005) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with SRC 601.040(b).

(2) Conduct Substantial Damage (SD) (as defined in SRC 601.005) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the SFHA (as established in SRC 601.030(a)) 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.

Sec. 601.045. ~~Establishment of~~ Floodplain development permit.

(a) ~~*Floodplain development permit required.*~~ *Applicability.* A development permit shall be obtained before construction or development begins within any area horizontally within the SFHA established in SRC 601.030(a) or within an interim flood hazard area established in SRC 601.030(c). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities.

(b) *Classes*.

(1) *Class 1 Floodplain Development Permit.* A Class 1 Floodplain Development Permit is required for any development within the SFHA which does not require a Mitigation Assessment per SRC 601.100.

(2) *Class 2 Floodplain Development Permit.* A Class 2 Floodplain Development Permit is required for any development within the SFHA which requires a Mitigation Assessment per SRC 601.100.

(c) *Procedure type.*

(1) A Class 1 Floodplain Development Permit is processed as a Type I procedure under SRC Chapter 300.

(2) A Class 2 Floodplain Development Permit is processed as a Type II procedure under SRC Chapter 300.

(d) *Submittal Requirements for Class 1 Floodplain Development Permit*. In lieu of the application submittal requirements under SRC Chapter 300, an application for a Class 1 Floodplain Development Permit shall include the following:

(1) A completed application form;

(2) Plans, of a size and form and in the number of copies meeting the standards established by the Floodplain Administrator, showing:

(A) The nature, location, dimensions, and elevations of the area subject to the development application; and

(B) The location of existing and proposed structures, fill, storage of materials, and drainage facilities;

(3) 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 SRC 601.040(b);

(4) The proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(5) A certification by a registered professional engineer or architected licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in SRC 601.075(c)(3);

(6) A description of the extent to which any watercourse will be altered or relocated;

(7) Base Flood Elevation data for subdivision proposals or other development when required pursuant to SRC 601.040(a) and SRC 601.070(b);

(8) A substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; and

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

(e) *Submittal Requirements for Class 2 Floodplain Development Permit*. In lieu of the application submittal requirements under SRC Chapter 300, an application for a Class 2 Floodplain Development Permit shall include the following:

(1) All of the submittal requirements for a Class 1 Floodplain Development Permit under subsection (d) of this section; and

(2) A floodplain mitigation assessment and mitigation plan in accordance with the requirements or SRC 601.100.

(f) *Criteria.*

(1) *Class 1 Floodplain Development Permit.* A Class 1 Floodplain Development Permit shall be granted if the proposed development meets all applicable standards of this chapter.

(2) *Class 2 Floodplain Development Permit.* A Class 2 Floodplain Development Permit shall be granted if:

(A) The proposed development meets all applicable standards of this chapter; and

(B) The application includes a mitigation assessment and mitigation plan which has been prepared in accordance with SRC 601.100 that demonstrates no-net loss of the natural and beneficial functions of floodplains in the SFHA, including floodplain storage; water quality; and riparian vegetation.

(g) *Scope of work authorized by permit.* The issuance of a floodplain development permit under the provisions of this chapter shall be held to authorize work only in accordance with the provisions of this chapter, the approved plans, and work necessarily implied therefrom. The issuance of such permit shall not be construed to be a permit for or approval of any violation of the provisions of this chapter or any other applicable law or ordinance. The issuance of a flood plain development permit based on submitted plans shall not thereafter prevent the Director from requiring the correction of errors or apparent violations contained therein, or from preventing operations being carried on thereunder when in violation of any applicable law or ordinance.

(h) *Expiration*. Transfer of floodplain development permit. Floodplain development permits shall expire as provided in SRC 300.850.

(i) *Plan Review and Permit Fees.*

(1) An application for a floodplain development permit shall be accompanied by the plan review and permit fees as prescribed by resolution of the Council.

(2) Fees set by resolution are fixed and nonrefundable, and are required to support plans review, permit issuance, and inspection services.

(3) Work being done under contract with the City of Salem shall be exempt from the permit fees required under this section.

(4) Where work for which a permit is required by this chapter is commenced or proceeds prior to obtaining the permit, the fees specified in subsection (1) of this section shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein.

~~(b) *Scope of work authorized by permit.* The issuance of a permit under the provisions of this chapter shall be held to authorize work only in accordance with the provisions of this chapter, the approved plans, and work necessarily implied therefrom. The issuance of such a permit shall not be construed to be a permit for or approval of any violation of the provisions of this chapter or any other applicable law or ordinance. The issuance of a permit based on submitted plans shall not thereafter prevent the Director from requiring the correction of errors or apparent violations contained therein, or from preventing operations being carried on thereunder when in violation of any applicable law or ordinance.~~

~~(c) *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 SRC 601.040(b);~~

~~(2) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;~~

~~(3) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in SRC 601.075(c)(3);~~

~~(4) Description of the extent to which any watercourse will be altered or relocated;~~

~~(5) Base Flood Elevation data for subdivision proposals or other development when required per pursuant to SRC 601.040(a) and SRC 601.070(b);~~

~~(6) Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; and~~

~~(7) The amount and location of any fill or excavation activities proposed.~~

~~(d) *Permit fees.*~~

~~(1) An application for a floodplain development permit shall be accompanied by the permit fees as prescribed by resolution of the Council.~~

~~(2) Fees set by resolution are fixed and nonrefundable, and are required to support plans review, permit issuance, and inspection services.~~

~~(3) Work being done under contract with the City of Salem shall be exempt from the permit fees required under this section.~~

~~(4) Where work for which a permit is required by this chapter is commenced or proceeds prior to obtaining the permit, the fees specified in subsection (1) of this section shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein.~~

~~(5) Floodplain development permits shall be nontransferable. Any change in applicant such as a change in ownership of the land will require reapplication for permits. If six months has lapsed since plan approval required by SRC 601.045(c), reapplication for plan check shall be made.~~

Sec. 601.050. ~~Varianceprocedure~~. Floodplain overlay zone variance.

(a) *Purpose.* The issuance of a floodplain overlay zone 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.

(b) *Applicability.*

(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 SRC 601.050(b)(3), 601.050(b)(5) and 601.050(c). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

(c) *Procedure type.* Floodplain overlay zone variances are processed as a Type III procedure under SRC Chapter 300.

(d) *Submittal requirements.* In lieu of the application submittal requirements under SRC Chapter 300, an application for a floodplain overlay zone variance shall contain the following information:

(1) A completed application form;

(2) Plans, of a size and form meeting the standards established by the Floodplain Administrator, showing:

(C) The nature, location, dimensions, and elevations of the area in question; and

(D) The location of existing and proposed structures, fill, storage of materials, and drainage facilities;

(3) 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 SRC 601.040(b);

(4) The proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(5) A certification by a registered professional engineer or architected licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in SRC 601.075(c)(3);

(6) A description of the extent to which any watercourse will be altered or relocated;

(7) Base Flood Elevation data for subdivision proposals or other development when required pursuant to SRC 601.040(a) and SRC 601.070(b);

(8) A substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; and

(9) The amount and location of any fill or excavation activities proposed;

(10) A floodplain mitigation assessment and mitigation plan in accordance with the requirements or SRC 601.100.

(11) 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, when the development subject to the variance is located within the floodway.

(e) Criteria. A floodplain overlay zone shall be granted if the following criteria are met:

(1) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) The application for the variance includes a showing of good and sufficient cause;

(3) Failure to grant the variance would result in exceptional hardship to the applicant;

(4) The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances

(5) The application for the variance includes a mitigation assessment and mitigation plan which has been prepared in accordance with SRC 601.100 that demonstrates no-net loss of the natural and beneficial functions of floodplains in the SFHA, including floodplain storage; water quality; and riparian vegetation; and

(5) For variances within the floodway, the variance will not result in any increase in the flood levels during the base flood discharge;

(6) For new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of SRC 601.050(b)(2), 601.050(b)(3) and 601.050(b)(4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(f) *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 SRC 601.040(b).

~~(b) *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 SRC 601.050(b)(3), 601.050(b)(5) and 601.050(c). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.~~

~~(2) Variances shall be only 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 be only 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, or extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.~~

~~(5) 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 SRC 601.050(b)(2), 601.050(b)(3) and 601.050(b)(4) 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.~~

~~(c) *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 SRC 601.040(b).~~

Sec. 601.075. 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 SRC 601.070(a) and the mitigation assessment requirements of SRC 601.100.

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

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

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

~~(B) Be used solely for parking, storage, or building access; and~~

(~~C~~B) Be certified by a registered professional engineer or architect or meet or exceed all the following minimum criteria:

(i) A minimum of two openings;

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

(iii) The bottom of all openings shall be no higher than one foot above grade.

(iv) 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

(v) 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.

(2) Enclosed areas below the Base Flood Elevation shall be limited only to crawl spaces or below-grade crawl spaces.

(b) *Garages.*

(1) Attached garages shall be constructed with the garage floor slab no less than one foot above the Base Flood Elevation (BFE) in riverine flood zones.

(2) Detached garages must be constructed in compliance with the standards for appurtenant structures in SRC 601.075(c)(6) or non-residential structures in SRC 601.075(c)(3) depending on the square footage of the garage.

(c) *Riverine (non-coastal) SFHAs with base flood elevations.* In addition to the general standards listed in SRC 601.070(a) the following specific standards shall apply in SFHAs with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

(1) *Before regulatory floodway.* In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. <u>The proposed fill shall comply with the mitigation assessment requirements of SRC 601.100.</u>

(2) *Residential construction.*

(A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no less than one foot above the base flood elevation.

(B) Enclosed areas below the lowest floor shall comply with the flood opening requirements in SRC 601.075(a).

(3) *Non-residential construction.*

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

(i) Have the lowest floor, including basement elevated no less than one foot above the base flood elevation; or, together with attendant utility and sanitary facilities;

(ii) Be completely floodproofed to one foot above the base flood elevation, 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 SRC 601.075(c)(3)(A)(iv).

(iii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iv) 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 in SRC 601.040(b).

(B) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in SRC 601.075(a).

(C) 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 one (1) foot above the base flood level will be rated at the base flood level).

(4) *Manufactured dwellings.*

(A) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with SRC 601.075(a);

(B) The bottom of the longitudinal chassis frame beam shall be no less than one foot above the base flood elevation;

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

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

(5) *Recreational vehicles.*

(A) Recreational vehicles placed on sites are required to:

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

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

(iii) Meet the requirements of SRC 601.075(c)(4), including the anchoring and elevation requirements for manufactured dwellings.

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

(A) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in SRC 601.075(d);

(B) Appurtenant structures shall be only used for parking, access, and/or storage of low value and nonhazardous items and shall not be used for human habitation;

(C) In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two 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;

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

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

(F) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in SRC 601.075(a);

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

(H) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with SRC 601.070(a)(6);

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

(7) *Below-grade crawl spaces.*

(A) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in SRC 601.075(a). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(B) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(C) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(D) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system

components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(E) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(F) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(G) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

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

(d) *Floodways.* Located within the SFHAs established in SRC 601.030(a) 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, and the encroachmen(s) comply with the mitigation assessment requirement in SRC 601.100; 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, and the encroachment(s) comply with the mitigation assessment requirement in SRC 601.100.

(C) If an encroachment proposal within the adopted regulatory floodway would result in an increase in base flood elevations, the Director may permit the encroachment without a CLOMR only if the encroachment proposal meets the following criteria:

(i) Is for the purpose of fish enhancement;

(ii) Does not involve the placement of any structures (as defined in SRC 601.005) within the floodway;

(iii) Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project;

(iv) Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project;

(v) Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency; ~~and~~

(vi) Has evidence to support that no existing structures will be negatively impacted by the proposed activity; and

(vii) The encroachment(s) comply with the mitigation assessment requirement in SRC 601.100.

(D) For encroachments permitted without a CLOMR, as allowed under the provisions of SRC 601.075(d)(1)(C), written notice of the Director's permit decision shall be mailed to the applicant, the applicable neighborhood associations, watershed council, and land owners along the immediately affected stream corridor within 1,500 feet of the project site. The permit shall issue 15 days after the date of mailing of decision, unless appealed as provided in this section. Within 15 days of the mailing of the Director's decision, any person may file a written notice of appeal to the Council, with the fee established by resolution of the Council, specifying the manner in which the Director erred. Upon such appeal, the Council shall conduct a de novo hearing and make a final determination. No permit shall be effective pending Council's determination.

(2) If the requirements of SRC 601.075(d)(1) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of SRC 601.070.

(e) *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 to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. 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) Standards for AH zones. Development within AH Zones must comply with the standards in SRC 601.070(a), SRC 601.075, and SRC 601.075(e).

(2) Standards for AO zones. In AO zones, the following provisions apply in addition to the requirements in SRC 601.070(a) and SRC 601.075(e)

(A) 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 to one foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two feet if no depth number is specified). For manufactured dwellings the lowest floor is the bottom of the longitudinal chassis frame beam.

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

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to one foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) or a minimum of at least three feet above the highest adjacent grade if no depth number is specified); or

(ii) Together with attendant utility and sanitary facilities, be completely floodproofed to one foot above the depth number specified on the FIRM or a minimum of three feet above the highest adjacent grade if no depth number is specified, 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 SRC 601.075(c)(3)(A)(iv).

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

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

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

(iii) Meet the elevation requirements of SRC 601.075(e)(2)(A), and the anchoring and other requirements for manufactured dwellings of SRC 601.075(c)(4).

(D) In AO zones, new and substantially improved appurtenant structures must comply with the standards in SRC 601.075(c)(6).

(E) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in SRC 601.075(a).

Sec. 601.100. Floodplain Mitigation Assessment.

A floodplain mitigation assessment and mitigation plan are required for all development in the SFHA. The mitigation assessment and mitigation plan are required to ensure no-net loss of the natural and beneficial functions of floodplains in the SFHA, pertaining to floodplain storage; water quality; and riparian vegetation.

(a) The mitigation assessment and mitigation plan shall be prepared at the applicant's sole expense by a qualified professional in accordance with the requirements of the *Floodplain Mitigation Assessment Regional Guidance for Oregon* or the *Floodplain Habitat Assessment and Mitigation Regional Guidance for Oregon*, prepared by FEMA Region X, or any successor guidance document approved by FEMA for habitat and mitigation assessments in Oregon.

(b) The following activities are exempt from the mitigation assessment requirements of this chapter:

1. Repair and maintenance of existing structures, provided there is no change in the footprint or expansion of the roof of the structure and the repair and remodeling is not considered a substantial improvement or repair of substantial damage;

2. Street and sidewalk maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts; expansion of paved areas, however, are not exempt;
3. Maintenance of landscaping that does not involve regrading, excavation, or filling;
4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
5. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts;
6. Removal of noxious weeds and hazard trees as defined in SRC Chapter 808, and replacement of non-native vegetation with native vegetation;
7. Maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
8. Maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor;
9. Habitat restoration activities;
10. Development activities that are located solely within locally adopted Interim Flood Hazard Areas pursuant to SRC 601.030(c).

(c) Any development application that involves Endangered Species Act Section 7 or Section 10 consultation with federal agencies is required to follow that process to determine impacts to endangered species and mitigation requirements rather than the procedure described herein. However, the application must demonstrate compliance with all applicable city regulations and the applicant must submit a copy of the biological assessment provided to federal agencies as part of the city's permit process.