Planning Commission Agenda
April 15, 2025
7:00 PM

Chairperson:	Todd Culver
Vice Chairperson:	Jeremy Moritz
Commissioners:	Rhonda Giles, Kurt Kayner, Kent Wullenwaber, Susan Jackson, Joe Neely and Youth Advisor Taylor Tatum
Meeting Location:	Harrisburg Municipal Center Located at 354 Smith St

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Administrator Michele Eldridge, at 541-995-2200.*
7. *Masks are not required currently. The City does ask that anyone running a fever, having an active cough or other respiratory issues, not to attend this meeting.*
8. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

APPROVAL OF MINUTES

1. **MOTION TO APPROVE THE PLANNING COMMISSION MINUTES FROM OCTOBER 15, 2024**

PUBLIC HEARING

2. **THE MATTER OF HOLDING A PUBLIC HEARING AND RECOMMENDING APPROVAL/AMENDMENT/DENIAL OF THE DRAFT AMENDMENT TO THE CITY OF HARRISBURG FLOOD HAZARD MANAGEMENT CODE, HMC 18.55.070 (LU 463-2025) TO THE CITY COUNCIL**

   STAFF REPORT EXHIBITS:

   Exhibit A: Draft HMC 18.55 (Pg 21)

   Exhibit B: Land Use Application (Pg 52)

   Exhibit C: Maps of SFHA Areas in Harrisburg (Pg 56)

   ACTION: MOTION TO APPROVE/APPROVE AS AMENDED/DENY THE RECOMMENDATION OF THE AMENDMENT TO THE CITY OF HARRISBURG FLOOD HAZARD MANAGEMENT CODE, HMC 18.55.070 (LU 463-2025) TO THE CITY COUNCIL. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE APRIL 8, 2025 STAFF REPORT, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.

   APPLICANT: City of Harrisburg

OTHERS

ADJOURN

Planning Commission Meeting Minutes
October 15, 2024

Chairperson:	Todd Culver, Presiding
Commissioners Present:	Jeremy Moritz, Joe Neely, Susan Jackson, Rhonda Giles, Kent Wullenwaber, and Youth Advisor Nolan Malpass.
Commissioners Absent:	Kurt Kayner
Staff Present:	City Administrator/Planner Michele Eldridge,
Meeting Location:	Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Chairperson Todd Culver

CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present was there for items on the agenda.

APPROVAL OF MINUTES

Moritz **motioned to approve the minutes for June 18, 2024, and was seconded by** Wullenwaber.
The Planning Commission then voted unanimously to approve the Minutes for June 18, 2024.

PUBLIC HEARING

THE MATTER OF APPROVING THE PROPOSED PRELIMINARY SUBDIVISION PLAT FOR SOMMERVILLE MEADOWS LOCATED AT 915 SOMMERVILLE LOOP (LU NO.459-2024).

Chairperson Todd Culver read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:04PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts.
Moritz declared both a conflict of interest and ex parte contact. He recused himself to the audience during the entirety of the Public Hearing.
There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Culver then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience on how they would

need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge gave a summary of the application. She stated that this plat includes 11 residential lots for single-family detached homes and is located in an R-1 zone. The proposed preliminary subdivision plat includes one new public street and limited improvements to the existing Sommerville Loop right-of-way.
Eldridge highlighted the following conditions and Criteria:

- Criterion 1 – Met.
- Criterion 2 – Met with Condition 1: Provide Linn County Surveyor with the proposed subdivision plat name, Condition 2: Enter into a mutual agreement for infrastructure and utilities, and Condition 3: Provide copy of a DEQ 1200-C Report to City.
- Criterion 3 – Met.
- Criterion 4 – Met.
- Criterion 5 – Met with Condition 4: Sidewalks, curbs & gutters, Condition 5: Bring Lot No. 11 up to code, and Condition 6: Emergency turnaround paving required.
- Criterion 6 – Met with Condition 7: Fencing and plantings for detention pond.
- Criterion 7 – Met with Condition 8: Culverting, curbs and gutter and engineering detail, Condition 9: Street trees, Condition 10: Reserve strip, Condition 11: Fire hydrant, streetlights, and mailboxes.
- Criterion 8 – Not Applicable
- Criterion 9 – Met with Condition 12: Water system connection.
- Criterion 10 – Met with Condition 13: Drainage and storm system.
- Criterion 11 – Met with Condition 14: Underground utilities.
- Criterion 12 – Met with Condition 15: Easements.
- Criterion 13 – Met with Condition 16: Permitting required.
- Criterion 14 – Met with Condition 17: Installation plan.
- Criterion 15 – Met with Development Consideration #1 – Separate Development Agreement (DVA).
- Criterion 16 – Met with Development Consideration #2 – Shop on Lot No. 10 may not be used without residential dwelling, and Development Consideration #3 – Minimum sized garage/carport must be constructed on Lot No. 11.
- Development Consideration #4 – Submission of Final Plat.
- Development Consideration #5 – Comply with plan submitted.
- Development Consideration #6 – Wells shall be properly abandoned.
- Development Consideration #7 – Requirements imposed upon a developer or builder.
- Development Consideration #8 – All public improvements subject to review.
- Development Consideration #9 – All documents must be stamped by licensed professionals at time of final plat.

Staff feels that all requirements are met and recommends approval.

APPLICANTS TESTIMONY: Doug Shelly addressed Commission to answer any questions. None asked at this point.

TESTIMONY IN FAVOR WAS ASKED FOR.

- Bob Bronson spoke in favor and voiced concern about storm water and drainage into the City's infrastructure. He also spoke to the parking on the narrow street.

TESTIMONY IN OPPOSITION WAS ASKED FOR.

- None given.

NUETRAL TESTIMONY WAS ASKED FOR.

- Gordon Moritz, Jeremy Moritz, and Dana Henry commented.

The public hearing was closed at the hour of 8:01pm.

- Commission discussed street parking issues and hammerhead treatment for EMS services. When concern was related about the width of the road, Giles pointed out that the code allows the proposed 29'.
- The applicant also brought up concerns about not being allowed to develop the existing properties that aren't served by the new road, until that infrastructure is completed. This was discussed for some time, and it was noted that this situation hasn't come up before, with some lots available from already developed streets. As such, the Planning Commission determined a new condition, No. 18, which will allow construction on Lots 9, 10 and 11, if the final plat is recorded at Linn County, the Development Agreement has been completed by both parties, and the Civil Engineering (privately engineered public improvement construction plans and specification) for the subdivision have been completed.
- Eldridge called Public Works Director Chuck Scholz and verified that the storm flow from the detention pond will be routed down the 9th Street system, to the drainage system on the north side of Sommerville Loop, which then flows across 6th Street and out towards Eagle Park.
- Giles **motioned to approve and amend the Sommerville Meadows Preliminary Subdivision, LU No. 459-2024, subject to the conditions of approval contained in the June 10, 2024 Staff Report. This motion is based on findings contained in the October 8, 2024 Staff Report and on findings made during the deliberations on the request**. **Condition No. 13 was amended to read 'shall" instead of "Should". Condition No. 18 was added: The Applicant will be allowed construction on lots 9, 10 and 11, if the following conditions are met: The Final Plat has been recorded at Linn County; The Development Agreement has been completed by both parties; and the Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer was added. The motion was seconded** by Neely.
- **The Planning Commission then voted unanimously to approve and amend the Sommerville Meadows Preliminary Subdivision, LU No. 459-2024, subject to the conditions of approval contained in the June 10, 2024 Staff Report. This motion is based on findings contained in the October 8, 2024 Staff Report and on findings made during the deliberations on the request. Condition No. 13 is amended to read 'shall" instead of "Should". Condition No. 18 was added: The Applicant will be allowed construction on lots 9, 10 and 11, if the following condition are met: The Final Plat has been recorded at Linn County; The Development Agreement has been completed by both parties; and the Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer was added.**

OTHERS

- Eldridge noted that some cities are declaring moratoriums on storage facilities. However, even though we have a lot of them, and would prefer that our precious industrial land is not used for more; if they follow the City's development code, we wouldn't be able to declare a moratorium without risking a lawsuit because it would otherwise be discriminatory.

With no further discussion, the meeting was adjourned at the hour of 8:42 pm.

Chairperson **City Recorder**

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a proposed Preliminary subdivision plat entitled Sommerville Meadows Subdivision (LU 459-2024) to create an 11-parcel subdivision, with one storm detention tracts.

LOCATION: The subject site is located on the east side of S. 9th St., in between the Max Hammer Subdivision, and Sommerville Loop. The address is 915 Sommerville Loop, and is otherwise known as 15S-04W-15CA 03200.

HEARING DATE: October 15, 2024

ZONING: R-1 (Single-Family Residential)

APPLICANT: Doug Shelley
1163 Spruce St.
Junction City, OR 97448

OWNER: Regal Homes by Shelley, Inc.
1163 Spruce St.
Junction City, OR 97448

APPEAL DEADLINE: October 28, 2024 10:00am

DECISION: The Harrisburg Planning Commission conducted a public hearing on October 15, 2024, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the October 15, 2024, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: People with legal standing to appeal are the applicant or owner of the subject property, and any person who testified orally or in writing during the subject public hearing before the close of the public record. The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an

appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of $1,000.00.

EFFECTIVE DATE: October 28, after 10:00am, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Final Plat must be provided to the City within two years after the preliminary subdivision plat is approved, and is considered a Type I Application.

If the applicant has not submitted the final plat for approval within two years of the approval of the preliminary plat as provided by HMC 19.20.090, then the approval shall lapse, and the applicant will need to refile for the preliminary plat process.

MODIFICATIONS & EXTENSIONS:

The applicant may request changes to the approved preliminary plat or the conditions of approval following the procedures and criteria provided in Chapter 19.30 HMC. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period of a Type III Procedure not to exceed one year per extension, provided that the applicant follows all criteria as required in HMC 19.20.030(3).

Todd Culver
Planning Commission Chair

APPROVED CONDITIONS OF APPROVAL

CONDITION NO.1: The Applicant shall provide to the Linn County surveyor the proposed subdivision plat name to verify the plat name is not already recorded for another subdivision and that it satisfies the provisions of ORS Chapter 92.

CONDITION NO. 2: The applicant and the City of Harrisburg shall enter into a mutual agreement for the placement and completion of all required infrastructure and utilities, including permanent access and maintenance easement for the storm drain detention area by the City with funding assistance provided by the applicant

CONDITION NO. 3: The applicant must provide a copy of the approved DEQ 1200-C Report to the City, prior to construction beginning on the site.

CONDITION NO. 4: The developer will be required to wrap the sidewalk, curbs and gutters around to the Sommerville Loop side of the property, to the southeastern corner of Lot No. 10. During this process, the driveway on the southwest corner must be discontinued, as it is in a dangerous location.

CONDITION NO. 5: The developer will be required to bring Lot No. 11 up to code, as it is currently non-conforming. This triggers other development requirements, which will be addressed later in this report. Curbs, gutters and sidewalks will be required from the southwestern corner to the southeastern corner of Lot. No. 11, and the developer must also pave the first 25' of each leg of the circle driveway. The developer can choose to discontinue a portion of the driveway in order to limit paving requirements, but must determine which section of driveway will be considered primary, as access across the curbs, gutters and sidewalks will only be allowed for the primary driveway.

CONDITION NO. 6: The developer has shown an emergency turnaround easement on Lots No. 4 and 5. These easements must be paved, and be able to withstand 75,000 lbs. of emergency vehicle. The deed for lots 4 and 5 should state that the homeowners are not allowed to park on these approaches, but may use them as a driveway to the back of their property, or to a gravel pad used to store a RV. The developer shall add a small sign to the landscaping in this area at the time that the building permit is issued that states no parking in this area.

CONDITION NO. 7: The applicant shall provide the City with a plan for a fence, and plantings for a standard detention pond as required by the City Engineer in the detail provided in the public improvements plan set. (Civil Engineering)

CONDITION NO. 8: Applicant will provide the engineering detail for the culverting, sidewalk, curbs and gutters, that are required on Sommerville Loop at the time of the Civil Engineering plans being provided to the City Engineer for approval.

CONDITION NO. 9: Builders shall provide street trees in the front yards of lots located in the Sommerville Meadow Subdivision to meet the provisions of HMC 12.20.010(3). The required street tree planting funds shall be provided to the City of Harrisburg, consistent with the provisions of HMC Chapter 12.20, and Council Fee Resolutions at the time of the filing the Development Agreement (DVA).

CONDITION NO. 10: The applicant will be required to provide the City with a reserve strip as a separate tract in the final plat. This detail shall be required to be shown in the civil engineering set of plans that the City Engineer will approve.

CONDITION NO. 11: At the time of submitting the required privately engineered public improvement construction plans and specifications, the Applicant shall show the location and type of fire hydrant, the location and elevation of the closest benchmarks, the location and type of street light at the intersection of S. 9th St. and Thompson Way, as well mailbox detail that conforms to the requirements of the USPS and State of Oregon Structural Specialty Code.

CONDITION NO. 12: Lot No. 11 does not have water services at this time, and must be connected to the water system prior to the Final Plat submission, or a period of six months from the date of approval of this preliminary plat, whichever comes first. This will require that connection fee and meter drop fees be paid by the developer, and that a backflow device be installed through a standard plumbing permit.

CONDITION NO. 13: The applicant shall provide and show that the roof drainage for future homes shall be piped to the storm system through weepholes in the curbs, and shall be detained in the storm detention system. The applicant must also work with the City Engineer to determine a different detention device, such as a storm detention pond, that can be used for storage of storm water. As previously conditioned, the stormwater detention area will need to be landscaped, and fenced. All changes shall be reviewed and approved by the City Engineer, and will be shown on the privately engineered public improvement construction plans and specifications

CONDITION NO. 14: In accordance with the requirements of HMC 18.85.060(2)(b), all utilities shall be placed underground prior to the issuance of the first building permit.

CONDITION NO. 15: All proposed easements shall be provided at the time of Final Plat application submittal. The proposed easements shall be referenced on the final plat and recorded accordingly.

CONDITION NO. 16: The Applicant shall acquire all required permits, including but not limited to those related to demolition (if applicable) and site preparation, building, electrical, mechanical, and plumbing, before beginning construction of different project components, as required by HMC Title 15.

CONDITION NO. 17: The Applicant shall provide an acceptable plan for the installation of items provided in design specifications, including but not limited to the number, type and location of fire hydrants, manholes, sidewalks, street signs and mail receptacles. These items shall be provided to the City Engineer prior to starting construction of the infrastructure of this subdivision.

CONDITION NO. 18: The Applicant will be allowed construction on lots 9, 10 and 11, if the following conditions are met:

- The Final Plat has been recorded at Linn County
- The Development Agreement has been completed by both parties
- The Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer.

OTHER DEVELOPMENT CONSIDERATIONS (*Informational Only*)

DEVELOPMENT CONSIDERATION NO. 1: A separate Development Agreement (DVA) between Applicant and the City of Harrisburg will be required before any construction begins. The Development Agreement will include bond and deposit requirements, as well as other engineering requirements

DEVELOPMENT CONSIDERATION NO. 2: The developer must inform any buyer of Lot No. 10 that they may not use the shop for storage until/unless a new residential dwelling is submitted for the building permit process. If the owner wishes to use the accessory structure as a garage, then it must come into compliance by the addition of a paved parking pad, and paved driveway accessed from S. 9th St.

DEVELOPMENT CONSIDERATION NO. 3: The applicant must construct a minimum sized garage/carport with paved parking pad prior to the City allowing any other building permit to be submitted in this subdivision.

DEVELOPMENT CONSIDERATION NO. 4: Submission of Final Plat – Applicant shall submit a Final Plat application consistent with HMC 19.20.090 within two years of the final approval of the preliminary plat.

DEVELOPMENT CONSIDERATION NO. 5: Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the recommended conditions of approval.

DEVELOPMENT CONSIDERATION NO. 6: If there are any wells on the property that will not be used, they shall be properly abandoned by a licensed well driller.

DEVELOPMENT CONSIDERATION NO. 7: Requirements herein imposed upon the Applicant may be imposed upon a developer or builder if the developer or builder has accepted the responsibility in a written document, and the City of Harrisburg is satisfied

that it will not have any adverse impact on bonding requirements or other guarantees of compliance.

DEVELOPMENT CONSIDERATION NO. 8: All public improvements, including but not limited to, traffic control devices, detailed storm detention and conveyance system, sanitary sewer conveyance system, water distribution system, and roadway design details, are subject to review and approval under a future review of the privately engineered public improvement construction plans and specifications. The privately engineered public improvement construction plans and specifications need to be complete and approved before any construction starts on the project.

DEVELOPMENT CONSIDERATION NO. 9: At the time of Final Plat and development permit application submittals, all documents need to be stamped and signed by applicable licensed professionals, including but not limited to architectural, engineering, and landscape plans and technical reports and memorandums like the Storm Drainage Report and Sight Distance Memorandum.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF HOLDING A PUBLIC HEARING AND RECOMMENDING APPROVAL/AMENDMENT/DENIAL OF THE DRAFT AMENDMENT TO THE CITY OF HARRISBURG FLOOD HAZARD MANAGEMENT CODE, HMC 18.55.070 (LU 463-2025) TO THE CITY COUNCIL

STAFF REPORT EXHIBITS:

Exhibit A: Draft HMC 18.55

Exhibit B: Land Use Application

Exhibit C: Maps of SFHA Areas in Harrisburg

1. **ACTION: MOTION TO APPROVE/APPROVE AS AMENDED/DENY THE RECOMMENDATION OF THE AMENDMENT TO THE CITY OF HARRISBURG FLOOD HAZARD MANAGEMENT CODE, HMC 18.55.070 (LU 463-2025) TO THE CITY COUNCIL. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE APRIL 8, 2025 STAFF REPORT, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.**

APPLICANT: City of Harrisburg

LOCATION: All properties located in the Special Flood Hazard Zones

HEARING DATE: April 15, 2025

BACKGROUND

The City of Harrisburg received an initial notice in August 2024 that the City would be required by FEMA to update our current Special Flood Hazard Management Code Standards. Code change requirements and language weren't shared with the City until October, when training was finally provided by FEMA. The Department of Land Conservation and Development (DLCD) also created a model ordinance, which was updated in November 2024. This was created to assist cities and counties with the requirements that apply to the special flood hazard areas. The official terminology for the changes are Pre-Implementation Compliance Measures, or PICM for short.

At the heart of this matter is that FEMA abruptly began requiring compliance measures in response to the biological opinion (BiOp) on how the National Flood Insurance

Program (NFIP) is complying with the Endangered Species Act (ESA.) A letter was sent to FEMA by both the Governor, and the Oregon delegation of Congress and Senate members asking them to pause work on the PICM requirements, and instead work on long term implementation of the BiOp, as well as asking them to meet with state agencies, such as the DLCD, and to work with them according to how our State governs land use. They asked them to find solutions in how to make this process work better for all the government agencies/bodies involved. The Planning Commission can find more information located at https://www.oregon.gov/lcd/NH/Pages/NFIP.aspx. Ultimately, FEMA rejected all of their requests, although it did ease up on the deadlines that had first been required.

The City provisionally joined other cities and counties in the northwestern part of the State of Oregon, which are opposed to the FEMA compliance standards. The Mayors Association also noted that FEMA is eager to shift the burden of following these standards to local governments, regardless of whether the new standards are working within Oregon policies and laws, and that there are no regulatory basis for the proposed requirements. FEMA responded that they are allowed to do this through the Code of Federal Regulations (CFR-Specifically, 44 CFR 60.3(a)(2)).

Unfortunately, ramifications of opposing these measures in Harrisburg would result in losing our Recreational Trails Project grant of $150,000, as it is federally funded. The City was also notified that ultimately, disaster relief funding would not be applied to the City of Harrisburg and its citizens, unless we met with the compliance standards.

Cities were required to adopt three different pathways of compliance. One is to adopt the PICM model floodplain management ordinance that requires mitigation to a no net loss standard to aquatic species. The second was to review development proposals on a permit-by-permit basis to achieve no net loss standards, or the third option was to prohibit all new development in Special Flood Hazard Areas.

The City Council reviewed the choices available, and chose to adopt PICM Option 1, which adopts amendments to the flood hazard management code. This PICM must be in place until the release and implementation of the Final Implementation Plan, which is due in 2027. The choice of the City was conveyed by the deadline on December 1, and the City was then required to use the case-by-case methodology basis until the amended code was adopted. All cities must fully implement their chosen PICM option by July 31, 2025.

Most cities and counties in Oregon were delaying this process, just like Harrisburg, hoping for this process to be halted, due to changes in Washington DC, that had not yet occurred. Those have not yet materialized. The fact that our City could lose disaster aid during a major disaster is the most important element of why the City is proceeding with these changes. Luckily, the City can revert to it's original code if the requirements are ever reversed in the future, whether if required by the federal government, or if compelled to by current lawsuits against FEMA.

INTRODUCTION

The model ordinance included a section of mitigation that Staff felt that was far too onerous for our citizens and businesses to implement. It was intimidating and seemed to require that an applicant obtain the services of professionals in the Environmental & Natural Resources profession. These professionals are hard to find, and are overworked. In addition, a study typically costs from $10,000 to $50,000. The changes that we felt would work best for Harrisburg are those shown in **Exhibit A.** This adopts some terminology and definitions for the new code provisions, and adds a new section, which adopts the no-net loss requirements. Those are located at the end of the amended code, and are entitled Standards for Protections of SFHA Floodplain Functions, (Page No. 26 of that section of packet).

The design of the City in relation to the Willamette River has been done really well over the decades. Most of the properties that are in the SFHA are located near the river, and almost all of them have been developed fully. Technically, 35 properties are affected by changes in the SFHA. The biggest property owner is the City of Harrisburg, due to Riverfront and Eagle Parks. Other properties, particularly those of Knife River/Morse Bros, were already constrained, due to the requirements of the Greenway Zone, Safe Harbor/Riparian Zones, and Wetland Protection code. Those overlay areas aren't being replaced by this amended code. As an example, property belonging to Life Bible, is located in the swales and forests next to the River; therefore, this code will not change anything for them, unless they want to provide access through the riparian forest and swale areas to the slough and river banks.

Section 6.3, located on Page 29, shows the normal exemptions to following the requirements of this zone. For example, normal maintenance projects are still allowed, such as changing siding, or reroofing a home. Normal street projects are allowed. Routine agricultural practices are still allowed, provided spoils are removed form SFHA areas, or are tilled into fields as a soil amendment. Routine silviculture practices are also allowed. Normal maintenance of above ground utilities and facilities, and streets are also allowed.

The main standards are applicable to ***undeveloped spaces on properties***, and ONLY where the Special Flood Hazard Areas are located on properties. Also, developing space isn't completely halted, but property owners do have to follow the requirements of the code. For instance, the City will be compensating for some loss of habitat by creating a swale in Eagle Park that will double the size of the property that is being developed. Trees that are more than 6-inches dbh may not be removed, unless they are hazard trees. If a property owner needs to remove them, they can add back in 3 trees for every 1 removed. Table No. 1, located on Page 30, shows the ratio required. There are special provisions for stormwater management in these zones, which reflect the changes that DEQ already requires of the City. There is a Riparian buffer Zone as well, which is larger than the regular Riparian area requirements. Luckily, these areas do not continue past the boundaries of the SFHA. The actual riparian area from top of bank, does continue out the full length as required by code.

When adopting new Legislative code, the City is required to hold two different public hearings. Both hearings are advertised and are designed to allow comments from the citizens in our community. If there is formal testimony, the Planning Commission can determine if it warrants any amendments to the proposed code. However, in this case, the Planning Commission is cautioned that there are many of these code requirements that we can't avoid.

CRITERIA AND FINDINGS OF FACT

HMC 19.35.030 – Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the zoning map, development code, or comprehensive plan shall be based on all of the following criteria:

1. **If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the Statewide planning goals and relevant Oregon administrative rules;**

Discussion: The City's Comprehensive Plan is based on the Statewide Planning Goals, as they are stated in Goals 5, 6, 8, 12 and 15. These are compatible with the City's Comprehensive plan, as well as the Statewide Planning Goals pursuant to OAR 660-030-0070. In addition, as per OAR 660-018-0022, the City submitted the change to the DLCD a minimum of 35 days before holding the first evidentiary hearing on adoption of the proposed change.

Finding: As noted in the criteria, the proposed changes are consistent with Statewide Planning Goals, as well as OAR . **This criteria is met.**

Harrisburg Comprehensive Plan Goals: The City's Comprehensive Plan for Goals 1, 2, 5, 6, 7, 8, 12 and 15 are met by the adoption of this amendment.

Goal 1: Citizen Involvement:
Discussion: By sending letters, and posting information on bulletin boards and on the website, the City is ensuring that citizens are all involved in phases of the planning process. Due process is met by scheduling and holding public hearings during both evidentiary meetings.

Goal 2: Land Use:
Discussion: The City is required to comply with Statewide Planning Goals, which are affected by this amendment. We are required to participate with other jurisdictions, which include state and federal agencies. We have met Statewide Planning Goals 5, 6, 8, 12 and 15.

Goal 5: Open Spaces and Historical Areas, and Natural Resources:
Natural Resources: *The natural resources of the Harrisburg Planning Area are important to the economic base of the City and affect the quality of life experienced by residents of the area. It is therefore essential that the natural resources of the Planning Area be inventoried and considered in the planning process. This section will discuss the following: surface water; groundwater; aggregate deposits; fish and wildlife habitat; and scenic resources.*

Discussion: In the Harrisburg Comprehensive Plan, Goal 5, Natural Resources, it's noted that the Willamette River is an important resource. The SFHA (Special Flood Hazard Area) is present in both the northwest corner and the southwest corner of town. The entirety of Eagle Park is inside the SFHA. Goal 5 calls for the conservation of open space and protection of natural and scenic resources. The park is completely open and natural space, while the lots that are in the northwest corner were built out before these FEMA (Federal Emergency Management Agency) SFHA areas were noted by the City.

There is a small area inside the city limits, that is in the SFHA zone, which are currently farmed. Agricultural activities may continue under the exemptions allowed in the proposed code.

Goal 6: Air, Water, and Land Resources Quality:
LCDC Goal #6 is: "To maintain and improve the quality of the air, water and land resources of the state". It requires that waste and process discharges do not threaten environmental quality standards.

Discussion: Air, Water & Land Resources Quality is affected by the SFHA zoned areas. SFHA areas often have drainage problems, and aren't located in a good areas for development. As noted already, homes were already present in the northwest corner of the City before the present elevations were changed in 2010. Conserving the Eagle Park area as open space and park land will allow for better water quality in the Willamette River. The homes and the edge of two industrial buildings located in the NW corner of the SFHA are all connected to the City's wastewater facility, and therefore are protecting water quality resources. The areas of SFHA that are adjacent to the river, are also covered by the Safe Harbor zone, Greenway, and are largely riparian in nature.

Goal 7: Natural Hazards:
To protect life and property from natural disasters and hazards

Discussion: The City has continued to participate in the FEMA Flood Insurance Program, and actively coordinates with the County to maintain a disaster relief and evacuation plan. Limiting development in the SFHA areas helps to protect life and property from natural hazards.

Goal 8: Parks and Recreation Facilities

Discussion: Parks and Recreation Facilities are present in both the NW corner of town, and in Eagle Park. The NW corner includes Riverfront Park property. The SFHA here also includes the playground equipment located at the end of 1st St and Territorial Street. Recreational uses in the SFHA are meeting the goals and implementation measures required by Goal 8. This includes 'coordinating with lead agencies to provide public access to the Willamette River, and in trail development and facilities'.

Goal 12: Transportation
To provide and encourage a safe, convenient and economic transportation system.

Discussion: The City acknowledges that in both park areas, bikes will frequently be used as well as pedestrian foot traffic. Streets bordering the Willamette River are already developed. The City doesn't plan on paving the accessway into Eagle Park, but the graveled access drive located there is also an easement for farmers reaching the fields on the other side of the railroad tracks.

Goal 15, Willamette Greenway
To protect, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Discussion: The Greenway applies to both areas north and south of the City. Recreation is also applicable to both park locations. The City has recently completed an archeological site survey for Eagle Park, which is part of the Recreational Trail Program requirements, as it utilizes federal funding. Both parks preserve significant scenic, open and natural areas, which are also the most common areas of annual flooding by the Willamette River.

Findings: As proposed, the City has met 8 of the Goals of the Comprehensive Plan, which are based upon Statewide Land Use Planning Goals, as well as applicable OAR. As such, the Harrisburg SFHA Flood Hazard code amendment is consistent with the applicable policies of the City's Comprehensive Plan. **The criteria is met.**

2. **Applications for quasi-judicial amendments must conform to the regulatory policies of the comprehensive plan, in addition to the criteria in subsection (1) of this section;**

Discussion: This application is for a legislative amendment, rather than quasi-judicial. It does apply to all properties that are located inside of a SFHA according to FEMA. In Harrisburg, that is 35 lots, 15 of which are owned by the City. These lots largely consist of Riverfront Park and Eagle Park. Since there is not a quasi-judicial amendment, there are not additional criteria that must be conformed to and met.

Finding: This criteria is not applicable.

3. Legislative amendments must be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the current plan or code; and

Discussion: The purpose of this amendment is to meet the requirements of the FEMA conditions in relation to the model flood code. FEMA has sent out notification to all cities that contain property located inside a SFHA that their flood code would need to be updated to include the standards for protection of SFHA floodplain functions, including maintaining a No Net Loss standard in those areas. The No Net Loss Standards applies to undeveloped spaces, trees, and stormwater management. There is also a riparian buffer zone that applies to properties in the SFHA, but does not extend beyond the boundary edges of the SFHA. These conditions apply to any property located inside the SFHA. In Harrisburg, there are 35 tax lots that are located in the SFHA, or that the SFHA boundary touches. 15 of these belong to the City, including right-of-way. Industrial businesses affected by this amendment are Knife River, Morse Bros (Some lots are still owned by the original corporation), and Gheen Irrigation. (Property owned by McCracken in the SFHA is only in the riparian zoned part of the property.) A local farmer (Arel Farms) has a small section of the farm inside the City limits, and remaining lots are zoned residential.

Knife River and Morse Bros own several large lots that are largely riparian in nature, or include property/riverbanks adjacent to the Willamette River. The uses on these properties are already constricted by the three sections of code that the City is still required to have. Those include HMC 18.55.040 Greenway, 18.55.050 Safe Harbor Zone, and 18.55.060 Wetlands Protection. Anything adjacent to the river is affected by the code being amended, as well as those four overlay zones. Gheen Irrigation is somewhat more impacted due to the fact that their western most facility is halfway in the SFHA. They will still be able to add on to this structure on any part of the building located outside of the SFHA. Area's inside the SFHA are limited to only the exemptions that are located in section 6.3, Activities Exempt From No Net Loss Standards. All structures located inside the SFHA are legal, non-conforming after this code is amended.

Residential properties are affected by the same No Net Loss Standards. There are a handful of properties in which the SFHA barely touches their tax lot, and primarily, each are affected in the setback area. They will still be able to add onto their home, and develop their lot normally, as long as no impermeable surfaces are placed in the overlapping SFHA zone. Since they aren't able to build in setback areas, they are barely affected.

All properties are able to make changes, as long as they comply with the no net loss standards in Table 1. This shows that if a property adds, as an example, an impervious surface, that they must provide mitigation onsite at a 100% ratio. Mitigation off-site, is allowed at 200% ratio. As an example; the City will be adding some pre-stress slabs donated by Knife River to some areas in Eagle Park. These will form the basis of ADA

parking spaces. There are several located adjacent to the planned playground area. Even though the park is located next to wetland areas, we can add a swale to the side of the playground. Doing so at the same square footage as the impermeable surfacing nearby, will meet the 100% mitigation requirements. The swale will also pick up drainage from the higher areas located to the west. There are some very common sense ways that Harrisburg will respond to some changes on property, which is important to our businesses and to our citizens.

Ultimately, the City must make these changes to our development code so that we don't lose grant funding that is provided by the federal government. More importantly, we place our citizens in jeopardy of receiving any kind of financial assistance if the City should have a declared disaster.

Findings: The amendment responds to changes in the community, or in this case, directives that are coming from FEMA itself that are unavoidable. **Therefore, the criteria is met.**

4. **All amendments must conform to the Oregon Transportation Planning Rule with regard to adequacy of the transportation system (OAR 660-012-060). [Ord. 987 § 1 (Exh. A), 2022.]**

Discussion: The Flood Model Ordinance, and No Net Loss requirements do not affect any transportation systems in Harrisburg. City right-of-way areas that are inside the SFHA are existing impermeable structures. Section 6.3 allows for normal street, sidewalk, and road maintenance, and therefore, is not affected.

Finding: This criteria is not applicable to the requested amendment.

CONCLUSIONS

The City, as required by FEMA, requests approval of the proposed Flood Hazard Management Code, HMC 18.55.070 (LU 463-2025). As demonstrated by the above discussion, analysis and findings, the application complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission has three options with respect to the subject applications. They can:

1. Approve the request;
2. Approve the request with amendments; or
3. Deny the request.

Based upon the criteria, discussion, and findings of facts above, Staff suggests that the Planning Commission recommend the approval of the amendment to the Harrisburg

Flood Hazard Management Code, HMC 18.55.070 (LU 463-2025) Because this is a legislative amendment, the motion can only recommend an action to the City Council. Only the City Council can adopt the actual code amendments. There is therefore no appeal that will apply to this Planning Commission recommendation. The City Council will consider the recommendation provided by the Planning Commission at the meeting scheduled for May 13, 2025. The motions are located at the top of this staff report.

18.55.070 Flood hazard management statutory authority, findings of fact, purpose, and methods.

1. **Statutory Authorization**. The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City of Harrisburg does ordain as follows:

2. Findings of Fact.

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

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

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

a. Protect human life and health;

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

c. Preserve natural and beneficial floodplain functions

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

~~d~~e. Minimize prolonged business interruptions;

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

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

~~g~~h. Notify potential buyers that the property is in a special flood hazard area;

~~h~~i. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;

~~i~~j. Participate in and maintain eligibility for flood insurance and disaster relief.

4. Methods of Reducing Flood Losses. In order to accomplish its purposes, this section includes methods and provisions for:

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

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

c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

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

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

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

5. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage.

"Ancillary Features" means features of a development that are not directly related to the primary purpose of the development.

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

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

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

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

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

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

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

Building. See "Structure."

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

"Development" means any 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.

"Elevated building" means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

Fish Accessible Space: The volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.

Fish Egress-able Space: The volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to exit or leave from.

Flood or Flooding.

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 subsection (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 subsection (a)(1) of this definition.

Flood Elevation Study. See "Flood insurance study."

"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 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.

"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" or "flood prone area" 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 than an area of floodplain can hold during the 1-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."

"Footprint" means the existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage reers to the volumetric amount of developed space measured from the existing ground level to the BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

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

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

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

"Hazard Trees" means standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

Hazardous Material. The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

a. Hazardous waste as defined in ORS 466.005;

b. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;

c. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and ORS 433.010 to 433.045 and 433.106 to 433.990;

d. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;

e. Substances listed by the United States EPA in Section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of hazardous substances and reportable quantities) and amendments;

f. Material regulated as a chemical agent under ORS 465.550;

g. Material used as a weapon of mass destruction, or biological weapon;

h. Pesticide residue;

i. Dry cleaning solvent as defined by ORS 465.200(9).

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

“Historic structure” means any structure that is:

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

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district 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.

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

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

“Impervious Surface” means a surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

“Low Impact Development” means an approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles

such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps and flood insurance studies. The following are categories of LOMCs:

a. 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.

b. 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 special flood hazard area.

c. 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 special flood hazard area through the placement of fill outside the existing regulatory floodway.

d. 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 special flood hazard area.

e. 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 LMOR 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.

f. Letter of Map Revision Based on Fill (LOMR-F). A LOMR-F is FEMA's modification of the special flood hazard area shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

g. 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 special flood hazard area.

"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 nonelevation design requirements of this section.

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

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

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

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

"No Net Loss" means a standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

"Offsite" means mitigation occurring outside of the project area.

"Onsite" means mitigation occurring within the project area.

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

"Pervious Surface" means surfaces that allow rain and snowmelt to seep into the soil and gravel below. Pervious surface may also be referred to as permeable surface.

"Qualified Professional" means appropriate subject matter expert that is defined by the community.

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

"Recreational vehicle" means a vehicle which is:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projection;

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

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

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

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

"Riparian Buffer Zone Fringe" means the area outside of the RBZ and floodway but still within the SFHA.

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

Special Flood Hazard Area. See "Area of special flood hazard."

"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 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 any alteration of a structure listed on the National Register of Historic Places or a State inventory of historic places.

"Undeveloped Space" means the volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that has not been reduced due to activity that meets FEMA's definition of development. Examples of development that impede undeveloped space includes, but is not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.

"Variance" means a grant of relief by the City of Harrisburg 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 section is presumed to be in violation until such time as that documentation is provided.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

6. General Provisions.

a. Lands to Which This Section Applies. This section shall apply to all special flood hazard areas within the jurisdiction of the City of Harrisburg.

b. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas," dated July 31, 2019, with accompanying flood insurance rate maps (FIRMs) 40143C1116G, 40143C1118G, and 41043C1119G, are hereby adopted by reference and declared to be a part of this section. The FIS and FIRM panels are on file at City Hall, located at 120 Smith St.

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

d. Compliance and Penalties for Noncompliance.

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

(2) Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations. Violations of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of the Harrisburg Municipal Code, punishable by a fine not to exceed $500.00 per offense. Continuing violations are assessed for each day during which the violation occurs after notice of violation has been served upon the violator. Nothing contained herein shall prevent the City of Harrisburg from taking such other lawful action as is necessary to prevent or remedy any violation.

e. Abrogation and Severability.

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

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

f. Interpretation. In the interpretation and application of this section, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

g. Warning and Disclaimer of Liability.

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

(2) Disclaimer of Liability. This section shall not create liability on the part of the City of Harrisburg, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

7. Administration.

a. Designation of the Floodplain Administrator. The City Administrator, and his/her designee, is hereby appointed to administer, implement, and enforce this section by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

b. **Duties and Responsibilities of the Floodplain Administrator**. Duties of the Floodplain Administrator, or their designee, shall include, but not be limited to:

(1) **Permit Review**. Review all development permits to determine that:

(a) The permit requirements of this section have been satisfied;

(b) All other required local, State, and Federal permits have been obtained and approved;

(c) Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions of this section in subsection (8)(b) of this section are met; and

(d) Review all development permits to determine if the proposed development is located in an area where base flood elevation (BFE) data is available either through the flood insurance study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of subsection (8)(a)(7) of this section;

(e) Provide to building officials the base flood elevation (BFE) applicable to any building requiring a development permit;

(f) Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in subsection (5) of this section;

(g) Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in subsection (8)(a)(1) of this section; and

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

(i) Determine whether the proposed development activity complies with the no net loss standards in Section 6.0.

(2) Information to Be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

(a) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where base flood elevation (BFE) data is provided through the flood insurance study (FIS), flood insurance rate map (FIRM), or obtained in accordance with subsection (8)(a)(7) of this section.

(b) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of subsections (7)(b)(1)(b) and (8)(b)(4) of this section are adhered to.

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

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

(e) Maintain all elevation certificates (EC) submitted to the community.

(f) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this section and where base flood elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with subsection (8)(a)(7) of this section.

(g) Maintain all floodproofing certificates required under this section.

(h) Record and maintain all variance actions, including justification for their issuance.

(i) Obtain and maintain all hydrologic and hydraulic analyses performed as required under subsection (8)(b)(4) of this section.

(j) Record and maintain all substantial improvement and substantial damage calculations and determinations as required under subsection (7)(b)(4) of this section.

(k) Documentation of how no net loss standards have been met (See Section 6.0)

(~~k~~l) Maintain for public inspection all records pertaining to the provisions of this section.

(3) Requirement to Notify Other Entities and Submit New Technical Data.

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

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

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

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

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under subsection (7)(b)(3)(c) of this section. Ensure compliance with all applicable requirements in subsections (7)(b)(3)(c) and (8)(a)(1) of this section.

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

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

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

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

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

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgment Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal permits.

(4) Substantial Improvement and Substantial Damage Assessments and Determinations. Conduct substantial improvement (SI) (as defined in subsection (5) of this section) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with subsection (7)(b)(2) of this section. Conduct substantial damage (SD) (as defined in subsection (5) of this section) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in subsection (6)(b) of this section) 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.

c. Establishment of Development Permit.

(1) Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in subsection (6)(b) of this section. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in subsection (5) of this section, including fill and other development activities.

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

(a) In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of subsection (7)(b)(2) of this section.

(b) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

(c) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in subsection (8)(b)(3)(c) of this section.

(d) Description of the extent to which any watercourse will be altered or relocated.

(e) Base flood elevation data for subdivision proposals or other development when required per subsections (7)(b)(1) and (8)(a)(6) of this section.

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

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

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

(1) Conditions for Variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of subsections (7)(d)(1)(b) through (e) of this section. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

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

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

(d) Variances shall only be issued upon:

i. A showing of good and sufficient cause;

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

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

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

(f) 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 subsections (7)(d)(1)(b) through (e) of this section are met, and the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(g) Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 6.0 and associated options in Table 1).

(2) 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 risk to life and property. Such notification and a record of all variance actions, including justification for their issuance, shall be maintained in accordance with subsection (7)(b)(2) of this section.

8. Provisions for Flood Hazard Reduction.

a. General Standards. In all special flood hazard areas, the no net loss standards (see Section 6.0) and the following standards shall be adhered to:

(1) Alteration of Watercourses. Require that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood-carrying capacity is not diminished. Require compliance with subsections (7)(b)(3)(b) and (8)(b)(3)(d) of this section.

(2) Anchoring.

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

(b) All manufactured dwellings shall be anchored per subsection (8)(b)(3)(d) of this section.

(3) Construction Materials and Methods.

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

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

(4) Utilities and Equipment.

(a) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.

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

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

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

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

(5) Tanks.

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

(b) Aboveground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(6) Subdivision Proposals and Other Proposed Developments.

(a) All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals, base flood elevation data.

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

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

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

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

iv. Comply with no net loss standards in section 6.0.

(7) Use of Other Base Flood Elevation Data. When base flood elevation data has not been provided in accordance with subsection (6)(b) of this section, the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer subsection (6)(c) of this section. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (8)(a)(6) of this section.

Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser, in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., wherever available. All residential structures and nonresidential structures that are not dry floodproofed need to be a minimum of two feet above the highest adjacent grade.

Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(8) Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:

(a) When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM), the provisions for the more restrictive flood zone shall apply.

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

(9) Critical Facilities Located in Multiple or Partial Flood Zones. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood

hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

b. Specific Standards for Riverine (Including All Noncoastal) Flood Zones. These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in subsection (8)(a)(1) of this section and the no net loss standards (see Section 6.0).

(1) Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the base flood elevation, including crawl spaces, shall:

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

(b) Be used solely for parking, storage, or building access;

(c) Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

i. A minimum of two openings;

ii. The total net area of nonengineered 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;

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

(2) Garages.

(a) Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:

i. If located within a floodway, the proposed garage must comply with the requirements of subsection (8)(b)(4) of this section;

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

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

iv. The garage is constructed with flood openings in compliance with subsection (8)(b)(1) of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;

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

vi. The garage is constructed in compliance with the standards in subsection (8)(a) of this section; and

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

(b) Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection (8)(b)(3)(f) of this section or nonresidential structures in subsection (8)(b)(3)(c) of this section depending on the square footage of the garage.

(3) For Riverine (Noncoastal) Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in subsection (8)(a) of this section, the following specific standards shall apply in riverine (noncoastal) special flood hazard areas with base flood elevations (BFE): Zones A1-30, AH, and AE.

(a) 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 and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in section 6.1.C.

(b) Residential Construction.

i. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation (BFE).

ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection (8)(b)(1) of this section.

(c) Nonresidential Construction.

i. New construction, conversion to, and substantial improvement of any commercial, industrial, or other nonresidential structure shall:

(i) Have the lowest floor, including basement, elevated at one foot or more above the base flood elevation (BFE);

(ii) Or, together with attendant utility and sanitary facilities:

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

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

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this 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 subsection (7)(b)(2) of this section.

(iii) Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (8)(b)(1) of this section.

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

(d) Manufactured Dwellings.

i. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with subsection (8)(b)(1) of this section;

ii. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation;

iii. Manufactured dwellings to be placed (new or replacement) or substantially improved 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

iv. Electrical crossover connections shall be a minimum of 12 inches above base flood elevation (BFE).

(e) Recreational Vehicles. Recreational vehicles placed on sites are required to:

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

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

iii. Meet the requirements of subsection (8)(b)(3)(d) of this section, including the anchoring and elevation requirements for manufactured dwellings.

(f) Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:

i. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in subsection (8)(b)(4) of this section;

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

iii. 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 nonresidential are limited in size to 120 square feet;

iv. The portions of the appurtenant structure located below the base flood elevation must be built using flood-resistant materials;

v. 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;

vi. 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 subsection (8)(b)(1) of this section;

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

viii. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with subsection (8)(a)(5) of this section;

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

(g) Below-Grade Crawl Spaces. Below-grade crawl spaces are common in Oregon but are highly discouraged for any flood hazard areas in the City of Harrisburg. For below-grade crawl spaces to be allowed, the following guidelines are required:

i. 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 subsection (8)(b)(1) of this section. Because of hydrodynamic loads, crawl space 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.

ii. The crawl space 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.

iii. 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 crawl space 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.

iv. Any building utility systems within the crawl space 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.

v. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade.

vi. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space 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.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. 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.

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

(4) Floodways. Located within the special flood hazard areas established in subsection (6)(b) of this section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

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

ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that conditional approval has been obtained by the Federal Insurance Administrator through the ~~a~~ Conditional Letter of Map Revision (CLOMR) application process; all ~~is applied for and approved by the Federal Insurance Administrator, and the~~ requirements ~~for such revision as ee~~established under 44 CFR Section 65.12 are fulfilled and the encroachment(s) comply with the no net loss standards in section 6.0.

(b) If the requirements of subsection (8)(b)(4)(a) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of subsection (8) of this section.

(5) 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.

(a) Standards for AH Zones. Development within AH zones must comply with the standards in subsections (8)(a) and (8)(b)(5) of this section.

(b) Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in subsections (8)(a) and (8)(b)(5) of this section:

i. New construction, conversion to, 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 or 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 considered to be the bottom of the longitudinal chassis frame beam.

ii. New construction, conversion to, and substantial improvements of nonresidential structures within AO zones shall either:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the flood insurance rate maps (FIRMS) (at least two feet if no depth number is specified); or

(ii) Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two 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 the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in subsection (8)(b)(3)(c)(i)(ii)(3) of this section.

(iii) Recreational vehicles placed on sites within AO zones on the community's flood insurance rate maps (FIRM) shall either:

1. Be on the site for fewer than 180 consecutive days; and

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

3. Meet the elevation requirements of subsection (8)(b)(5)(b) of this section and the anchoring and other requirements for manufactured dwellings of subsection (8)(b)(3)(d) of this section.

(iv) In AO zones, new and substantially improved appurtenant structures must comply with the standards in subsection (8)(b)(3)(f) of this section.

(v) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in subsection (8)(a) of this section. [Ord. 987 § 1 (Exh. A), 2022.]

6. Standards for Protections of SFHA Floodplain Functions

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of

proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0.

6.1 NO NET LOSS STANDARDS

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

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

C. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

6.1.1 UNDEVELOPED SPACE

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

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

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

iii. Designed so that there is no increase in velocity.

6.1.2 IMPERVIOUS SURFACES

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

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

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

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

6.1.3 TREES

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

i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1 and planted within the special flood hazard area.

ii. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

6.2 STORMWATER MANAGEMENT

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

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

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

C. Retention and detention facilities must:

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

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

iii. Be designed to not entrap fish.

iv. Be certified by a qualified professional.

D. Detention facilities must:

i. Drain to the source of flooding.

ii. Designed by a qualified professional.

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

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

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

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

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

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

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

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

B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;

C. Routine maintenance of landscaping that does not involve grading, excavation, or filling;

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

E. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;

F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;

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

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

I. Habitat restoration activities.

J. Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.

K. Projects that are covered under separate consultations under Section 4(d), 7, or 10 of the Endangered Species Act (ESA).

6.4 RIPARIAN BUFFER ZONE (RBZ)

A. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the

stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

B. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.

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

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

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

Table 1 No Net Loss Standards

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

Notes:

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

the required amount because of the 200 percent multiplier . In other words, another 1,000 square feet of pervious surface would need to be created at the location in the different reach, in addition to the 500 square feet created within the same reach.

City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-6655
www.ci.harrisburg.or.us/planning

LAND USE APPLICATION

STAFF USE ONLY			
File Number:	LU 4163-2025	Date Received:	2-10-25
Fee Amount:			

APPLICATION TYPE

- ☐ Annexation*
- ☐ Comprehensive Plan Amendment*
- ☐ Conditional Use Permit*
- ☐ Historic Permit*
  - ☐ Resource Alteration
  - ☐ Resource Demolition
  - ☐ Historic Review – District
- ☐ Legal Lot Determination

*A Pre-Application Conference with City Staff is Required

- ☐ Property Line Adjustment
- ☐ Partition/Replat* Minor Major
- ☐ Site Plan Review*
- ☐ Site Plan Review – Parking Only
- ☐ Subdivision/Replat*
- ☐ Vacation of street, alley or easement
- ☐ Variance*
- ☐ Zone Map Change*
- ☑ Zoning Ordinance Text Amendment*

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL

Project Description: THE CITY IS AMENDING HMC 18.50.070 FLOOD HAZARD MGMT.... IN ORDER TO ACCOUNT FOR THE FEMA REQUIREMENTS IN RELATION TO PICM OPTION NO. 1 THIS WILL AMEND OR FLOOD CODE THAT WAS LAST UPDATED IN 2022

Project Name: HSB6 FLOOD ORD AMENDMENT - HMC 18.50.070

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name: MICHELLE ELDRIDGE

Phone: 541-995-2200 Email: MELDRIDGE@CI.HARRISBURG.OR.US

Mailing Address: P.O. BOX 378, HARRISBURG, OR 97446

Applicant's Signature: [signature] Date: 2-10-25

Property Owner Name: CITY OF HARRISBURG

Phone: Email:

Mailing Address: SAME

Owner Signature: [signature] Date: 2-10-25

*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.

PROPERTY DESCRIPTION
(general vicinity, side of street, distance to intersection, etc.)

Street Address: N/A

General Location Description: LEGISLATIVE CODE BELONGS TO THE ENTIRE CITY

Assessor's Map Number(s)
Map # 15S04W

Related Tax Lot(s)
Tax Lot(s) # N/A

The Assessor's Map Number (Township, Section and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at http://linn-web.co.linn.or.us/propertywebquerypublic/

Lot Area: N/A

LAND USE AND OVERLAY ZONES

Existing Zone(s): SFHA IS IN PUZ, R-2, M-2

Existing Comprehensive Plan Designation(s): SAME

Please select any of the following zone overlays or natural areas that apply to the subject site:

- [ ] Historic Overlay
- [x] Willamette River Greenway
- [x] Floodplain
- [ ] Riparian Corridors
- [x] Wetlands

*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays, please contact the City Planner at (541) 995-6655.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- [x] Narrative* (address all applicable HMC review criteria)
- [ ] Assessor's Map with Applicable Tax Lots Highlighted
- [ ] Site Plan
- [ ] Survey / ALTA
- [ ] Aerial Photograph / Existing Land Use(s) Map
- [ ] Zoning Map (if applicable, show proposed change(s))
- [ ] Comprehensive Plan Map(s) (if applicable, show proposed changes))
- [ ] Subdivision or Partition Plat
- [ ] Architectural Elevations
- [ ] Architectural Floor Plans
- [ ] Utilities Plan
- [ ] Geotechnical Report/Site Assessment
- [ ] Electronic Versions of Exhibits
- [ ] Application Fee
- [x] Other

*A written narrative is required for all application types. Typical drawings sizes are 24"X36", 11"X17", or 8.5"X11". Sizes of required drawings will depend on the type and scope of applications involved. Contact the City Planner to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, and bicycles, water courses, any natural features (wetlands, floodplain, etc.), existing and proposed streets and driveways, parking areas, utilities, pedestrian and bike paths, and existing easements. Please note there are additional specific graphic and narrative requirements for each application type. Refer to the Harrisburg Municipal Code for more information.

A Pre-application Conference is Required with City Staff prior to turning in your land use application. Please contact the City Administrator, or City Recorder/Assistant City Administrator to make an appointment. Date of Appointment: N/A

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? ☑ Yes ○ No If yes, please explain

STRUCTURES IN RESIDENTIAL ZONE & INDUSTRIAL PRE-DATE SFHA KNOWLEDGE

2. Indicate the uses proposed and describe the intended activities:

THE CHANGES WILL SET UP A NO-NET LOSS ENVIRONMENT AS REQUIRED BY FEMA

3. How will open space, common areas and recreational facilities be maintained?

THEY WILL BE MAINTAINED AS THEY ARE NOW

4. Are there previous land use approvals on the development site? ☑ Yes ○ No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

NONE OF THE LAND USES EMPLOYED IN THE PAST WILL HAVE ANY BEARING ON THESE LEGISLATIVE REQUIREMENTS

5. Have you reviewed the Oregon Fire Code Applications Guide in relation to your land use request? ☑ Yes ○ No Do you have questions about any element of these requirements? If yes, please explain:

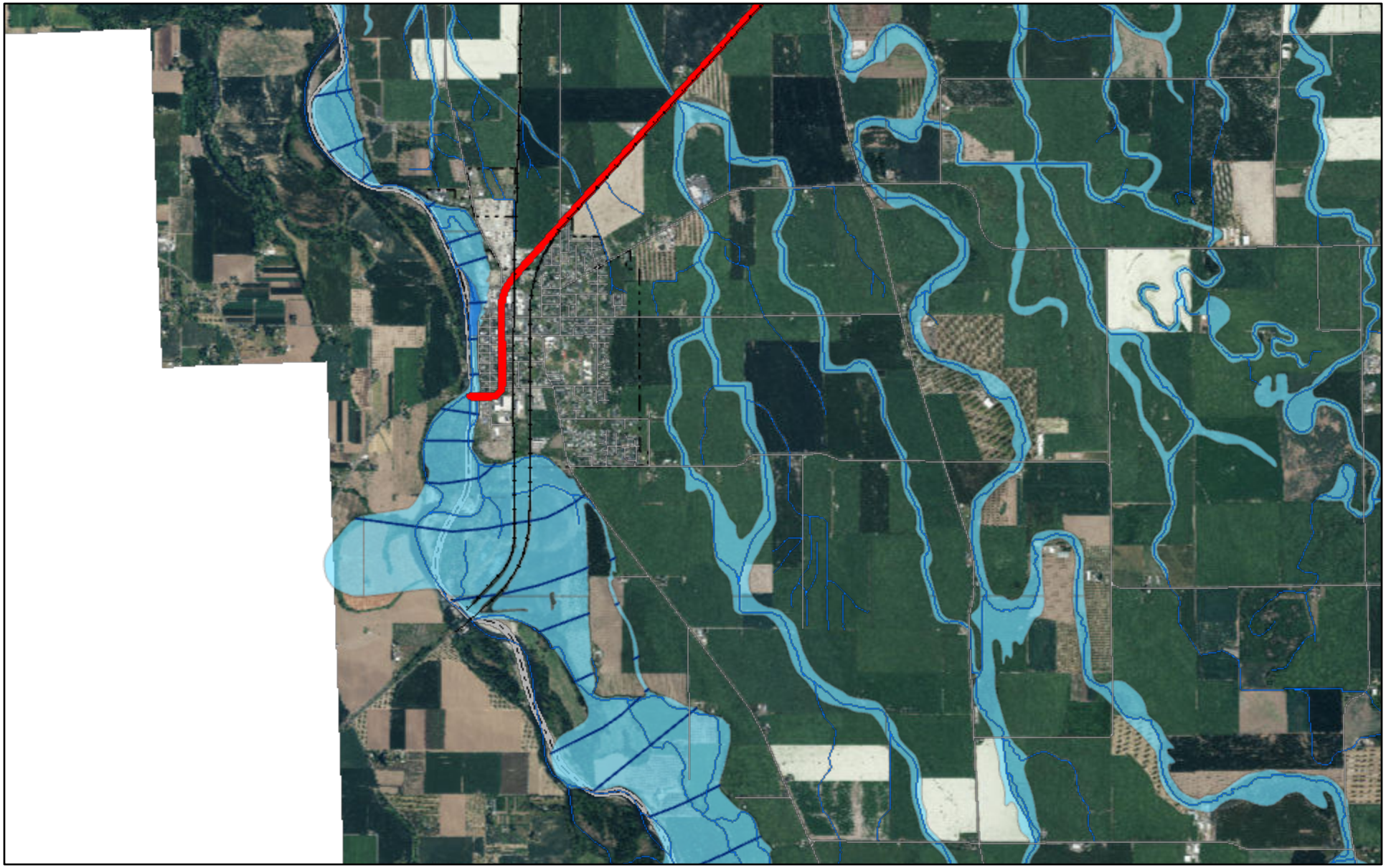
AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

☑ I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

☐ I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

Harrisburg SFHA Zones



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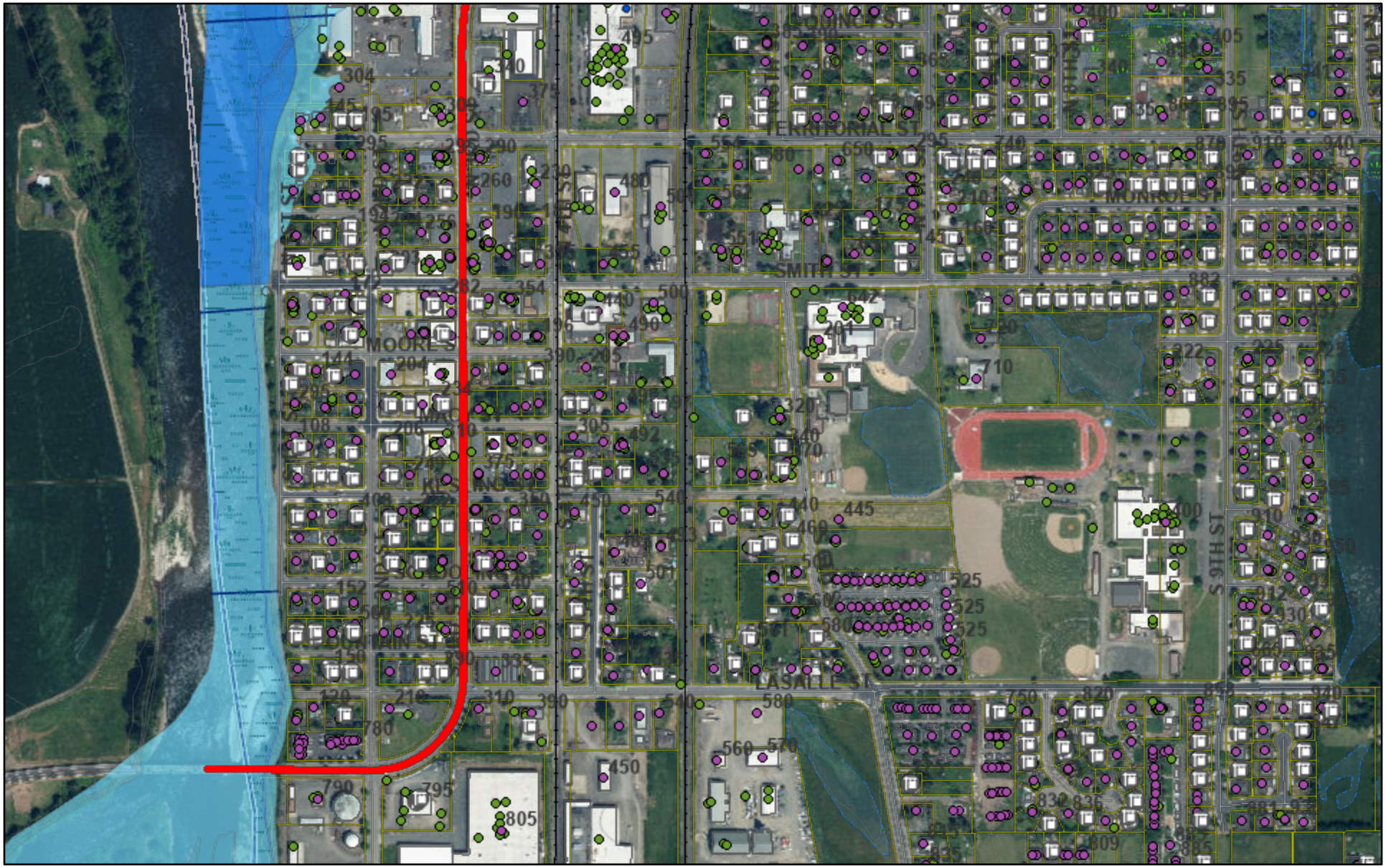
Railways
Roads
City Limits
Highways
Streams
County Boundary

Map created using the Linn County Oregon web mapping

Flood Zone - West City boundary



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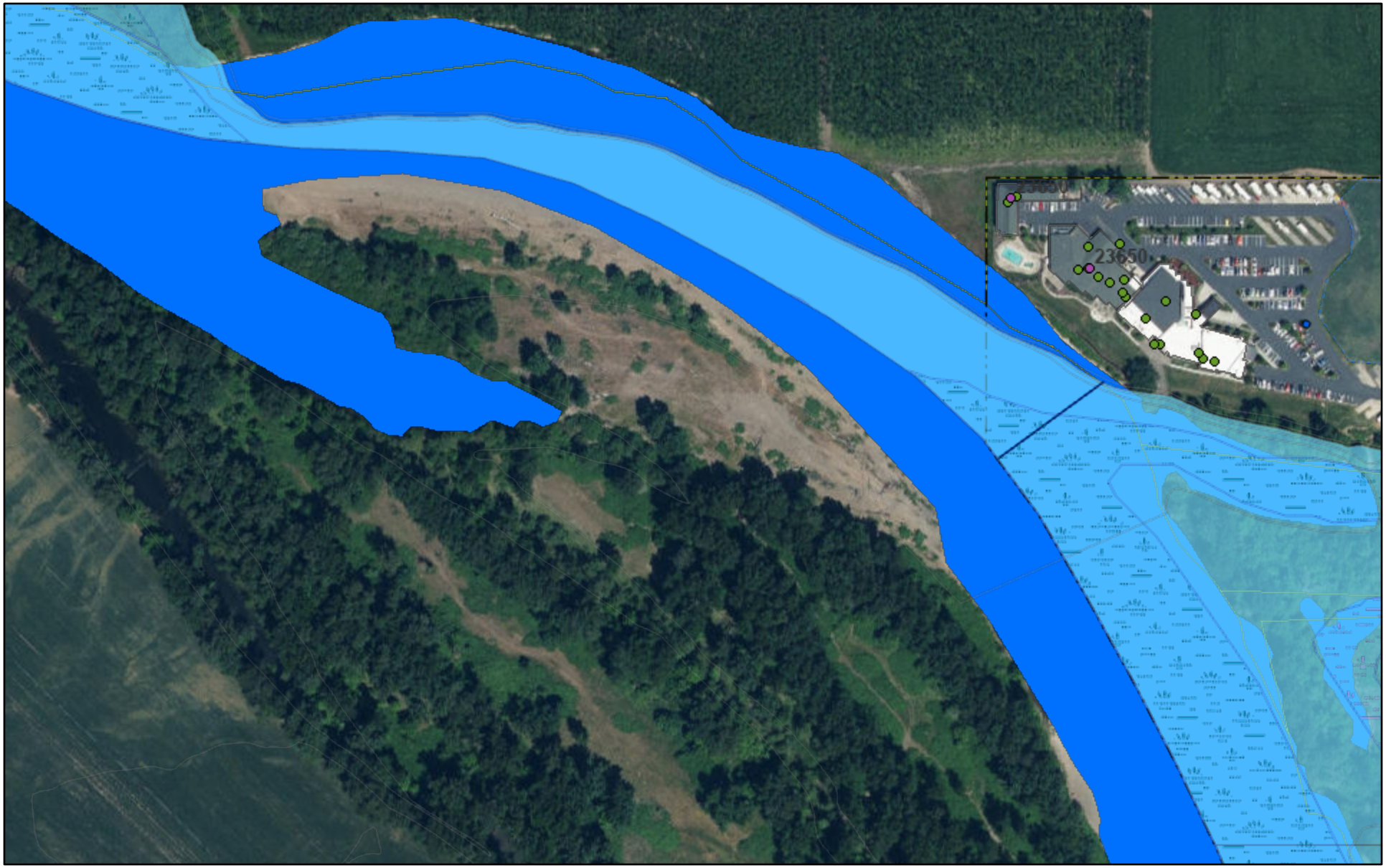
- Permits
- Railways
- Highways
- Roads
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -River Bank North with Life Bible



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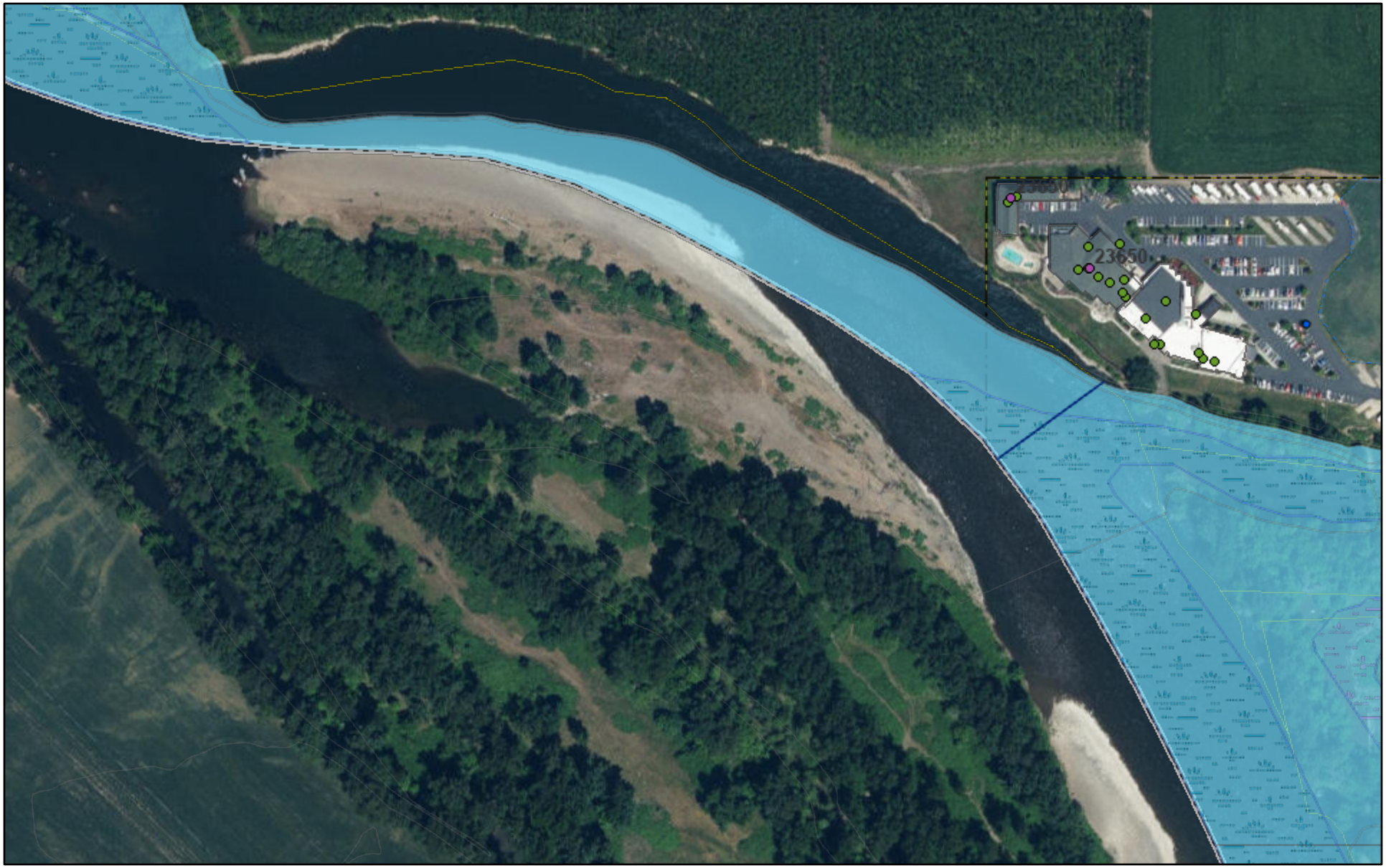
- Permits
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- Waterbodies
- County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -River Bank North with Life Bible FEMA AE Only



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- Permits
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- County Boundary

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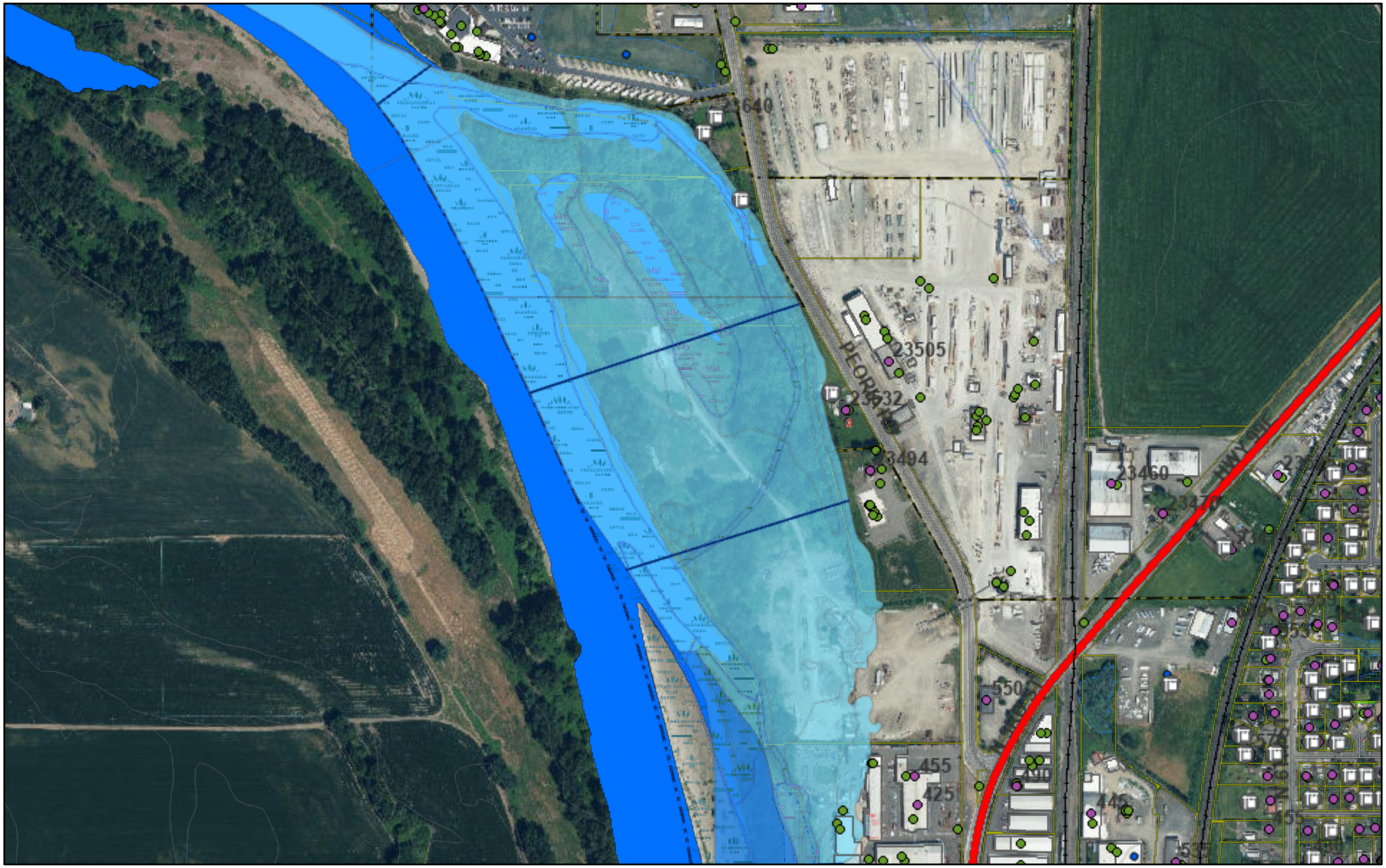
Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -Riverbank North



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- Railways
- Highways
- Roads
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Emergent Wetland
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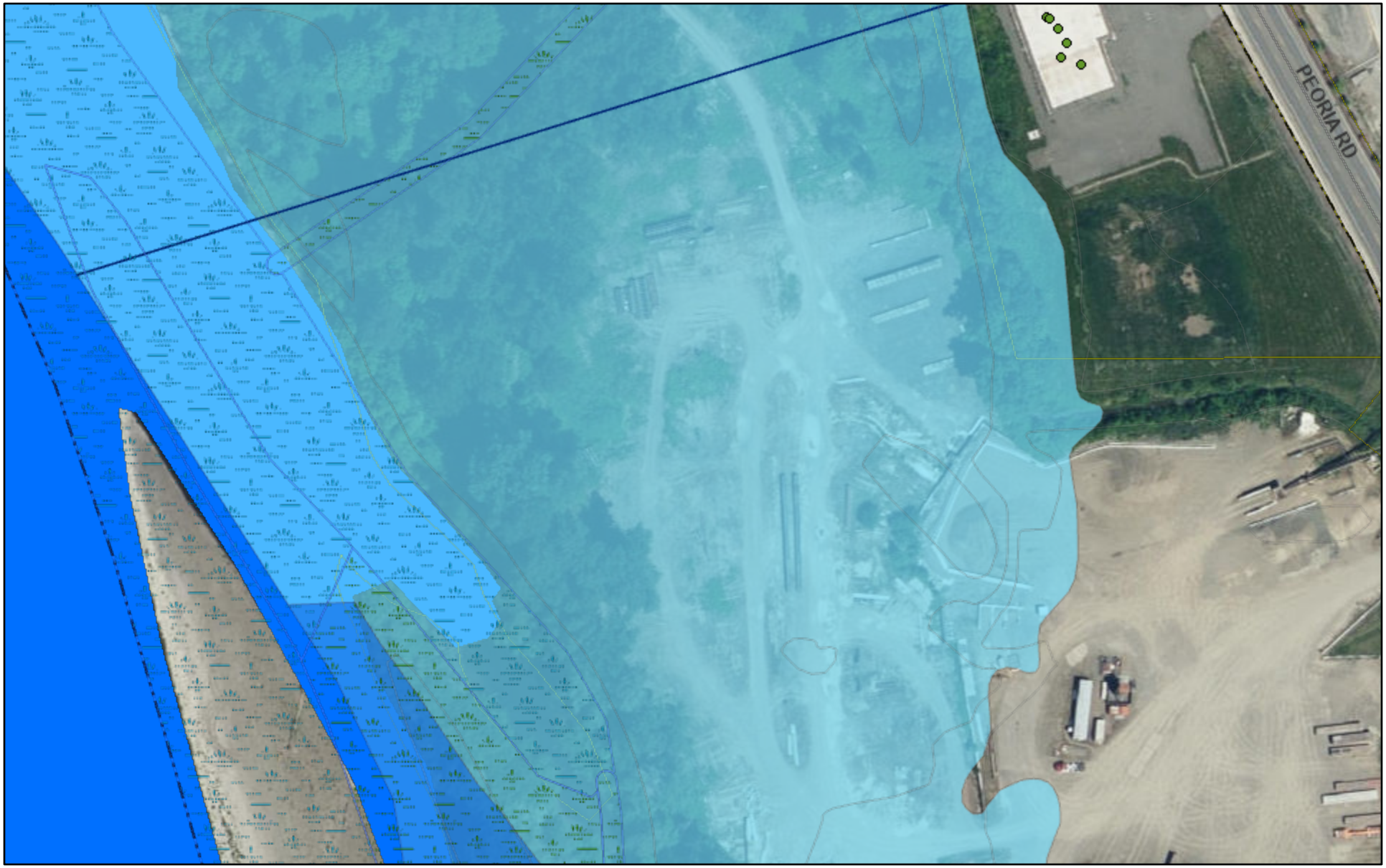
Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - Gheen and Knife River North



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Permits
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National Wetlands Inventory
Freshwater Forested/Shrub Wetland
Riverine
City Limits
Tax Lots
Waterbodies
County Boundary

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Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - Territorial North-Gheen

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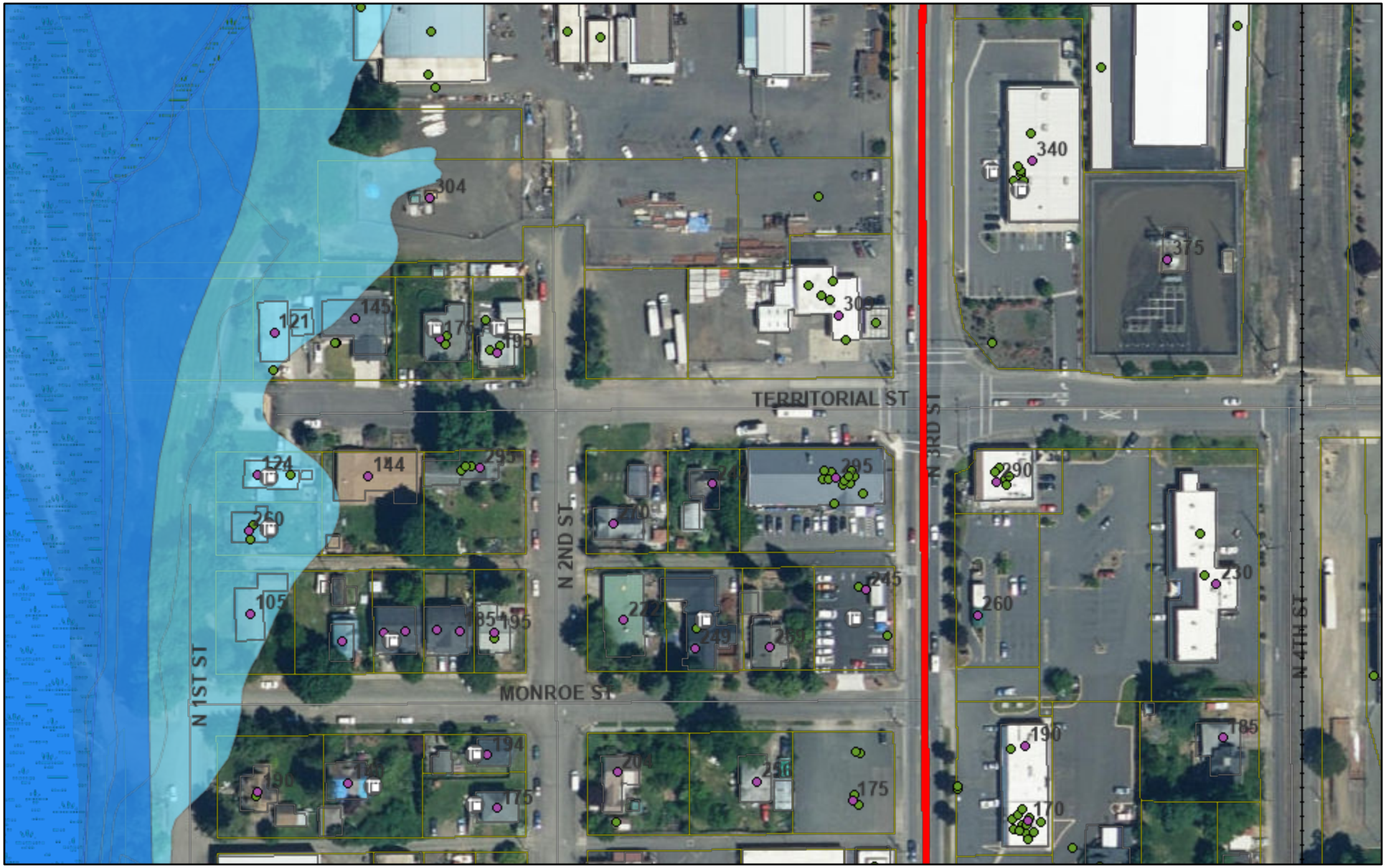
Sales
Permits
Highways
Roads
Local Wetlands Inventories
National Wetlands Inventory
Freshwater Forested/Shrub Wetland
Freshwater Pond
Riverine
Building Footprints
City Limits
Tax Lots
Waterbodies
County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - Showing Monroe and North Photos



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Permits
Railways
Highways
Roads
National Wetlands Inventory
Freshwater Forested/Shrub Wetland
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Riverine
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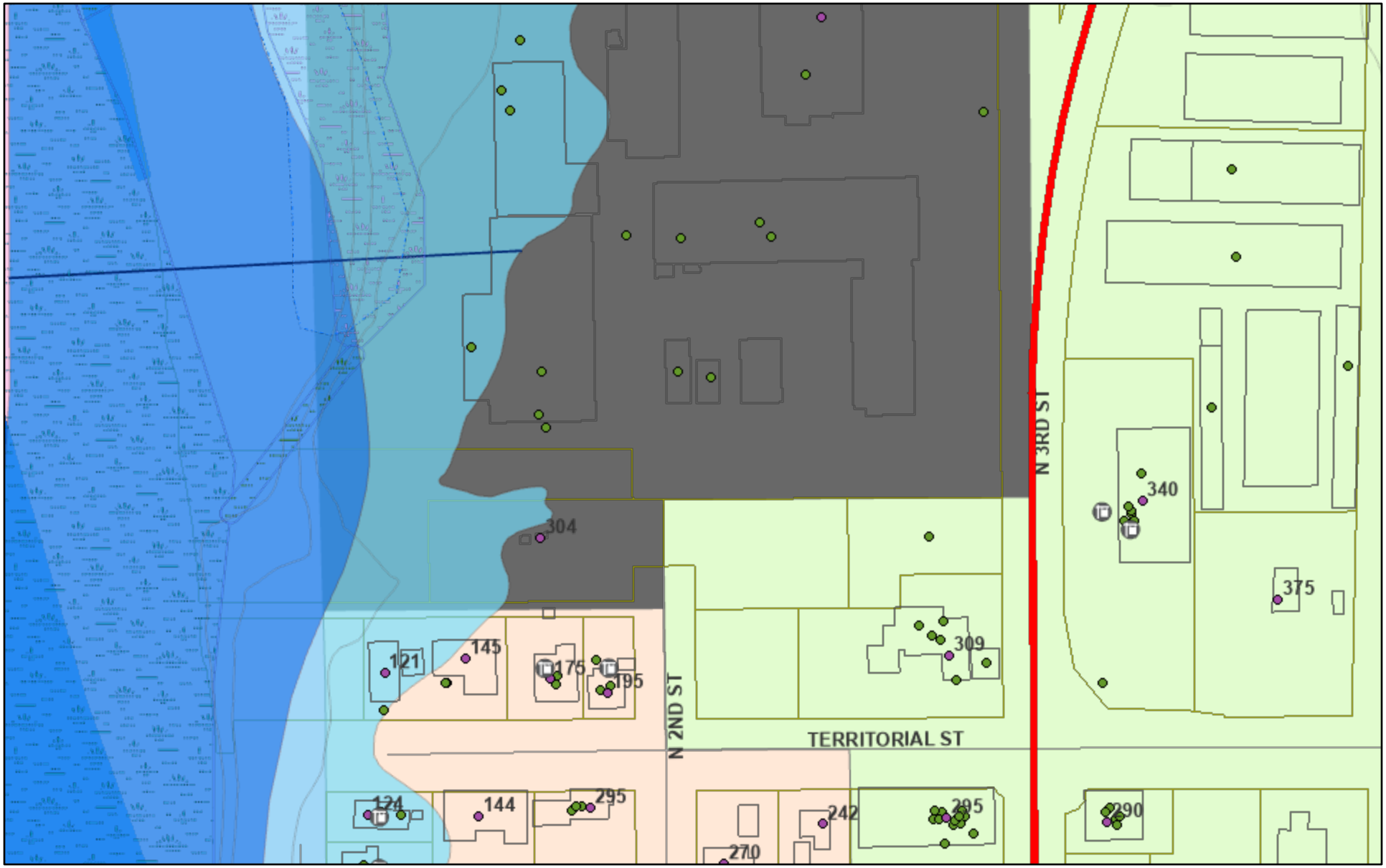
Waterbodies
County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - North Industrial



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- Highways
- Roads
- Local Wetlands Inventories

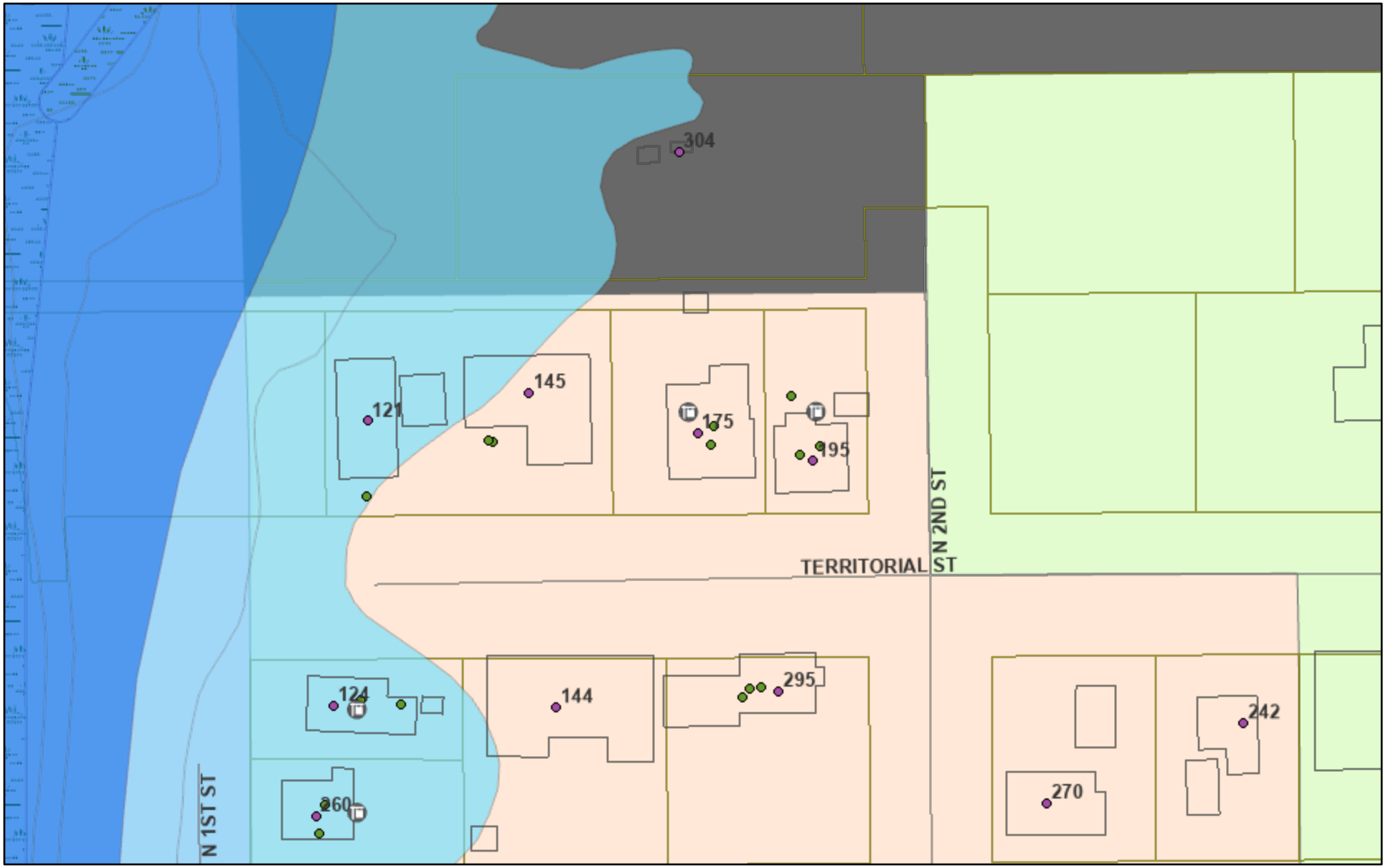
National Wetlands Inventory
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- Waterbodies
- County Boundary

City Zoning
- C-1, COMMERCIAL
- GREENWAY SPECIAL PURPOSE DISTRICT
- M-2, GENERAL INDUSTRIAL
- M-I, LIMITED INDUSTRIAL
- R-2, MULTI-FAMILY RESIDENTIAL

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - North



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Sales
Permits
Roads
National Wetlands Inventory
Freshwater Forested/Shrub Wetland
Riverine
Building Footprints
City Limits
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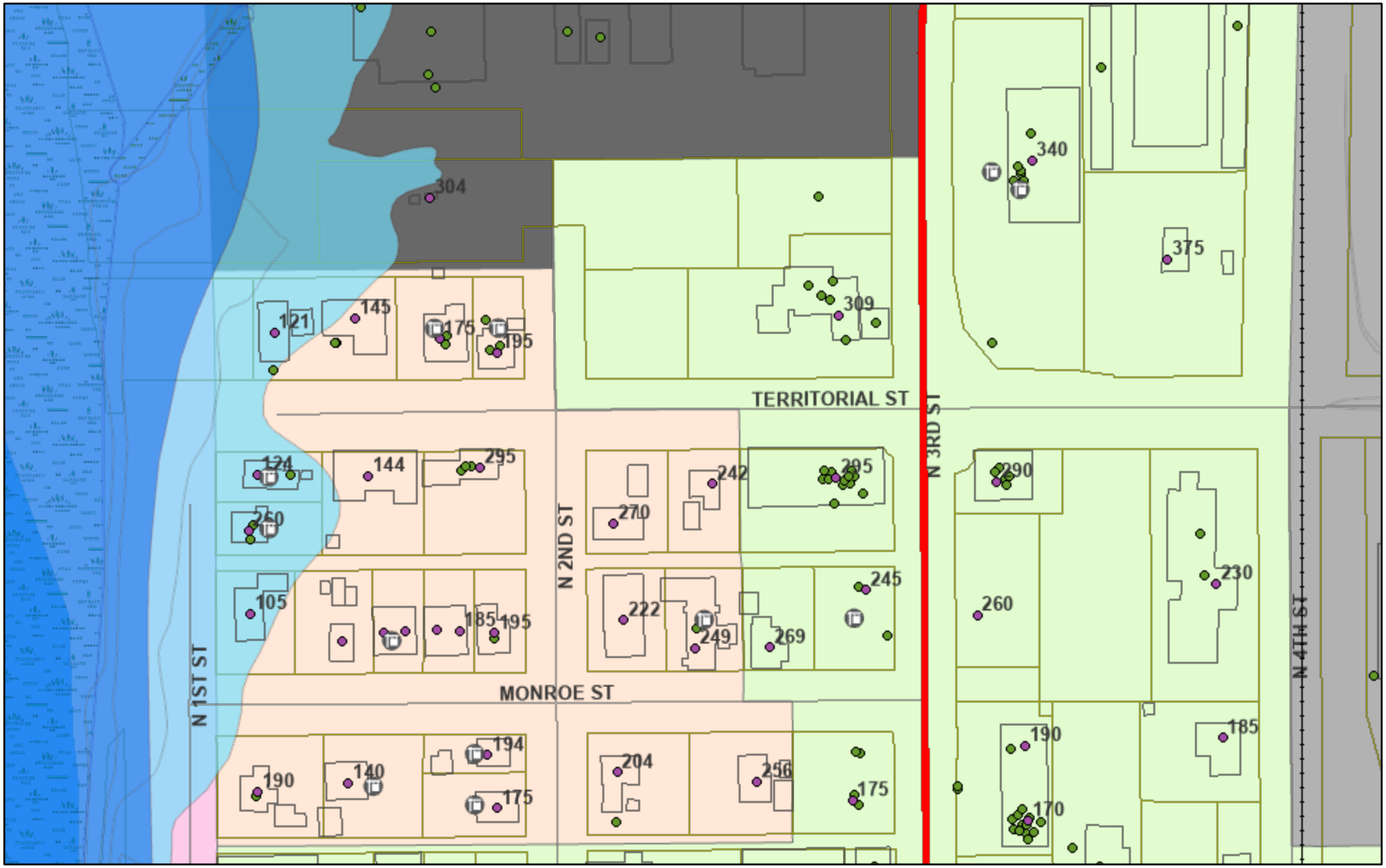
GREENWAY SPECIAL PURPOSE DISTRICT
M-2, GENERAL INDUSTRIAL
R-2, MULTI-FAMILY RESIDENTIAL

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas - Showing Monroe and North



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Sales
Permits
Railways
Highways
Roads

National Wetlands Inventory
Freshwater Forested/Shrub Wetland
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Riverine
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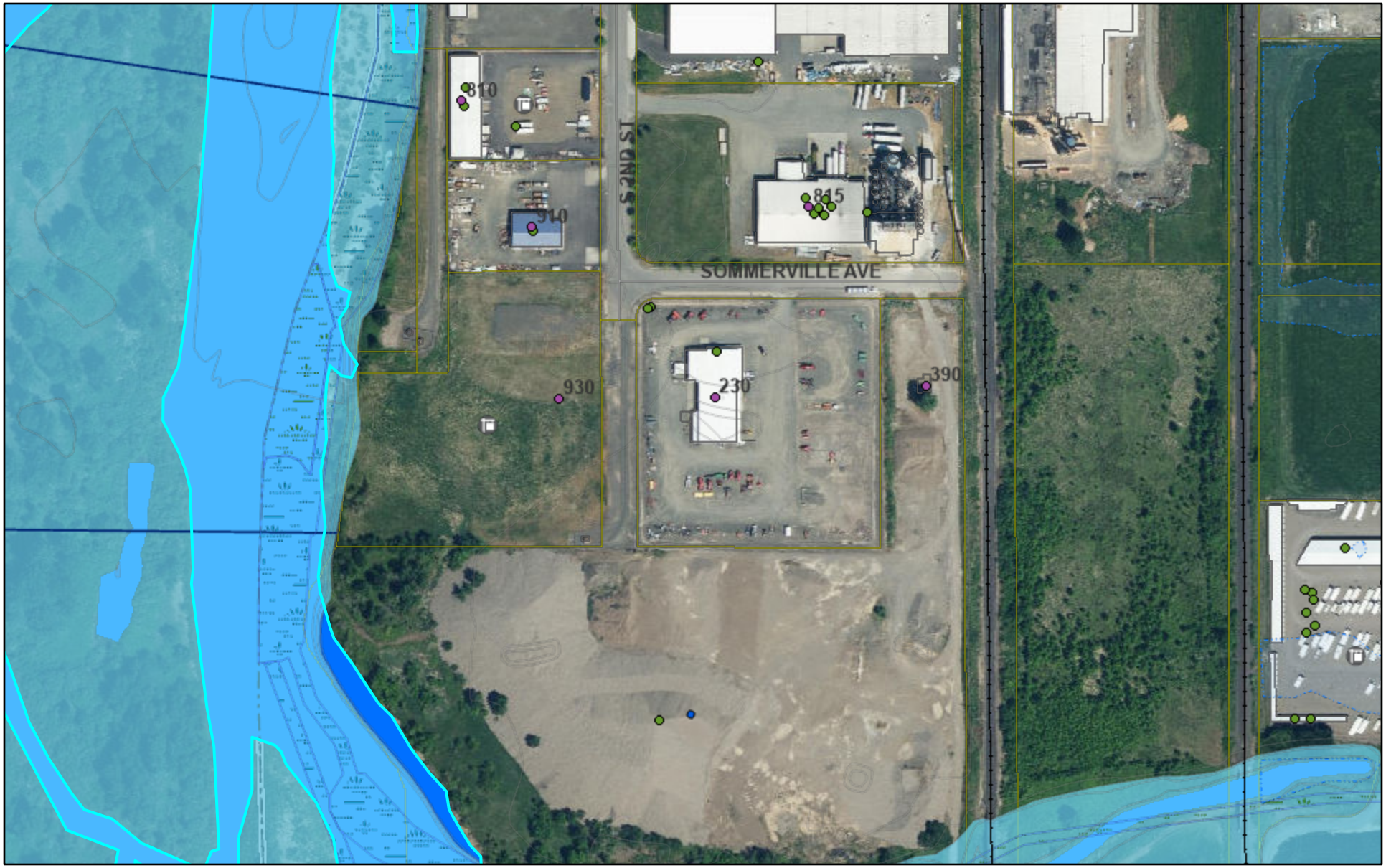
GREENWAY SPECIAL PURPOSE DISTRICT
M-2, GENERAL INDUSTRIAL
M-I, LIMITED INDUSTRIAL
R-2, MULTI-FAMILY RESIDENTIAL

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -Riverbank south



2/10/2025, 2:50:04 PM

1:4,514

0 0.03 0.06 0.11 mi

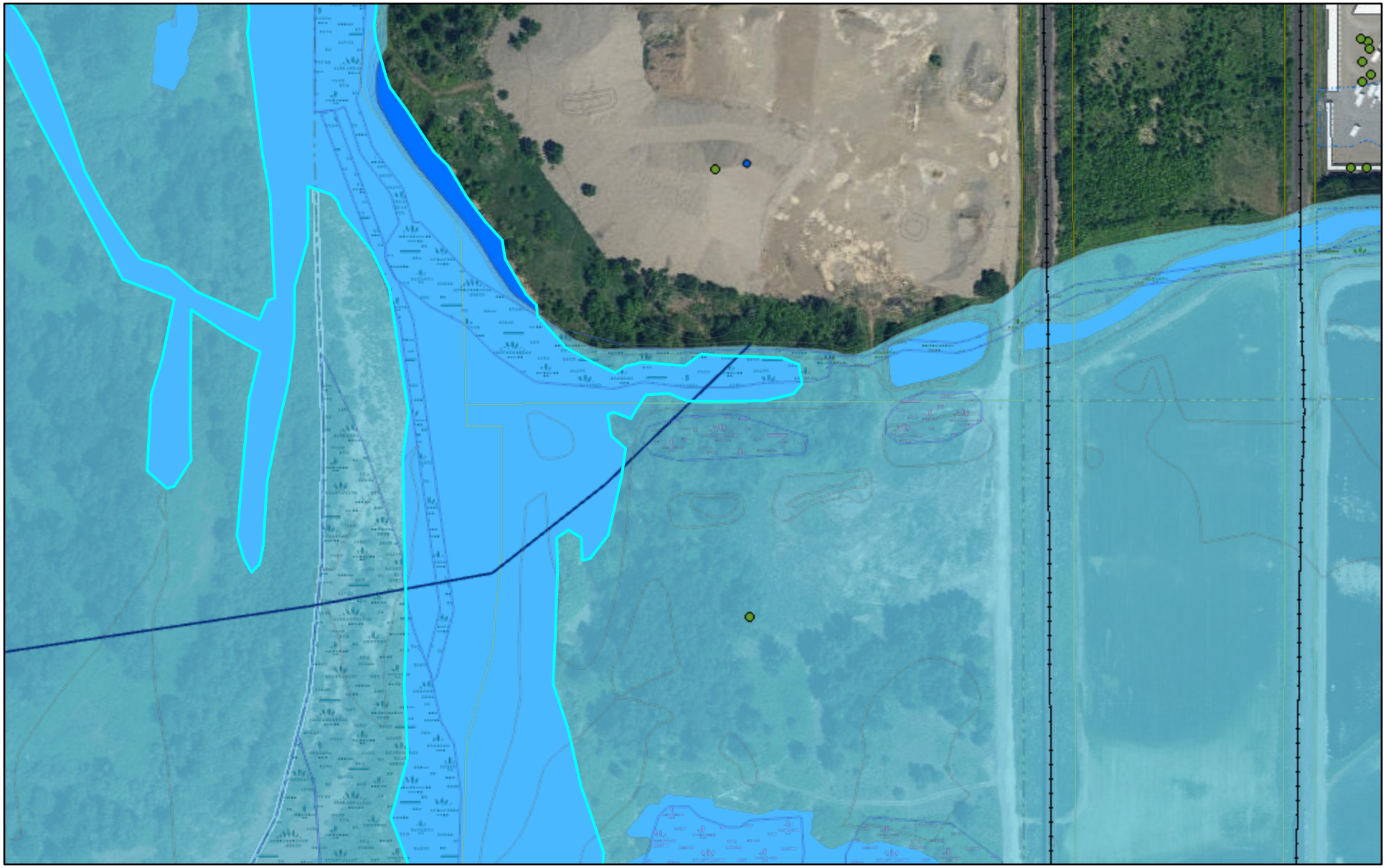
0 0.04 0.09 0.17 km

Sales
Permits
Railways
Roads
Wetland Determinations
Local Wetlands Inventories
National Wetlands Inventory
Freshwater Forested/Shrub Wetland
Riverine
Building Footprints
City Limits
Tax Lots
Waterbodies
County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -Eagle Park North



2/10/2025, 2:51:16 PM

- Permits
- Railways
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- Waterbodies
- County Boundary

1:4,514

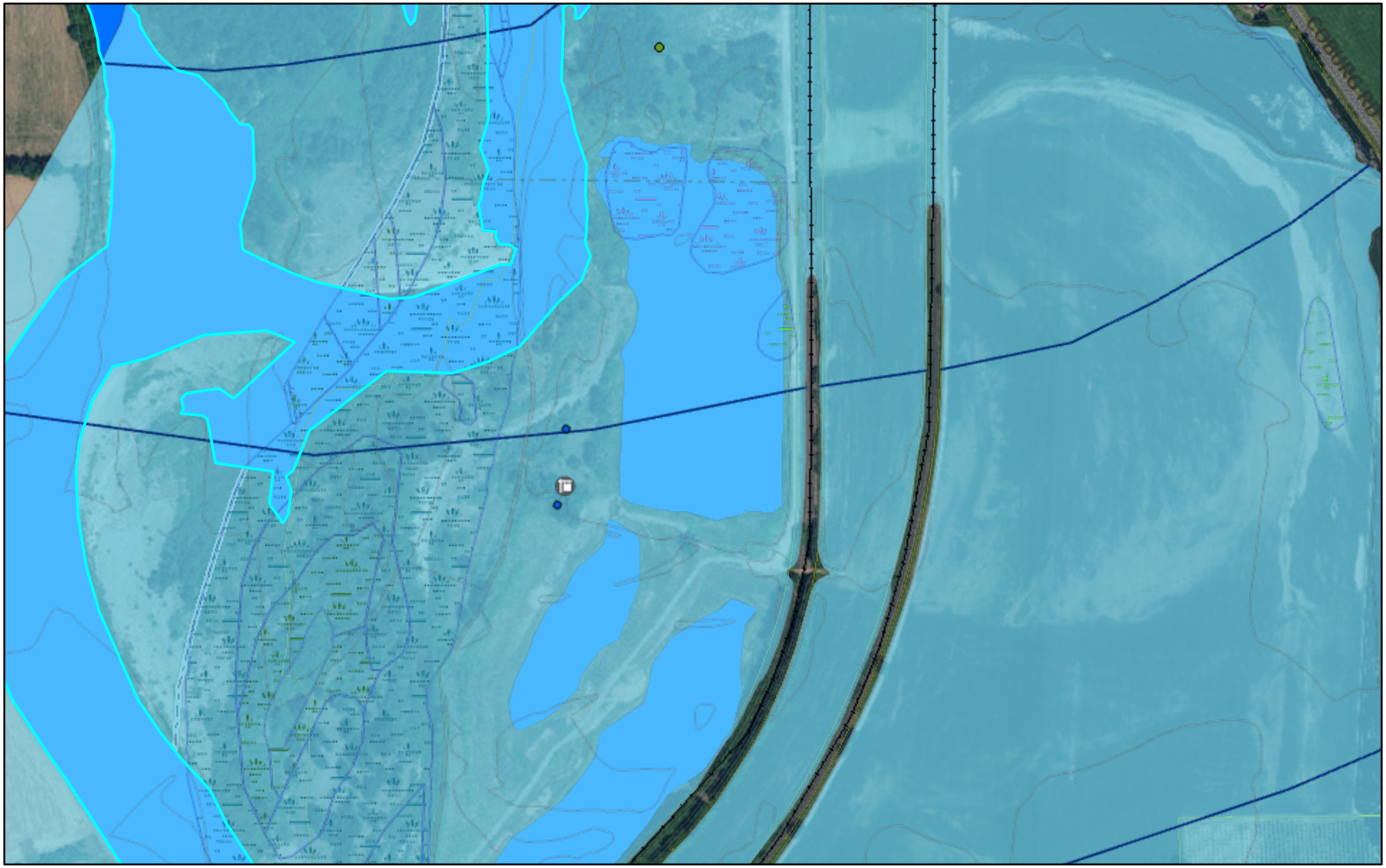
0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping

Harrisburg Flood Zone Areas -Eagle Park



2/10/2025, 2:53:11 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

- Sales
- Permits
- Railways
- Roads
- Wetland Determinations
- Local Wetlands Inventories
- National Wetlands Inventory
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Building Footprints
- City Limits
- Tax Lots
- Waterbodies
- County Boundary

Linn County GIS, City of Albany, City of Brownsville, City of Gates, City of Halsey, City of Harrisburg, City of Idanha, City of Lebanon, City of

Map created using the Linn County Oregon web mapping