



Location: City Hall – Council Chambers  
Date: December 12, 2023  
Time: 6:00 PM

## City Council Meeting Agenda

Mayor Jason Beebe, Council Members Steve Uffelman, Janet Hutchison,  
Shane Howard, Gail Merritt, Scott Smith, Marv Sumner and City Manager Steve Forrester  
**ATTEND TELEPHONICALLY BY CALLING 346-248-7799 Meeting ID: 947 5839 2608 Passcode: 123456**

### Call to Order

### Flag Salute

### Additions to Agenda

### Consent Agenda

- [1.](#) Regular Meeting Brief - 11-14-2023
- [2.](#) The Mail Box Liquor License Application
3. PD Property Conversion

### Visitors, Appearances and Requests

### Council Presentations

### Council Business

- [4.](#) Heart of Oregon Request for Contribution - Sponsor Councilor Sumner
- [5.](#) Crook County Kids Club Request for Contribution - Sponsor Councilor Smith
6. Consider Cancellation of Second December Council Meeting - Steve Forrester
- [7.](#) FEMA Code Update (**PUBLIC HEARING**) - Josh Smith

### Staff Reports and Requests

- [8.](#) City Manager Report - Steve Forrester
- [9.](#) Budget Resolution Error Correction - Lori Hooper Antram

### Committee Reports

### Ordinances

### Resolutions



- [10.](#) Resolution No 1583 - Authorizing the Creation of Prineville Multi-Family Housing Grant - Josh Smith
- [11.](#) Resolution No 1584 - Approving Appropriation Adjustment to the BN 2023-2025 Budget for the Second Quarter of the First Fiscal Year - Lori Hooper Antram
- [12.](#) Resolution No 1585 - Adopting a Supplemental Budget and Making Appropriations for BN2023-2025 **(PUBLIC HEARING)** - Lori Hooper Antram
- [13.](#) Resolution No 1586 - Declaring the City of Prineville Policy's Regarding the Prineville Renewable Energy Project - Caroline Ervin

### **Visitors, Appearances and Requests**

- 14. Executive Session Pursuant to ORS 192.660(2)(i) & ORS 192.660(8) - To Evaluate Performance of an officer, employee or staff member**

### **Adjourn**

***Agenda items maybe added or removed as necessary after publication deadline***



**CITY OF PRINEVILLE**  
**Regular Meeting Brief**  
387 NE Third Street – Prineville, OR 97754  
541.447.5627 ph 541-447-5628 fax

Full Meeting Recordings Available at:  
<http://cityofprineville.com/meetings/>

**City Council Meeting Brief**  
**November 14, 2023**

**Council Members Present:**

Marv Sumner  
Jason Beebe  
Steve Uffelmann  
Shane Howard

Gail Merritt  
Scott Smith  
Janet Hutchison

**Council Members Absent**

None.

**Additions to the Agenda**

None.

**Consent Agenda**

1. Regular Meeting Brief 10-24-2023

**Councilor Hutchison made a motion to approve consent agenda as presented. Motion seconded. No discussion on motion. Motion carried.**

**Visitors, Appearances and Requests**

2. **Ceremonial Swear In of Officers Jeremy Richmond & Michael Dunn**

Lt. Shane Wilson highlighted the process of hiring an officer explaining that it takes two to three months or more to bring an officer on board.

Lt. Wilson thanked staff members and recognized Samantha Raymond for the tremendous help she has been over the last several months.

Lt. Wilson called Officer Jeremy Richmond up, provided highlights of Officer Richmond's background and administered the ceremonial oath.

Lt. Wilson called Officer Dunn forward, provided highlights of Officer Dunn's background and administered the ceremonial oath.

### **3. Ceremonial Promotional Swear In of Sgt. Jonathon Adkins**

Lt. Wilson called Sgt. Jonathon Adkins forward explaining that Sgt. Adkins started with us in 2019 and highlighted some of his career. Lt. Wilson administered the ceremonial oath.

Lt. Wilson called up Sam McKenzie, Crook County 911 Director.

### **4. Dispatcher Recognition of Katie Kemper – Sam McKenzie**

Mr. McKenzie asked Katie Kemper, Crook County 911 Supervisor to stand and to be recognized. Katie has been with dispatch since 2020 and has been recognized twice for dispatcher of the year in the state for 2021 and 2022. Mr. McKenzie added that he has seen a marked improvement with moral, processes and dispatch is very lucky to have her here.

### **Visitors, Appearances and Requests**

No one came forward.

### **Council Presentations**

#### **5. Communications Social Media Update – ShanRae Hawkins**

Mrs. Hawkins went through a power point presentation that highlighted communication goals over the years and how significantly outreach has increased since first starting.

Discussions continued regarding how the city handles negative comments, how great it is to see the Facebook posts and how it has raised the bar on how we communicate with the public.

### **Council Business**

#### **6. Consider Cancellation of November & December Second Council Meetings – Steve Forrester**

Steve Forrester, City Manager explained that due to the holidays in November and December the second meetings of the month are cancelled and we can consider cancelling the second meeting in December at the December 12<sup>th</sup> Council meeting.

**Councilor Howard made a motion to cancel the second Council meeting in November. Motion seconded. No discussion on motion. All in favor, motion carried.**

#### **7. Multi Family Housing Grant Program (PUBLIC HEARING) – Josh Smith**

**Mayor Beebe opened the public hearing portion of the meeting.**

Josh Smith, Planning Direction went through a power point presentation and explained how we talked at the last meeting about developing our own program.

Mr. Smith went through the incentive and how it would only apply to city taxes. Other taxing districts would have to develop their own programs.

There were discussions regarding if it is on all city taxes or just improvements on the land.

Mr. Smith continued with what the eligibility requirements are, duration of incentive, application process and options for decisions.

Discussions continued regarding recreational facilities and price of rentals today.

Council agreed that they are happy with it as presented and did not have any questions.

No one came forward to comment or was on the phone to comments. No written comments were received. Mr. Smith did reach out to the developers and they did not have anything to add.

**Mayor Beebe closed the public hearing portion of the meeting.**

Jered Reid, City Attorney added that a resolution will come forward at the next Council meeting.

**Staff Reports and Requests:**

**8. City Manager's Report– Steve Forrester**

Steve Forrester, City Manager began his report on each of the departments and activity adding that he is very happy with the performance of the Police Department.

Casey Kaiser, Public Works Director came forward and provided a Public Works update explaining that they have tackled all three master plans at the same time and are waiting on a Department of Environmental Quality (DEQ) review of the Water Master Plan. They have had their first Transportation System Plan (TSP) public advisory committee meeting which had great attendance with over 20 people there.

Mr. Forrester continued with his report and went through the rest of the departments.

There were discussions regarding the car wash and Meadow Lakes parking lot paving project. The Meadow Lakes parking lot paving project will go out to bid in mid-spring when the 2024 road rehabilitation project goes out to bid.

Councilor Howard asked if the city has considered investing in indoor golf activities in the winter and we can make money with virtual golf.

Zach Lampert explained that there isn't currently room at the facility for virtual golf.

**9. Quarterly Financial Report – Lori Hooper Antram**

Mrs. Hooper Antram went through a power point presentation that highlighted the condition of all city funds.

There were discussions regarding transient room tax and how that money is allocated and the EV charging facility and how we receive revenue from that. Mr. Smith explained that he set the charge fee based on average rates at 45 cents per KW.

Mrs. Hooper closed with an audit update explaining that they may possibly be asking for an extension.

### **Committee Reports**

Councilor Hutchison provided an Ochoco Forest Collaborative update which included how an aerial survey on the forests has just been completed. They cover 47 million acres of all forested land and use a variety of methods to survey. Tree mortality was discussed again and how the drought has stressed the trees as well as the western tree beetle. The Ochoco Forest is like the epicenter now for the drought. The Forest Service has started taking trees out at Walton Lake and are also working on a Wildlife Crisis Strategy at the grasslands.

There were no questions, just comments that they are happy that the trees at Walton Lake are being taken out.

There were no other reports.

### **Ordinances:**

None.

### **Resolutions**

#### **10. Resolution No. 1581 – Approving an Amendment to Personal Services Agreement with DOWL – Casey Kaiser**

Mr. Kaiser presented the staff report explaining that the amendment is for an additional archeological study.

Discussions continued regarding de-watering and the wetland, artifacts that were found were a couple of tools that could be pre-European, a tin pan and shard of glass. They have to determine the significance of the archeological items found and if Council could get notice when they go out for the archeological study so anyone could go out and watch.

**Councilor Hutchison made a motion to approve Resolution No. 1581. Motion seconded. No discussion on motion. All in favor, motion carried.**

#### **11. Resolution No. 1582 – Authorizing the City to Enter into an IGA with Crook County School District – Lori Hooper Antram**

Mrs. Hooper Antram presented the staff report explaining that this will add a third school resource officer (SRO) for the school district and how this may need a budget adjustment.

Discussions continued regarding why the school district needs another officer due to the number of locations, increase in drugs at a national level but not here, mentoring the kids, active shooter coverage and many other needs.

There were questions if they are looking at adding more SRO's in the future and how it would be nice to have one at all the schools.

Councilor Merritt added that she strongly believes of officers in the school. It builds great relationships with the students and she always receives comments on it being great having officers there.

**Councilor Merritt made a motion to approve Resolution No. 1582. Motion seconded. No discussion on motion. All in favor, motion carried.**

**Visitors, Appearances and Requests:**

No one came forward.

Mayor Beebe discussed Mr. Forrester's upcoming review at the next meeting in December and to please return the review packets to Lisa since he will be out of town.

**Adjourn**

**Councilor Sumner made a motion to adjourn the meeting. Motion seconded. No discussion on motion. All in favor, motion carried.**

Meeting adjourned at 7:55 P.M.

**Motions and Outcomes:**

Motion:	Outcome	Beebe	Howard	Hutchison	Merritt	Smith	Sumner	Uffelman
Consent Agenda	PASSED	Y	-	Y	Y	Y	Y	Y
Motion to cancel the second Council meeting in November.	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1581 – Approving an Amendment to Personal Services Agreement with DOWL	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1582 – Authorizing the City to Enter into an IGA with Crook County School District	PASSED	Y	Y	Y	Y	Y	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	Y	Y	Y

Public Records Disclosure

Under the Oregon public records law, all meeting information, agenda packets, ordinances, resolutions, audio and meeting briefs are available at the following URL:

<https://www.cityofprineville.com/meetings> .



# LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

New Outlet |  Change of Ownership |  Greater Privilege |  Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

## Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

## Winery

- Primary location
- Additional locations:  2nd  3rd  4th  5th

## Brewery

- Primary location
- Additional locations:  2nd  3rd

## Brewery-Public House

- Primary location
- Additional locations:  2nd  3rd

## Grower Sales Privilege

- Primary location
- Additional locations:  2nd  3rd

## Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

## Limited On-Premises

- Off Premises
- Warehouse
- Wholesale Malt Beverage and Wine

## LOCAL GOVERNMENT USE ONLY

### LOCAL GOVERNMENT

After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

City of Prineville

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: **Nov 14, 2023**

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

The Mail Box Store

Trade Name

# LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: <b>Noland Co. LLC</b>	Name of entity or individual applicant #2: <b>Alexandra Noland</b>
Name of entity or individual applicant #3: <b>Blaine Noland</b>	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): <b>The Mail Box Store</b>		
Premises street address (The physical location of the business and where the liquor license will be posted): <b>375 NE Court St.</b>		
City: <b>Prineville</b>	Zip Code: <b>97754</b>	County: <b>Crook</b>
Business phone number: <b>541-419-9612</b>	Business email: <b>office@blainenoland.com</b>	
Business mailing address (where we will send any items by mail as described in <a href="#">OAR 845-004-0065[1]</a> ): <b>PO Box 2268</b>		
City: <b>Prineville</b>	State: <b>OR</b>	Zip Code: <b>97754</b>
Does the business address currently have an OLCC liquor license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is <u>not</u> an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.	
Application Contact Name: <b>Alexandra Noland</b>	
Phone number: <b>541-419-9612</b>	Email: <b>office@blainenoland.com</b>

# LIQUOR LICENSE APPLICATION

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## TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

## ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
  1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
  2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
  3. The licensed premises at the premises street address proposed to be licensed either:
    - a. Does not include any common areas; or
    - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
  4. The licensed premises at the premises street address either:
    - a. Has no area on property controlled by a public entity (like a city, county, or state); or
    - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

# LIQUOR LICENSE APPLICATION

# The Mail Box Store

Page 4 of 4

**Applicant Signature(s):** Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

• Each applicant listed in the “Application Information” section of this form has read and understands OLCC 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

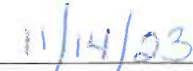
I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Alexandra Noland

Applicant name



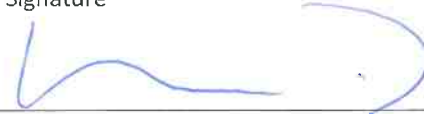
Signature



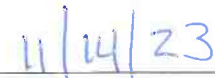
Date

Blaine Noland

Applicant name



Signature



Date

Applicant name

Signature

Date

Applicant name

Signature

Date

**Applicant/Licensee Representative(s):** If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

*Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.*



# OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Noland Co. LLC Phone: 541-419-9612

Trade Name (dba): The Mail Box Store

Business Location Address: 375 NE Court St.

City: Prineville ZIP Code: 97754

## DAYS AND HOURS OF OPERATION

<b>Business Hours:</b>	<b>Outdoor Area Hours:</b>	<b>The outdoor area is used for:</b>
Sunday _____ to _____	Sunday _____ to _____	<input type="checkbox"/> Food service Hours: _____ to _____
Monday <u>8</u> to <u>6</u>	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday <u>8</u> to <u>6</u>	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday <u>8</u> to <u>6</u>	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday <u>8</u> to <u>6</u>	Thursday _____ to _____	
Friday <u>8</u> to <u>6</u>	Friday _____ to _____	
Saturday <u>10</u> to <u>3</u>	Saturday _____ to _____	_____ (Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

## ENTERTAINMENT

Check ALL that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing  Nude Dancing
- Live Entertainment
- Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: \_\_\_\_\_

## DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

\*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

## SEATING COUNT

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_ Lounge: \_\_\_\_\_  
Banquet: \_\_\_\_\_ Other (explain): \_\_\_\_\_ Total Seating: \_\_\_\_\_

**OLCC USE ONLY**  
Investigator Verified Seating: \_\_\_\_ (Y) \_\_\_\_ (N)  
Investigator Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 11/14/23



## Prineville City Council Contribution Request Form

The City of Prineville is proud to contribute to organizations that have interest that benefit the citizens of Prineville in line with Council Goals and Objectives. Pursuant to Resolution No. 1517, once the completed application is received it will be forwarded to City Council for sponsorship. Upon a City Council Member's sponsorship, the application shall be presented at the next Regular City Council meeting for City Council's consideration.

Date: November 9, 2023		Name of Organization: Heart of Oregon Corps	
Street Address: HOC Prineville Program Office, 495 Locust Ave (mailing address for admin office is PO Box 279, Bend OR 97709)			
Town: Prineville	State: OR	Zip: 97754	
Phone: 541-633-7834	Email: development@heartoforegon.org		
Contact Name & Title: Laura Handy, Executive Director			
IRS Tax Status (Example 501(c) 3, 5, 6 or other: 501(c)(3))			
Give a brief description of your organization including the mission statement, type of service provided: Heart of Oregon Corps (HOC) empowers youth and young adults ages 16-24 through employment, job training, education, and service to Central Oregon communities. Through the WORK, EARN, LEARN model of our six programs, we strive to create pathways out of poverty for youth and encourage their self-sufficiency. We train 225 young people annually in conservation, construction, childcare, and customer service. HOC has operated Crook County programming since 2001, and our year-round Prineville program office supports over 30 youth each year.			
Purpose of funds request (attach brochures, pictures, purpose of organization, etc.) Be specific as to what area of your plan where the funds will be used. Funds will be used toward the Central Oregon Youth Conservation Corps' Prineville crews. COYCC, operates in partnership with the U.S. Forest Service and COIC Youth Compass Program, serving 93 Central Oregon teens ages 16-18 as they engage in environmental conservation work and learn job skills over an 8-week summer job. The COYCC-Prineville location will hire 5 crews totaling 24 local youth and 5 local crew-leaders.			
Will funds be used for operational expenses? (Please explain) The Prineville City Council contribution will be used for program (operational) expenses and wages, including youth wages, crew leader wages, crew transportation, uniforms, and minimal program manager and infrastructure costs for HOC's 4 Prineville crews (COIC operates the 5th crew). Over the course of the 8-week program, each youth hired by Heart of Oregon will have the opportunity to earn \$4,400 in wages, working 279 hours at \$15.75/hr.			
Will funds be leveraged with other resources/partnerships? A partnership with the US Forest Service provides the majority of funding, but a non-federal 20% match is required in order to fully utilize USFS funds, otherwise HOC will be forced to leave committed funds on the table and operate fewer crews. Prineville City Council's funds will be combined with secured state funds from Oregon Youth Corps to meet this required match, demonstrating critical support for these youth from multiple levels of governmental funding.			
Funding Amount Requested: \$2,000			
Describe how your organization sees this request for meeting the Council Goals & Objectives: COYCC promotes fiscal responsibility and provides quality programming that positions the city for future growth by providing youth in Prineville the opportunity to work meaningful jobs while they earn wages that increase economic self-sufficiency and financial literacy.			



## Prineville City Council Contribution Request Form

Describe the purpose of the request, the services to be provided and how it relates to the City of Prineville & how this will benefit the citizens of Prineville:

Funds will be used to provide summer employment for 24 Prineville youth that offers daily leadership and job skills training, a paid college day at Central Oregon Community College, and a Career Day hosted at Wildcat Campground by over a dozen USFS specialists. In addition, youth will be provided post-program job and education placement support. The City of Prineville directly benefits from over 100 acres and miles of trails (annually) of restoration and maintenance on their surrounding Forest Service lands; protecting the community from wildland fire, supporting grazing while protecting wildfire and streams, promoting responsible recreation and tourism, and building a sense of pride and place in local environment. Citizens will benefit from their youth learning workforce soft and leadership skills while they earn high school and college credits, explore career paths, and gain confidence within themselves.

Number of years in operation:23

Has your organization received funds from the city before? If yes, please provide amount and purpose of donation:

No

**I hereby certify that I have read and understand the charitable donation request guidelines and that the information provided is true and correct. I understand that the approval and denial of all charitable donation requests is in the sole discretion of the City of Prineville Council and that if the request is approved, a W9 must be on file with the city before funds can be distributed.**

Laura Handy

Printed Name – Organization’s Authorized Representative

Laura M  
Handy

Digitally signed by Laura M  
Handy  
Date: 2023.11.13 10:05:59  
-08'00'

Signature – Organization’s Authorized Representative

ADMINISTRATIVE SECTION:	
Date Received:November 13, 2023	
Fiscal Year:2023-2024	Fund balance at time of request: <b>\$9,000</b>
Council Member to sponsor:Marv Sumner	
Date Council to review:12-12-2023	Council: Approved / Denied
If approved, amount Council approved: \$	



## Prineville City Council Contribution Request Form

The City of Prineville is proud to contribute to organizations that have interest that benefit the citizens of Prineville in line with Council Goals and Objectives. Pursuant to Resolution No. 1517, once the completed application is received it will be forwarded to City Council for sponsorship. Upon a City Council Member's sponsorship, the application shall be presented at the next Regular City Council meeting for City Council's consideration.

Date:	Name of Organization: Crook County Kids Club	
Street Address: 1875 NE Ironhorse Way		
Town: Prineville	State: Oregon	Zip: 97754
Phone: 541-362-6553	Email: <a href="mailto:director@crookcountykids.org">director@crookcountykids.org</a>	
Contact Name & Title: Ashley Thrasher Executive Director		
IRS Tax Status (Example 501(c) 3, 5, 6 or other: 501(c)3		

**Give a brief description of your organization including the mission statement, type of service provided:**

The mission of Crook County Kids Club (Kids Club) is to provide educational and enrichment activities year-round, that promote learning and confidence necessary for life-long success. Kids Club is an after-school program for kids grades K-5TH. Kids Club provides hands-on educational activities that include: physical education, arts and crafts, science and STEM, tutoring in literacy, as well as gardening during our 8-week summer program, off-site field trips and swimming opportunities. Last school year, we concluded our Eagle Readers Tutoring Program. We collaborated with the Steins Pillar Academic Coach, and identified "red zone" readers. They were invited to receive free tutoring at Kids Club. Kids Club staff tutored K-3rd graders specifically on reading. Through staff tutoring, kids were able to improve their reading scores. Twenty out of the thirty identified "red zone" readers brought their reading levels to grade proficiency or higher. We are currently identifying "red zone" readers to participate for this school year. Kids Club has also worked with a licensed therapist to help train staff by giving them tools to best support struggling kids. She also provided tools to kids on how to be resilient, persevere and solve day to day problems with confidence. Last summer, we partnered with OSU/Extension and used garden foods prepared in recipes to promote healthy eating. Kids Club also provided Steins Pillar Elementary with the outdoor learning space, equipped with raised garden beds. In spring, Steins Pillar students use the beds to start the garden, with Kids Club maintaining it during the summer program. Currently, Kids Club has over 175 members enrolled and a waitlist of 101 kids. Kids Club is housed at all three elementary schools and has 18 part-time employees and one full-time employee.



**Purpose of funds request (attach brochures, pictures, purpose of organization, etc.) Be specific as to what area of your plan where the funds will be used.**

The current and on-going funding priority is general operating support.

**Will funds be used for operational expenses? (Please explain)**

The majority of Kids Club's budget centers around staffing costs because ninety percent of the work done at Kids Club is done by dedicated part-time staff members. The program has grown considerably in the last 5 years. The growth of the program has allowed Kids Club to expand into each elementary school in Prineville, keeping group sizes manageable to allow for quality programming. However, the growth has also increased the budget expense of staffing. In 2018 Kids Club employed 8 part-time staff. Currently, the program employs fifteen part-time staff.

Many staff members are seniors in high school or college students, who benefitted from Kids Club in elementary school. Without the support from staff members, the program would cease to exist. Staff plan daily activities, monthly events and communicate with families. Staff also lead the planned activities during program hours. More importantly, staff members form positive relationships with kids through mentoring and provide kids with positive role models.

**Will funds be leveraged with other resources/partnerships?**

Kids Club continually seeks out corporate and private donors, grantors, private foundations and charges an affordable monthly tuition of \$60. Kids Club has received funding from Prineville Kiwanis, Oregon Community Foundation, Shelk Foundation, Prineville Masonic Lodge #76, Prineville Presbyterian Church, Meta, Central Oregon Health Council and other private and in-kind donors. Kids Club welcomes collaborations and partnerships with organizations. Crook County School District is a main partner to Kids Club, providing space after school is dismissed for the program to be housed. This partnership was established in 2010, because the program helps to support kids and families within the district.

**Funding Amount Requested: \$ 10,000.00**

**Describe how your organization sees this request for meeting the Council Goals & Objectives:**

**Fiscal Responsibility:** Kids Club provides a low tuition cost of \$60 per month. This cost is affordable and manageable for families. This low cost helps the community by providing an affordable after-school option for working families and helps create a sustainable living environment for community members.

**Provide Quality Municipal Services & Programs:** Kids Club has seen an increased number of kids every year since our inception in 2008. In 2008, Kids Club averaged 15 kids per day after-school. Currently, Kids Club sees an average of 150 kids per day after-school, due to the quality program, trained and dedicated staff-members and the collaborations between other community organizations.

**Transparency & Effective Communication:** Kids Club communicates regularly with the community on events, needs and insight on how the program runs efficiently. Kids Club is an established non-profit within our community and welcomes all families to enroll.

**Position City for the Future:** Kids Club provides a much needed service to the community. Many parents rely on Kids Club so they can continue to work outside of the home. Kids rely on Kids Club for social interaction, hands-on learning and positive role models. Many of our members start Kids Club in kindergarten and leave when they enter 6th grade. Over the years, Kids Club has employed high school and college students that once attended Kids Club as elementary students. Kids Club helps to mold kids into productive and well-rounded citizens, while also providing parents with a safe, supervised place for their kids to attend after-school.

**Community Safety:** As stated above, school-aged kids need to be supervised and engaged after-school, when parents are still working. Kids Club helps to maintain safety in our community by providing the program to 175 kids. We want to ensure that kids are safe and supervised after-school, minimizing the opportunities for unsafe decisions or environments, or families having no other choice but to send young kids to an empty house.



### Prineville City Council Contribution Request Form

**Describe the purpose of the request, the services to be provided and how it relates to the City of Prineville & how this will benefit the citizens of Prineville:**

The need for a safe, engaging after-school and out of school program is vital for our community.. Kids Club supports kids by offering hands-on and educational activities, social interactions and play that help to mold kids into productive and healthy citizens. Kids Club also helps to support the economic stability of our community. One in five Oregonians in the workforce with children work in a job that cannot be done from home, nor have another non-working adult present in the household. It is clear that kids in grades K-5TH should not go home to an unsupervised house, after school is dismissed and parents are still working. Kids Club is the only non-profit out of school program in Prineville, providing this often overlooked critical infrastructure to the community. Kids Club supports kids and parents and helps to make our community a better place to live,work and play..

**Number of years in operation:** 15 years

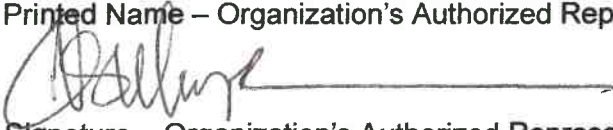
**Has your organization received funds from the city before? If yes, please provide amount and purpose of donation:** \$2,500 in 2018: general operating support

I hereby certify that I have read and understand the charitable donation request guidelines and that the information provided is true and correct. I understand that the approval and denial of all charitable donation requests is in the sole discretion of the City of Prineville Council and that if the request is approved, a W9 must be on file with the city before funds can be distributed.

Ashley Thrasher

11/30/2023

Printed Name – Organization’s Authorized Representative



11/30/23

Signature – Organization’s Authorized Representative

ADMINISTRATIVE SECTION:

Date Received: November 30, 2023

Fiscal Year: 2023-2024

Fund balance at time of request: \$9,000

Council Member to sponsor:

Date Council to review:

Council: Approved / Denied

If approved, amount Council approved: \$

# Crook County Kids Club



**CROOK COUNTY KIDS CLUB**

*The place to be after school*



## What we Do

Crook County Kids Club provides educational and enrichment activities year-round that promote learning and confidence necessary for life-long success.

**1**

**PROVIDE QUALITY  
PROGRAMMING FOR  
KIDS DAILY**

**2**

**TRAINED AND  
DEDICATED STAFF  
MEMBERS**

**3**

**SUPERVISION AFTER  
SCHOOL FOR K-5  
KIDS**

## Who We Are

Established in 2008, Crook County Kids Club is a 501(c)3 non-profit organization for Crook County youth.

When the local Boys & Girls Club program closed in 2007, it left many parents in a scramble to find a place for their kids to go after school. In 2008, a group of parents established Crook County Kids Club, an out of school program for kids grades K-5TH. Kids Club started out in the basement of the Lutheran Church and in 2010, was invited by the Crook County School District to use the space at Cecil Sly Elementary. This partnership helped parents immensely, as their kids could walk down the hall to Kids Club after school, freeing up the hassle of transportation. In 2015, Kids Club moved to the new Barnes Butte Elementary School and continued serving an increased number of kids each year. In 2020, the pandemic hit. After a month of school and program closure, Kids Club worked quickly to re-open within safety regulations, providing full day care to first responders and then eventually expanded to provide care to

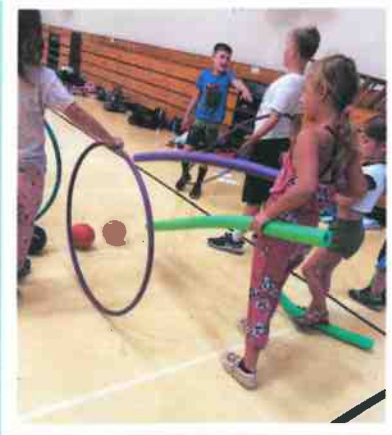


essential worker families. This care continued until school reopened. The program grew, seeing 100 kids per day after-school. To continue to provide quality programming and smaller group sizes, Kids Club expanded to all three elementary schools. Today, Kids Club serves an average of 150 kids per day after-school and 60 during the eight week summer program. Kids Club is overseen by a Board of Directors, Executive Director and 15 part-time staff that plan, facilitate and lead educational activities for kids each day. Kids Club is open directly after-school until 6:00pm, Monday through Friday and has extended hours during eight weeks of summer.

## PARTNERSHIPS

Over the years, Kids Club has participated in a variety of collaborations and partnerships. Some long time partnerships include, Crook County School District, Kids Club of Jefferson County, Crook County On the Move, OSU/Extension Service.

Kids Club also has received funding from a variety of sources, including program revenue, Kiwanis of Prineville, Les Schwab Tire Center, Meta, Shelk Foundation, JTMF Foundation, AgWest and Autzen Foundation.





# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

### PLANNING COMMISSION STAFF REPORT

**File No.:** AM-2023-102  
**Applicant/Owner:** City of Prineville  
**Location:** City of Prineville  
**Notice to DLCD:** 10/18/2023  
**Newspaper Notice:** Planning Commission Notice – 11/7/2023  
**Public Hearing:** Planning Commission – 11/21/2023  
**Staff:** Joshua Smith,  
Planning Director

**Proposal:** Legislative Text Amendment to Chapter 151 (Flood Damage Prevention). The code is being updated for consistency with the new Oregon model flood ordinance. General regulations have not changed. The content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). All optional and higher standards within the existing City code will remain.

#### **Background:**

The first Flood Hazard Boundary Map (FHBM) was created in 1973. The first Flood Insurance Rate Maps (FIRM) were adopted in 1989. A new flood code based on the model code was adopted in 1999 after the 1998 flood. Our flood code was updated again in 2011 with new FIRM maps adopted in 2012 in conjunction with the nationwide map modernization program. There have been three (3) more versions since; in 2014, 2019 and 2020. A summary of the changes from 2011 version to the 2019 and 2020 versions is attached as exhibit B. The code has been significantly rearranged, making a side-by-side comparison impractical.

#### **Consistent with Statewide Planning Goal 7 – Natural Disasters and Hazards:**

Oregon Statewide Planning Goal 7 requires jurisdictions to apply “appropriate safeguards” when planning for development within areas subject to natural disasters or hazards.

The State of Oregon through Goal 7, requires local governments to comply with the National Flood Insurance Program (NFIP) requirements. Local governments participate in the NFIP and regulate the activities that take place in designated Special Flood Hazard Areas. In exchange, FEMA offers flood insurance to property owners and renters. The Department of Land Conservation and Development (DLCD) coordinates implementation of the NFIP in Oregon through an agreement with the Federal Emergency Management Agency (FEMA). Almost all cities and counties in Oregon that are subject to flooding participate in the NFIP.

#### **Staff Conclusions and Recommendation:**

As stated in the proposal, the code is being updated for consistency with the new Oregon model flood ordinance. General regulations have not changed and all optional and higher standards within the existing City code will remain. These amendments meet the requirements of Goal 7, and provides consistent code language between the City, DLCD & FEMA. Staff recommends adoption as written.

#### **EXHIBITS:**

Exhibit A - Staff and FEMA Recommended update to Chapter 151.  
Exhibit B – Summary of changes.



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**PLANNING COMMISSION RECOMMENDATION**

**File No.:** AM-2023-102  
**Applicant/Owner:** City of Prineville  
**Location:** City of Prineville

**Proposal:** Legislative Text Amendment to Chapter 151 (Flood Damage Prevention). The code is being updated for consistency with the new Oregon model flood ordinance. General regulations have not changed. The content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). All optional and higher standards within the existing City code will remain.

**Notice to DLCD:** 10/18/2023  
**Newspaper Notice:** Planning Commission Notice – 11/7/2023  
City Council – 11/28/2023  
**Public Hearing:** Planning Commission – 11/21/2023  
City Council – 12/12/2023

**Background:**

The first Flood Hazard Boundary Map (FHBM) was created in 1973. The first Flood Insurance Rate Maps (FIRM) were adopted in 1989. A new flood code based on the model code was adopted in 1999 after the 1998 flood. Our flood code was updated again in 2011 with new FIRM maps adopted in 2012 in conjunction with the nationwide map modernization program. There have been three (3) more versions since; in 2014, 2019 and 2020. A summary of the changes from 2011 version to the 2019 and 2020 versions is attached as exhibit B. The code has been significantly rearranged, making a side-by-side comparison impractical.

**Consistent with Statewide Planning Goal 7 – Natural Disasters and Hazards:**

Oregon Statewide Planning Goal 7 requires jurisdictions to apply “appropriate safeguards” when planning for development within areas subject to natural disasters or hazards.

The State of Oregon through Goal 7, requires local governments to comply with the National Flood Insurance Program (NFIP) requirements. Local governments participate in the NFIP and regulate the activities that take place in designated Special Flood Hazard Areas. In exchange, FEMA offers flood insurance to property owners and renters. The Department of Land Conservation and Development (DLCD) coordinates implementation of the NFIP in Oregon through an agreement with the Federal Emergency Management Agency (FEMA). Almost all cities and counties in Oregon that are subject to flooding participate in the NFIP.

**Planning Commission Conclusions and Recommendation:**

As stated in the proposal, the code is being updated for consistency with the new Oregon model flood ordinance. General regulations have not changed and all optional and higher standards within the existing City code remain. These amendments meet the requirements of Goal 7, and provides consistent code language between the City, DLCD & FEMA. The Planning Commission recommends adoption as written.

**EXHIBITS:**

Exhibit A - Staff and FEMA Recommended update to Chapter 151.  
Exhibit B – Summary of changes.

Marty Bailey: *Marty Bailey* Date: 11-21-23  
Planning Commission Chair

## **CHAPTER 151: FLOOD DAMAGE PREVENTION**

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### **STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS**

- 151.01 Statutory Authorization
- 151.02 Findings of Fact
- 151.03 Statement of Purpose
- 151.04 Methods of Reducing Flood Losses
- 151.05 Definitions

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- 151.10 Lands To Which This Ordinance Applies
- 151.11 Basis For Establishing The Special Flood Hazard Areas (SFHA)
- 151.12 Coordination With State of Oregon Specialty Codes
- 151.13 Compliance and Penalties For Noncompliance
- 151.14 Abrogation and Severability
- 151.15 Interpretation
- 151.16 Warning And Disclaimer Of Liability

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- 151.20 Designation of The Floodplain Administrator
- 151.21 Duties and Responsibilities of The Floodplain Administrator
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  - (B) Information To Be Obtained and Maintained
  - (C) Requirement To Notify Other Entities And Submit New Technical Data
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- (A) Alteration Of Watercourses
- (B) Anchoring
- (C) Construction Materials and Methods
- (D) Utilities And Equipment
- (E) Tanks
- (F) Subdivision Proposals And Other Proposed Developments
- (G) Use of Other Base Flood Elevation Data
- (H) Structures Located in Multiple Or Partial Flood Zones



**151.41 Specific Standards For SFHA (Including All Non-Coastal)**

- (A) Flood Openings
- (B) Garages
- (C) No Regulatory Floodway
- (D) Residential Construction
- (E) Non- Residential Construction
- (F) Manufactured Dwellings
- (G) Recreational Vehicles
- (H) Appurtenant (Accessory) Structures
- (I) Below-Grade Crawl Spaces
- (J) Floodways
  - (1) Prohibit encroachments
  - (2) Comply with applicable flood hazard reduction provision.
- (K) Standards For Shallow Flooding Areas
  - (1) Standards For AH Zones
  - (2)Standards For AO Zones

**ENFORCEMENT**

151.50 Penalties For Violation

151.51 Severability

**151.52 Abrogation and Greater Restrictions**

**APPENDIX A –Oregon Model Flood Ordinance Regulatory Crosswalk**

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# **STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS**

## ***151.01 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 Prineville does ordain as follows:

## ***151.02 Findings of Fact***

(A) The flood hazard areas of the City of Prineville 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.

(C) The City of Prineville has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper management of special flood hazard areas.

## ***151.03 Statement of Purpose***

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

(A) Protect human life and health;

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

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

(D) Minimize prolonged business interruptions;

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

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

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

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

(I) Participate in and maintain eligibility for flood insurance and disaster relief;

(J) Manage the alteration of areas of special flood hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.

## ***151.04 Methods of Reducing Flood Losses***

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

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

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

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

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

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

(F) Coordinate with and supplement provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.

### ***151.05 Definitions***

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

**Accessory Structure:** A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

**Addition:** An alteration to an existing structure that results in any increase in its ground floor area.

**Appeal:** A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding:** 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 (ASFH):** The land in the floodplain within a community subject to a 1 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:** The flood having a one percent chance of being equaled or exceeded in any given year.

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

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Below-grade crawl space:** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

**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.

**Datum:** The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Digital FIRM (DFIRM):** Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

**Elevated building:** Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Encroachment**” The advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a regulatory Floodway which may impede or alter the flow capacity of a floodplain.

**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 paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood Elevation Study:** See “Flood Insurance Study”.

**Flood Insurance Rate Map (FIRM):** 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):** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood proofing:** 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:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Freeboard:** An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 1 foot above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

**Functionally dependent use:** 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.

**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 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:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure:** Any structure that is:

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

(C) Individually listed on a state inventory of historic places and determined as eligible by 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 and determined as eligible by 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.

**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:

**(1) 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 (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

**(2) 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.

**(3) 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.

**(4) 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.

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

**(6) 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.

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

**Manufactured dwelling:** 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:** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1988 (NGVD 88) or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

**New construction:** 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 Prineville and includes any subsequent improvements to such structures.

**Oregon Specialty Codes:** The Building Codes Division of the State adopts, amends, and interprets specialty codes that make up the Oregon State Building Code. The combined specialty codes are often referred to as building codes or "Specialty Codes".

**Reconstruction:** The repair of a structure damaged by any cause (not just flooding) without increasing the floor area of the structure.

**Recreational vehicle:** A vehicle which is:

(A) Built on a single chassis;

(B) Four-hundred (400) square feet or less when measured at the largest horizontal projection;

(C) Designed to be self-propelled or permanently towed 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.

**Regulatory floodway:** See "Floodway".

**Rehabilitation:** Any improvement and repairs that are made to the interior and exterior of an existing structure that do not result in any increase in the ground floor area of the structure. This is perhaps the most common category and includes activities like remodeling a kitchen, gutting the building and redoing the interior, and adding a second story.

**Riverine:** Relating to or situated on a river or riverbank. Riverine flood zone means riverine flood hazard zones A, AO, AH, A1-30, AE, A99, or AR.

**Sheet flow area:** See "Area of shallow flooding".

**Special flood hazard area (SFHA):** See "Area of special flood hazard" for this definition.

**Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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:** 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:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

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

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

**Variance:** A grant of relief by the City of Prineville from the terms of a flood plain management regulation.

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

**Watercourse:** The channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel (except in the case of alluvial fans, where a channel is not typically defined).

**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 intrinsic nature of its operations.

**Water surface elevation:** The height, in relation to the National Geodetic Vertical Datum of 1988 (NGVD 88), or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **GENERAL PROVISIONS**

### ***151.10 Lands to Which This Ordinance Applies***

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Prineville. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance or Specialty Codes.

### ***151.11 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 **Crook County, Oregon and incorporated areas**, dated February 2<sup>nd</sup>, 2012, and as amended, with accompanying Flood Insurance Rate Maps (FIRMs) or Digital Flood Insurance Rate Maps (Panels 0384 through 0416 or as amended) are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the City Planning Department, City Hall, 387 NE 3<sup>rd</sup> St., Prineville, Oregon.

### ***151.12 Coordination With State of Oregon Specialty Codes***

Pursuant to the requirement established in ORS 455, that the City of Prineville, (as administered through the Crook County Building Department) enforce the State of Oregon Specialty Codes. The City of Prineville does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

### ***151.13 Compliance and Penalties For Noncompliance***

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

(B) Penalties For Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Failure to comply with all of the provisions of this ordinance and its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation and be subject to enforcement as described in sections 151.50 through 151.52. Nothing contained herein shall prevent the City of Prineville from taking such other lawful action as is necessary to prevent or remedy any violation.



### **151.14 Abrogation and Severability**

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

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

### **151.15 Interpretation**

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

(A) Considered as minimum requirements;

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

(C) Deemed neither to limit nor repeal any other powers granted under state statutes, including State Specialty Codes.

### **151.16 Warning and Disclaimer of Liability**

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

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

## **ADMINISTRATION**

### **151.20 Designation of Floodplain Administrator**

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

### **151.21 Duties and Responsibilities of the Floodplain Administrator**

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

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

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

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

(3) Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 151.41(J) (*Floodways*) are met; and

(4) Review all development permits to determine if the proposed development is located in an area of special flood hazard, where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 151.40(G) (*Use of Other Base Flood Data*); and

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

(6) Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 151.05(*Definitions*).

(7) Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 151.40(A) (*Alterations of Watercourses*).

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

(9) Where a determination is needed of the location of boundaries of the Areas of Special Flood Hazard including (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make a determination. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the determination.

### **(B) Information To Be Obtained and Maintained**

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

(1) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 151.40(G) (*Use Of Other Base Flood Data*).

(2) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 151.41(B) (*Garages*) and 151.21(A)(2)(*Permit Review: All other required local, state, and federal permits have been obtained and approved*) are adhered to.

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

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

(5) Maintain all Elevation Certificates (EC) submitted to the community;

(6) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 151.40(G) (*Use Of Other Base Flood Data*).

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

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

(9) Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 151.41.(D) (*Floodways*).

(10) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 151.21(D) (*Substantial Improvement*).

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

## **(C) Requirement To Notify Other Entities And Submit New Technical Data**

**(1) 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.

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

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

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

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 151.21(C)(3) (*Requirement To Submit New Technical Data*). Ensure compliance with all applicable requirements in sections 151.21(C)(3) (*Requirement To Submit New Technical Data*) and 151.40(A) (*Alteration Of Watercourses*).

**(3) 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 of the Code of Federal Regulations (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:

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

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

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

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 Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

**(D) Substantial Improvement and Substantial Damage Assessments and Determinations:**

Conduct Substantial Improvement (SI) (as defined in section 151.05) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 151.21(B) (*Information To Be Obtained And Maintained*). Conduct Substantial Damage (SD) [as defined in section 151.05 (*Definitions*)] assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area [as established in section 151.11(*Basis For Establishing The Special Flood Hazard Areas*)] are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**ESTABLISHMENT OF DEVELOPMENT PERMIT**

***151.30 Floodplain Development Permit Required***

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 151.11(*Basis For Establishing The Special Flood Hazard Areas*). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 151.05(*Definitions*), including fill and other development activities.

***151.31 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) Application Stage:**

(1) The site plan shall include any proposed or required fill within the City of Prineville. The reviewing authority may require the floodway to be delineated by a professional surveyor if developing near the floodway boundary on the DFIRM.

(2) An Elevation Certificate is required with submittal of any development within the special flood hazard area to ensure proper development of the structure. Certificate shall include proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 151.21(B)(*Information To Be Obtained and Maintained*)

(3) Site plan shall include proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.

(4) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 151.41(E) (*Non-Residential Construction*)

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

(6) Base Flood Elevation data for subdivision proposals or other development when required per sections 151.21(A) (*Permit Review*) and 151.40(F) (*Subdivision Proposals and Other Proposed Developments*)

(7) Applicant shall provide substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

(8) Site plan shall include the amount and location of any fill or excavation activities proposed.

**(B) Construction Stage:**

(1) Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law must be provided prior to start of construction.

(2) Development activities shall not begin without an approved Development Permit.

(3) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator and Building Department official an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction;

(4) Any deficiencies identified by the Floodplain Administrator or Building Department official shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator or Building Department official to issue a stop-work order for the project.

**(C) Certificate of Occupancy:**

(1) In addition to the requirements of the Specialty Codes pertaining to certificate of occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:

(a) For elevated buildings and structures in non-coastal Areas of Special Flood Hazard (all A zones), a completed Flood Elevation Certificate with the elevation of the lowest floor, including basement or where no Base Flood Elevation is available the height above highest adjacent grade of the lowest floor;

(b) For non-residential buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.

(2) Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator or Building Department official to withhold a certificate of occupancy until such deficiencies are corrected.

**151.32 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.

**(A) Conditions For Variances**

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 151.32(A)(3) (*Conditions For Variances: Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result*) and 151.32(A)(5) , and 151.32(B) (*Variance Notification*). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

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

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

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

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

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

(5) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 151.21(A)(2) through (4) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**(B) Variance Notification:** Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 151.21(B) (*Information To Be Obtained And Maintained*).

## PROVISIONS FOR FLOOD HAZARD REDUCTION

### 151.40 General Standards

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

**(A) Alteration Of Watercourses:** Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 151.21(C)(2) (*Watercourse Alterations*) and 151.21(C)(3) (*Requirement To Submit New Technical Data*).

#### **(B) Anchoring**

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

(2) All manufactured dwellings shall be anchored per section 151.41(F).

#### **(C) Construction Materials and Methods**

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

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

#### **(D) Utilities And Equipment**

(1) Water Supply, Sanitary Sewer, And On-Site Waste Disposal Systems

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

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

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

(2) 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.

#### **(E) Tanks**

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

(2) Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood. New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two (2) feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

**(F) Subdivision Proposals and Other Proposed Developments:** All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.

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

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

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

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

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

**(G) Use Of Other Base Flood Elevation Data:** When Areas of Special Flood Hazard have been provided but Base Flood Elevation or floodway data has not been provided in accordance with section 151.11(*Basis For Establishing The Special Flood Hazard Areas*) 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 section 151.40 (*General Standards*) and 151.41(*Specific Standards (Including all Non-Coastal) SFHAs*). All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 151.40(F) (*Subdivision Proposals And Other Proposed Developments*).

Base Flood Elevations shall be determined for development proposals that are five (5) acres or more in size or are fifty (50) lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within an unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, where available. When no base flood elevation data is available, the elevation requirement for development proposals within an unnumbered A zone is a minimum of three (3) feet above the highest adjacent grade, to be reasonably safe from flooding.

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

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

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

**(I) Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, location outside the limits of the special flood hazard area ("SFHA"). 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 (3) 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. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

**151.41 Specific Standards For SFHA (Including All Non-Coastal)**

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 151.40(*General Standards*) of this ordinance.

**(A) Flood Openings**

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

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

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

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

(a) A minimum of two openings.

(b) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls.

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

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

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

**(B) Garages**

(1) Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in Special Flood Hazard Areas, if the following requirements are met:

(a) If located within a floodway the proposed garage must comply with the requirements of section 151.41(J) (*Floodways*).

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



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

(d) The garage is constructed with flood openings in compliance with section 151.41(A) (*Flood Openings*) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

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

(f) The garage is constructed in compliance with the standards in section 151.40(*General Standards*); and

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

(2) Detached garages must be constructed in compliance with the standards for appurtenant structures in section 151.41(H) (*Appurtenant [Accessory] Structures*) or non-residential structures in section 151.41(E) (*Non- Residential Construction*) depending on the square footage of the garage.

**(C) No 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.

#### **(D) Residential Construction**

(1) New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at one (1) foot or more above the Base Flood Elevation (BFE), and elevated three (3) feet or more above highest adjacent grade where no BFE is defined.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 151.41(A) (*Flood Openings*).

#### **(E) Non- Residential Construction**

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

(a) Have the lowest floor, including basement elevated to one (1) foot or more above the Base Flood Elevation (BFE), and elevated three (3) feet or more above highest adjacent grade where no BFE is defined; Or, together with attendant utility and sanitary facilities:

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

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

(d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 151.21(B) (*Information To Be Obtained And Maintained*).

(2) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 151.41(A) (*Flood Openings*).

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

**(F) Manufactured Dwellings**

(1) 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 section 151.41(A) (*Flood Openings*).

(2) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

(3) 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;

(4) Electrical crossover connections shall be a minimum of one foot above Base Flood Elevation (BFE).

**(G) Recreational Vehicles:** Recreational vehicles placed on sites are required to:

(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 requirements of section 151.41(F) (*Manufactured Dwellings*), including the anchoring and elevation requirements for manufactured dwellings.

**(H) Appurtenant (Accessory) Structures:** Relief from elevation or floodproofing requirements for residential and non-residential structures in (Non-Coastal) SFHAs may be granted for appurtenant structures that meet the following requirements:

(1) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 151.41(J) (*Floodways*).

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

(3) Appurtenant structures are limited to one-story structures less than 600 square feet.

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

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

(6) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 151.41(A) (*Flood Openings*);

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

(8) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 151.40(E) (*Tanks*).

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

### **(I) Below-Grade Crawl Spaces**

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in 151.41(A) (*Flood Openings*). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

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

(4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

(6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

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

(8) The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

**(J) Floodways:** Located within the special flood hazard areas established in section 151.11 (*Basis For Establishing The Special Flood Hazard Areas*) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

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

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

(2) If the requirements of section 151.41(J)(1) (*Floodways: Encroachments Prohibited in Floodways*) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of sections 151.40 and 151.41 (*Provisions For Flood Hazard Reduction*).

**(K) Standards For Shallow Flooding Areas:** Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**(1) Standards For AH Zones:** Development within AH Zones must comply with the standards in sections 151.40(*General Standards*), 151.41(*Specific SFHA Standards*), and 151.41(K) (*Standards For Shallow Flooding Areas*).

**(2) Standards For AO Zones:** In AO zones, the following provisions apply in addition to the requirements in sections 151.40(*General Standards*) and 151.41(K) (*Standards For Shallow Flooding Areas*)

(a) 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 one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least three (3) 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.

(b) New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least three (3) feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of three (3) 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 section 151.41.(E)(1)(d).

(c) 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 section 151.41(K)(b), and the anchoring and other requirements for manufactured dwellings of section 151.41(F)(d).

(d) In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 151.41(H).

(e) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 151.41(A) (*Flood Openings*).

## **ENFORCEMENT**

### **151.50 Penalties for Violation**

**Penalties for Violations shall follow section 153.261 (*Enforcement and Remedies*) of the City of Prineville's Land Use Code Chapter 153 as amended.**

**APPENDIX A – OREGON MODEL FLOOD ORDINANCE REGULATORY CROSSWALK**

<b>Section</b>	<b>Code of Federal Regulations (CFR) and Technical Bulletin Citation(s)</b>	<b>State of Oregon Citation(s) (Goal 7, Specialty Codes*, ORS)</b>
151.01 Statutory Authorization	59.22(a)(2)	Goal 7; ORS 197.175
151.02 Findings of Fact	59.22(a)(1)	Goal 7
151.03 Statement of Purpose	59.2; 59.22(a)(1) and (8); 60.22	Goal 7
151.04 Methods of Reducing Flood Losses	60.22	Goal 7
151.05 Definitions	59.1	Goal 7
151.10 Lands to Which this Ordinance Applies	59.22(a)	Goal 7
151.11 Basis for Establishing the Special Flood Hazard Areas	59.22(a)(6); 60.2(h)	Goal 7
151.12 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division		ORS 455
151.13 Compliance	60.1(b) – (d)	Goal 7
151.13 Penalties for Noncompliance	60.1(b) – (d)	Goal 7
151.14 Abrogation	60.1(b) – (d)	Goal 7
151.14 Severability		
151.15 Interpretation	60.1(b) – (d)	Goal 7
151.16 Warning		
151.16 Disclaimer of Liability		
151.20 Designation of the Floodplain Administrator	59.22(b)(1)	Goal 7
151.21(A) Permit Review	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
151.21(B) Information to be Obtained and Maintained	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; 105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6
151.21(C)(1) Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
151.21(C)(2) Watercourse Alterations	60.3(b)(6) – (7), 65.6(12 -13)	Goal 7
151.21(c)(3) Requirement to Submit New Technical Data	65.3, 65.6, 65.7, 65.12	Goal 7
151.21(D) Substantial Improvement and Substantial Damage Assessments and Determinations	59.1;60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1),(2),(3),(5) – (8),(10), (12); 60.3(d)(3); 60.3(e)(4),(5),(8)	Goal 7
151.30 Floodplain Development Permit Required	60.3(a)(1)	Goal 7
151.31 Application for Development Permit	60.3(a)(1); 60.3(b)(3); 60.3(c)(4)	Goal 7; R106.1.4; R322.3.6, R109.1.3

151.32 Variance Procedure	60.6(a)	Goal 7
151.32(A) Conditions for Variances	60.6(a)	Goal 7
151.32(B) Variance Notification	60.6(a)(5)	Goal 7
151.40(A) Alteration of Watercourses	60.3(b)(6) and (7)	Goal 7
151.40(B) Anchoring	60.3(a)(3); 60.3(b)(1),(2), and (8)	Goal 7; R322.1.2
151.40(C) Construction Materials and Methods	60.3(a)(3), TB 2; TB 11	Goal 7; R322.1.3; R322.1.3
151.40(D) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	60.3(a)(5) and (6)	Goal 7; R322.1.7
151.40(D) Electrical, Mechanical, Plumbing, and Other Equipment	60.3(a)(3)	Goal 7; R322.1.6;
151.40(E) Tanks		R322.2.4; R322.3.7
151.40(F) Subdivision Proposals	60.3(a)(4)(i) – (iii); 60.3(b)(3)	Goal 7
151.40(G) Use of Other Base Flood Data	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
151.40(H) Structures Located in Multiple or Partial Flood Zones		R322.1
151.41(A) Flood Openings	60.3(c)(5); TB 1; TB 11	Goal 7; R322.2.2; R322.2.2.1
151.41(B) Garages	TB 7-93	R309
151.41(C) Before Regulatory Floodway	60.3(c)(10)	Goal 7
151.41(D) Residential Construction	60.3(c)(2)	Goal 7
151.41(E) Non-residential Construction	60.3(c)(3) – (5); TB 3	Goal 7; R322.2.2; R322.2.2.1
151.41(F) Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
151.41(G) Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
151.41(H) Appurtenant (Accessory) Structures	60.3(c)(5); TB 1; TB 7-93	S105.2; R105.2
151.41(J) Floodways	60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)	Goal 7
151.41(K) Standards for Shallow Flooding Areas	60.3(c)(7),(8),(11), and (14)	Goal 7

*[\\*Link to Oregon Specialty Codes](#)*

**Summary of Changes from the City’s Flood code adopted in 2011 to the 2019 & 2020 Versions of the Oregon Model Flood Hazard Ordinance:**

In general, the content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). The content was also revised to incorporate relevant standards in the State of Oregon’s Specialty Codes, and updates to those standards that have changed in the last 5 – 10 years. Current City code standards that are considered a higher standard than FEMA’s model code will remain. A summary of the primary changes found in the 2019 & 2020 model ordinance is provided below:

1. Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA. There are optional and recommended definitions previously used in the City’s code, all of which have been included in the proposed new code.
2. The 2019 model ordinance notes the requirement for coordination with State of Oregon Specialty Codes (section **151.12**) and incorporates relevant requirements (higher standards) from the Specialty Codes to ensure alignment between the model flood ordinance language and the building code language. For example, the 2019 model ordinance:
  - a. Directly addresses “Garages” (section **151.41(B)**) and “Tanks” (section **151.40(E)**) by incorporating the relevant NFIP and State of Oregon Specialty Code requirements into the ordinance language.
  - b. Incorporates the Specialty Codes additional standards for flood openings in residential structures that require a building permit (section **151.41(A)**).
3. The floodplain development permit and permit review requirements have been expanded in the 2019 model ordinance (sections **151.31** and **151.21(A)**) to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review, to ensure a floodplain development proposal complies with the standards of the 2019 model ordinance (minimum NFIP and state standards). Staff kept language from the 2011 code that breaks out the stages of a development permit.
4. The 2019 model ordinance expands the requirements for “Information to be Obtained and Maintained” (section **151.21(B)**). To reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The 2019 model ordinance also has a new section, **151.21(C)(1)**, “Community Boundary Alterations”, that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur).



6. The 2019 model ordinance clearly indicates that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations in a new section **151.21(D)**. Previously in City code, this was based on the definitions only.

*Both SI and SD are defined in section 151.05. SI review is required for all structural development proposals and other development activities associated with or attached to a structure. This section is designed to help ensure that each floodplain development file includes SI calculations whenever appropriate, as well as the floodplain administrator's determination of whether the proposed development activity qualifies as SI. SD review is required whenever structures have been damaged due to natural or other events (i.e. house fire).*

7. There is a change to the "Variance Conditions" section in the 2019 model ordinance. Per FEMA guidance, the variance condition related to historic structures has been removed. The City is maintaining this exclusion within the definition of substantial improvement (SI) and removing the variance criteria.

The reasons for this change include the following:

- *Communities have the option of using either using the variance language or the Substantial Improvement definition exemption to regulate historic structures.*
- *FEMA Region X advocates for the use of the Substantial Improvement Definition historic structure exclusion. The Region believes it may represent a less rigorous process for exclusion than the variance process.*

8. In the 2019 model ordinance, subdivisions and other development proposals (including manufactured subdivisions and dwelling parks) are addressed similarly in section **151.40(F)**. The City added its original opening statement to the code. The Floodway reference and on-site waste disposal sections were moved to their perspective sections.
9. Section **151.40(G)**, "Use of Other Base Flood Data" has replaced "Areas of Special Flood Hazard without BFE". Language has been updated to reflect the minimum state and NFIP standards, but retains the City's higher elevation standard of three (3) feet, rather than the minimum two (2) feet.
10. Section **151.40(H)** "Structures Located in Multiple or Partial Flood Zones", is a new section added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones.

11. Section **151.41**, which addresses the specific standards for “SFHA” flood zones has been re-organized, but it is still broken down by the type of construction. It has also been amended to add the following sections at the beginning:
  - a. Section **151.41(A)**, “Flood Openings,” which covers the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit.
  - b. Section **151.41(B)**, “Garages,” addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.

**Summary of Changes Made Under October 2020 Revisions to the Model Ordinance Language:**

1. The stream habitat restoration exemption under the floodway section is no longer allowed by FEMA and has been removed. This exemption allowed projects without being certified by a registered professional engineer. The code now requires this.
2. Addition of the word “and” after the first bullet in Section **151.41(G)**, to clarify that recreational vehicles need to meet both criteria not just one. This has been City practice since the 2011 update.
3. Addition of the words “conversion to” into the residential and non-residential development standards Sections **151.41(D)** and **151.41(E)**. This language was added to ensure that structures that are converted to different uses within the Special Flood Hazard Area are brought into compliance with residential standards for life, safety, and property damage prevention purposes. This has been City practice since the 2011 update.
4. Addition of “replacement” to the language in Section **151.41(F)** standards for manufactured dwellings to ensure that the standards in this section are applied to replacement manufactured homes as well as new and substantially improved manufactured dwellings. This has been City practice since the 2011 update.
5. The model code adds the term “Riverine” as a new term in place of Special Flood Hazard Area (SFHA) non-coastal. The City has removed this term and reverted back to SFHA, as it is a more intuitive term.

## **City Manager Update to Council**

**December 12, 2023**

### **Public Safety / Dispatch**

Public Safety has a new lateral police officer on the team and brings us very close to being fully staffed! Please welcome Crystal Sutterfield!

### **Public Works**

The clearing and grubbing has begun for the big 30” waterline project near the airport and worked with Kelly to coordinate the work inside the Runway Protection Zone.

The Transportation System Plan is moving along with the existing conditions inventory and modeling completed and the public comment window has opened.

The Street Department has sanded twice already as the winter season begins.

The ODOT Third Street Project has been bid and a contractor has been selected. There is an ODOT community Q & A scheduled for December 13<sup>th</sup> 10:00 AM-noon at Golden Coffee Company.

The Waste Water Treatment plant is working on scheduling the required annual testing. They maintain 4 outfalls with one to the river, one to irrigated pasture, one to the golf course irrigation and one to the wetlands.

### **Railroad**

The Railroad has been working on their maintenance projects and going well.

### **Meadow Lakes Golf**

Meadow Lakes is now in their off season and just kicked off the annual sales of their golf gift certificates after Thanksgiving. The annual merchandise sale is scheduled for December 9<sup>th</sup> and is usually very well attended.

### **Airport**

The new FBO has taken over many of the operations at the airport freeing up Kelly’s time for airport economic development. This seems to be working out very well so far.

### **Planning**

Planning remains busy along with Public Works on all of the master plan updates and code updates.

**Human Resources** – Nothing to Report

**Information Technology** – Nothing to report

**Finance**

The Finance Department has received some very strong candidates for the finance clerk position and are conducting interviews all day Friday.

**City Recorder/Risk Management** –No Update

**City Legal** – No Update

**EDCO**

EDCO conducted interviews recently for their Executive Director position.

**Public Relations**

Social Media platforms and public outreach continue to grow and remain pretty positive.

**Mayor/Council**

Central Oregon Cities Organization (COCO) will be having their annual legislative summit and holiday luncheon on December 18<sup>th</sup> and Council is invited to attend. Please RSVP to Lisa if you would like to attend.

**Other**

The next Council Strategic Priorities Policy making is coming up in January now that all of the Council has met individually with Cale.



## STAFF REPORT

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<b>MEETING DATE:</b>	12/12/2023	<b>PREPARED BY:</b>	Lori Hooper
<b>SECTION:</b>	Staff Reports and Requests	<b>DEPARTMENT:</b>	Finance Department
<b>CITY GOAL:</b>	Fiscal Responsibility, Transparency and Effective Communication		
<b>SUBJECT:</b>	Correction to the Supplemental Budget from June 27 <sup>th</sup> , 2023		

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**REASON FOR CONSIDERATION:** Clerical Correction

**BACKGROUND:** Resolution 1562 adopted on the 27th day of June, 2023 needs a correction to the PERS Fund Contingency. An error was made in the resolution, which was that the debt service reserve was excluded from the contingency and the total. This was how it was originally budgeted. For reporting purposes, it had been separated out but it never got added back in for the supplemental budget notice and resolution. Without the debt service reserve, the budget is not balanced.

**FISCAL IMPACT:** There is no fiscal impact as this does not change what happened in FY 23. The original total budget for the PERS Fund was \$2,401,218 and the corrected total is the same.

**RECOMMENDATION:** No action is required from Council. The action required is from the budget officer to make the correction, inform the Council in writing, and provide testimony to the council at the next regularly scheduled meeting concerning the needed correction.

Below is a snip out of Oregon budget law on how to make this correction:

If a correctable error occurs, the budget officer corrects the error as follows: At the first regularly scheduled meeting of the governing body after the error is discovered, the budget officer informs the governing body in writing of the error. The budget officer also corrects the error in testimony before the governing body. If the error relates to a tax amount already certified to the assessor, the budget officer notifies the assessor in writing that an error occurred and submits a corrected tax certification document. Corrected tax certifications must be submitted to the assessor before October 1.

**Original Supplemental budget for the PERS Fund:**

**PERS Fund**

Expenditures (proposed changes)		
Transfers	\$	380,000
Contingency	\$	1,064,818
Revised Total Fund Expenditures (no change)	\$	2,077,718
Resources		
Revised Total Fund Resources (no change)	\$	2,077,718

**Corrected Supplemental budget for the PERS Fund:**

**PERS Fund**

Expenditures (proposed changes)		
Transfers	\$	380,000
Contingency	\$	1,388,318
Revised Total Fund Expenditures (no change)	\$	2,401,218
Resources		
Revised Total Fund Resources (no change)	\$	2,401,218

**RESOLUTON NO. 1583  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION AUTHORIZING THE CREATION OF PRINEIVLLE MULTI-FAMILY HOUSING GRANT**

**Whereas**, the City of Prineville (“City”) recognizes the need for multifamily housing units within the City.

**Whereas**, the City recognizes that the recent rapid increase in interest rates has made development costs higher, which has adversely affected multifamily housing development within the City.

**Whereas**, City Staff presented a grant program intended to stimulate the development of multi-family housing within the City to help relieve higher development costs due to the rapid increase in interest rates.

**Whereas**, a public hearing was held on November 14, 2023, at the Prineville City Council meeting to allow an opportunity for any interested person to appear and present comment.

**Now, Therefore**, the City of Prineville resolves that the following Multifamily Housing Grant be implemented:

- A. Successful applicants shall be eligible for a grant that reimburses City property taxes on land and improvements for qualifying projects.
  
- B. Eligibility requirements shall include the following:
  - 1. Multifamily development project of 11 or more units (“Project”).
  - 2. Project shall meet and maintain all City development standards.
  - 3. Project shall be located within a City residential or mixed-use zone.
  - 4. Ten percent (10%) of the units must rent for less than thirty percent (30%) of the annual Area Median Income (AMI) as determined by the Oregon Housing and Community Services.
  - 5. Project shall include one (1) or more recreational facilities such as those outlined in Prineville City Code §153.083(H)(8) or property shall be within a ¼ mile of a public park providing such facilities.
  - 6. Applicant must initiate project development per Prineville City Code §153.259.020 within one (1) year of final land use approval.
  - 7. Existing eligible projects shall be initiated on or before December 31, 2024.
  
- C. The duration of the Multifamily Housing Grant shall be from January 1, 2024 to December 31, 2025.

D. Tax Reimbursements shall be available for a duration of ten (10) years and shall begin in the first year after the Certificate of Occupancy for the first building is received and shall continue so long as the Project remains eligible, but in no circumstance longer than ten (10) years.

E. City Staff shall develop an Application Process and Grant Agreement for the initiation, selection, and monitoring of the Multifamily Housing Grant.

Approved by the City Council this \_\_\_\_ day of December, 2023.

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Rodney J. Beebe, Mayor

ATTEST:

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Lisa Morgan, City Recorder



**RESOLUTION NO. 1584  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING APPROPRIATION ADJUSTMENTS TO THE BN  
2023-25 BUDGET FOR THE SECOND QUARTER OF THE FIRST FISCAL  
YEAR**

**Whereas,** The following appropriation adjustment to the BN 2023-25 budget for the second quarter of the first fiscal year of the biennium are required to provide for unexpected needs or to expend certain funds not anticipated at the time the budget was adopted, and hereby authorized in accordance with ORS 294.463(2), renumbered from 294.450(2):

<b>Planning Fund</b>	<b>Increase</b>	<b>Decrease</b>
Materials and Services	\$100,000	
Contingency		\$100,000
<hr/>		
	<b>\$100,000</b>	<b>\$100,000</b>

To provide additional dollars needed in materials and services for floodplain consulting and mitigation unanticipated at the time of budgeting. These costs will come out of contingency.

**Now, therefore, the City of Prineville Resolves as follows:**

1. The Prineville City Council approves the total budget appropriation adjustments of \$100,000.00 as set out within this Resolution.

Approved by the City Council this \_\_\_\_ day of December, 2023.

\_\_\_\_\_  
Rodney J. Beebe, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder

**RESOLUTION NO. 1585  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET AND MAKING  
APPROPRIATIONS FOR BN 2023-25**

**Whereas**, the City of Prineville is in need of a supplemental budget for the biennial budget 2023-25, commencing July 1, 2023, and

**Whereas**, a public notice was published in the December 5, 2023 edition of the Central Oregonian setting the December 12, 2023 Prineville City Council meeting as the time and place to comment on the City’s supplemental budget; and

**Whereas**, a public hearing was conducted on December 12, 2023; and

**Whereas**, now is the proper time to pass a resolution adopting the supplemental budget and making appropriations.

**Now, therefore, the City of Prineville resolves as follows:**

1. That the City of Prineville does hereby adopt the supplemental budget in the sum total of \$170,000.
2. That the additional amounts for the fiscal year beginning July 1, 2023, and for the purposes shown below are hereby appropriated as follows:
- 3.

**Summary of Supplemental Budget BN 2023-25**

**Amounts shown are revised appropriation totals in those funds being modified.**

**Wastewater SDC Fund**

Expenditures (proposed changes)		
Capital outlay	\$	120,000
Transfers	\$	308,000
Revised Total Fund Expenditures	\$	479,710
Resources (proposed changes)		
System development fees	\$	420,000
Miscellaneous	\$	50,000
Revised Total Fund Resources	\$	479,710

To adjust expenditures to cover costs in capital outlay for the Wastewater Reuse Project, Master Plan and SDC Methodology, which were originally anticipated to be completed in FY 23 but continued into FY 24. Also to increase transfers to the administrative funds to capture the five percent administrative fee for additional dollars collected. These costs will be covered by additional SDC's collected and miscellaneous revenue not anticipated at budget time.

TOTAL SUPPLEMENTAL BUDGET  
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\$ 170,000  
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Approved and Adopted by the City Council this 12th day of December, 2023.

\_\_\_\_\_  
Rodney J. Beebe, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder

**RESOLUTION NO. 1586  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION DECLARING THE CITY OF PRINEVILLE POLICY’S REGARDING THE  
PRINEVILLE RENEWAL ENERGY PROJECT**

**Whereas**, the City of Prineville (“City”) has pursued plans to build and operate a 35-megawatt biomass power plant facility known as the Prineville Renewable Energy Project (“PREP”).

**Whereas**, City supports PREP for the purpose of making a meaningful and measurable positive impact on improving forest health, reducing wildfire risk, and reviving the forest products industry in Central Oregon.

**Whereas**, City supports PREP for the benefits of providing additional jobs, and increasing tax and franchise fee revenue to the City.

**Whereas**, on or about June 28, 2022, the City Council, serving in its role as the Local Contract Review Board for the City, approved the City entering into a personal services contract with TRM Energy Solutions, LLC for the launch and permitting phases of the PREP.

**Whereas**, after the launch and permitting phases are complete, the PREP will require the construction and operations phases.

**Whereas**, the City recognizes the benefits of private ownership of PREP for the construction and operation phases and recognizes the obstacles associated with the construction and operation of a biomass power plant.

**Whereas**, the City believes it is critical that the operations of PREP shall be done by an entity that has experience with the project, familiarity with working with the City, and knowledge of the City’s needs and desires related to PREP.

**Now, Therefore**, the City resolves that it shall be the policy of the City regarding PREP that if the City’s goals are obtainable without further involvement or ownership of the Project, then the City shall endeavor to provide any work product to a partner that is able to effectively construct and operate PREP consistent with this Resolution.

Approved by the City Council this \_\_\_\_ day of December, 2023.

\_\_\_\_\_  
Rodney J. Beebe, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder