

**AGENDA SEASIDE CITY COUNCIL MEETING
SEPTEMBER 13, 2010 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPOINTMENT – CITY COUNCIL VACANCY WARD 2
6. PROCLAMATION – CONSTITUTION WEEK
7. COMMENTS – PUBLIC
8. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
9. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$543,209.31
 - b) APPROVAL OF MINUTES – AUGUST 23, 2010 REGULAR MINUTES
10. UNFINISHED BUSINESS: NONE
11. NEW BUSINESS:
 - a) PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DENIAL OF MAJOR PARTITION AT 2964 KEEPSAKE DRIVE
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION - ALL IN FAVOR AND OPPOSED
 - b) PUBLIC HEARING - NO PARKING DESIGNATION LOCATIONS
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION – ALL IN FAVOR AND OPPOSED
 - c) PUBLIC HEARING – ORDINANCE 2010-06 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE CHAPTER 152 UPDATING THE CITY OF SEASIDE FLOOD ORDINANCE
 - OPEN PUBLIC HEARING
 - CLOSE PUBLIC HEARING
 - COUNCIL COMMENTS
 - MOTION FOR FIRST READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED

- d) PRESENTATION – SUNSET EMPIRE TRANSPORTATION DISTRICT, CINDY HOWE/MARY BLAKE

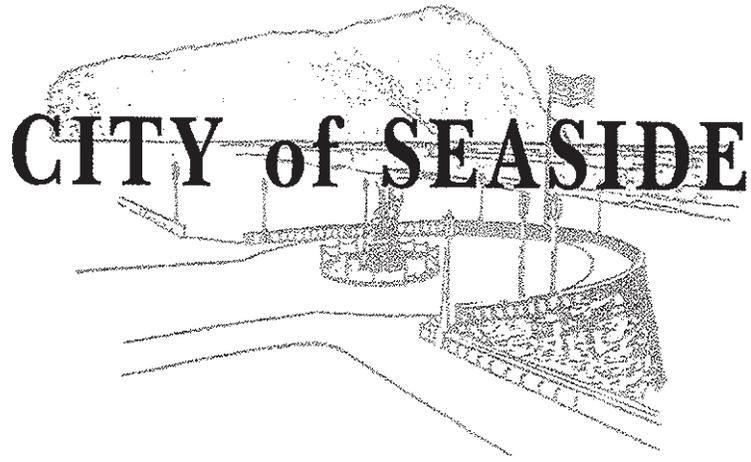
- 12. COMMENTS FROM THE COUNCIL

- 13. COMMENTS FROM THE CITY STAFF

- 14. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PROCLAMATION

Whereas, September 17, 2010 marks the two hundred twenty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I Don Larson, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim the week of September 17 – 23, 2010 as

CONSTITUTION WEEK

in Seaside, and urge all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 13th day of September, 2010.



DON LARSON, MAYOR

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Council President Tim Tolan.
- Present: Council President Tim Tolan, Councilors Don Johnson, Jay Barber, Stubby Lyons, and Larry Haller.
- Absent: Mayor Don Larson.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Dale Kamrath, Seaside Fire Chief; Kevin Cupples, Planning Director; Neal Wallace, Public Works Director; Russ Vandenberg, Seaside Convention Center; Jon Rahl, Director of Tourism Marketing; Jeremy Ruark, Seaside Signal; Jeff Nelson, KAST; Nancy McCarthy, Daily Astorian; and Rebecca Herren, The Coast Times.
- AGENDA** Motion to approve the August 23, 2010, agenda; carried unanimously. (Lyons/Barber)
- PROCLAMATION** Councilor Lyons read a proclamation on National Patriotism Week.
- Dale Kamrath, Seaside Fire Chief, read a proclamation on Seaside Firefighters Appreciation week.
- COMMENTS – PUBLIC** Dorothy Nimtz, 825 Avenue ‘S’, Seaside, presented Council with pictures of trash she had collected at the Millpond park and trail since going for walks the last three weeks. Ms. Nimtz stated she had been collecting pieces of trash while going on her daily walks but when June arrived there was more trash each day but there was not a garbage can in the vicinity of the Millponds. Ms. Nimtz was told to speak to the Nature Conservancy and was told they had a deed to the property but Seaside held the stewardship and that the trash belonged to Seaside. On July 6, 2010, there were four large bags of trash and a big black trash bag that someone had thrown away. Ms. Nimtz picked up the trash took it to the Public Works building but was told the trash was not theirs and there was not going to be a trash can placed in the Millponds Park and Trail location. Ms. Nimtz called Mayor Larson who was leaving on vacation but would look into the situation when he returned. Ms. Nimtz was still picking up the trash and taking it to the Public Works building but was told there was no way they were taking the trash. Ms. Nimtz further stated a Seaside Police Officer was sent to her house to speak to her about the trash problem and taking it to the Public Works building. Ms. Nimtz further stated she just wanted to know why it had been so difficult to get a trash can placed at the Mill Ponds Park and Trail location.
- Merlin Humpal, 2481 Oregon Avenue, Seaside, stated two week ago he attended a class at the Bob Chisholm Community Center and at the class someone had mentioned that Seaside Police were enforcing the law with vehicles passing other vehicles on the right side of the highway. The discussion then changed to the Broadway and Columbia stop light with pedestrians crossing the street into traffic. Mr. Humpal further stated he happened to drive downtown and noticed how bicycles did not pay attention to stop signs and the City needed to cut something if more police officers were needed to enforce the laws.
- Rebecca Crabtree, 87509 Lewis and Clark Rd., Astoria, stated she was an artist and organic farmer and co-owner of Sweet Ash Farm and Nursery and was also a member of Citizens of a Sludge Free Lewis and Clark Valley. Ms. Crabtree further stated the group was concerned because a million gallons of bio-solids composed of human waste, household chemicals, and heavy metals from hospitals and industries that were not removed by the treatment process were proposed to be dumped in a narrow strip of land near the Lewis and Clark Country Road and the Lewis and Clark River. There were concerns because the proposed site flooded frequently during the winter and the heavy metals and chemicals would end up in the Lewis and Clark River, in the Watershed down river, and in well water. Ms. Crabtree further stated everyone in the area had a well on some kind of service that was directly influenced by the Lewis and Clark River. In most City’s and towns individual septic systems were outlawed because toxins leaked into the water system and Ms. Crabtree wanted to know why Seaside should be allowed to dump the waste into the Lewis and Clark Property owners system. If bio-solids were good and valuable why was the farmer not paying the City of Seaside to dump the solids onto his property to fertilize? Ms. Crabtree further stated the property owners were concerned the dump site would ruin the nursery business, homes, and quality of life where there had been a great deal of time and life, effort and money spent to develop. Currently the site was high valued farm land full of wildlife like eagles, heron, beaver, and salmon in the Lewis and Clark River. There were concerns the City of Seaside did not respect public notification because Seaside did not notify the local farmers and citizens of the proposed dumping of toxins next to properties and the Department of Environmental Quality was mistaken because they were toxins. Ms. Crabtree further stated as a group there would be continued presentations about this issue and Seaside needed to find a better way to deal with the waste because the issue would only get bigger and more expensive as the population grew. A long term solution needed to be found because the proposed Lewis and Clark solution was short sighted and would have long term effects. Ms. Crabtree further stated she had a petition that was signed by thirty-five people primarily from Astoria that would be affected by Seaside’s dumping process and there would be more signatures collected.

Fred Maloon, 87813 Lewis and Clark Rd., Astoria, stated people know that the City had approval and had not dumped in the proposed location and appreciated that. Mr. Maloon further stated Seaside had not notified the property owners of Lewis and Clark. The Lewis and Clark property owners had been told the bio-solids were being trucked to Portland at this time and that probably demonstrated the Lewis and Clark site, not an ideal site under any circumstances was chosen because of the effectiveness in terms of cost. There were other alternatives and the Lewis and Clark property owners appreciated the City of Seaside had pursued those up to this point and hoped the City would continue to pursue those as opposed to dumping the bio-solids in property owners back yards. There had been soil testing conducted by some members and Mr. Maloon would also have his soil and water tested. Mr. Maloon further stated his well was right in the center of the valley which was thirty feet to basic ground water and there had been documentation read about the bio-solids only leaking so far into the soil and found that difficult to believe. Mr. Maloon was sure the testing that had been done was required but did not address the broad spectrum of pollutants. Mr. Maloon further stated the Lewis and Clark property owners would not stop.

David Crabtree, 87509 Lewis and Clark Rd., Astoria, stated he had a home and nursery directly down from the approved dump site and had information where citizens in similar situations had reported problems with diseases. Once the sludge was thrown out into the fields pathogens formed and became airborne. The original hearing for Monday, July 28, 2008, that no one had attended had not been published in the Daily Astorian, Seaside Signal, and Oregonian.

Norman Beerger, 88786 Lewis and Clark Rd., Astoria, stated the property owners of Lewis and Clark appreciated Seaside's efforts in finding an alternative solution and it appeared Seaside was interested in economic business. Mr. Beerger further stated he had done research and found a company that converted most of the sewage bio-solids into products that could be sold. Mr. Beerger further stated federal grants may be available or a municipal bond could be issued to pay for a modern system that would end the primitive system of dumping on neighbors. The people that used the system and benefited from the system should pay for the system. A small bio-solids facility could handle a small City's waste or a larger bio-solids facility could handle several cities and create a partnership. Mr. Beerger further stated his property was close to the sludge disposal location and he would be testing his soil for the five proven toxic heavy metals that appeared in Seaside's sludge which were arsenic, cambium, chromium, lead, and mercury. There had been five floods in the Lewis and Clark area in the last two years and in the spring after flooding Mr. Beerger would have his soil tested again and if toxins were found the City of Seaside would be liable for the contaminated land.

CONFLICT

Council President Tolan asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA

Motion to approve payment of the bills in the amount of \$701,096.85; and July 26, 2010, minutes; carried unanimously. (Barber/Johnson)

**PRESENTATION –
THANK YOU PLAQUE**

Larry Kriehauser, Forth of July Committee person, stated the presentation this year for the Fourth of July Fireworks was the best Seaside has had and the Fourth of July Committee thanked the Visitors Bureau. There was great participation with the City, Police Department, and Visitors Bureau and there would be a bigger and even better program planned for next year. Mr. Kriehauser presented the Visitors Bureau with a plaque of appreciation for providing \$9,000.00 from the Tourism Signature Event Grant Program for the Fourth of July Celebration.

Council President Tolan stated this year's fireworks were the best Seaside had seen in many years. The parade, music, and fireworks were loved by many people.

**DISCUSSION –
PARKING DESIGNATION
LOCATIONS**

Mark Winstanley, City Manager, stated he received a memo from the Police Chief concerning parking with several streets in Seaside. With the amount of traffic in town there were more problems seen with areas on certain streets. There had been discussions about adjusting some of the parking on the streets to alleviate the problems with traffic moving up and down the streets. The streets being looked at were Beach Drive, Columbia, 12th Avenue, and Avenue 'G'. Mr. Winstanley further stated staff was not looking for Council to make a decision but in fact if Council was interested a public hearing would be scheduled.

Bob Gross, Seaside Police Chief, stated based on the ongoing discussions concerning parking issues in the southwest portion of the city and 12th Avenue; staff had provided the current parking restrictions and a proposal to make those areas safer in the City. Chief Gross further stated the existing parking restrictions included "No Parking" signs on the east side of South Beach Drive from Avenue 'A' to Avenue 'G', east side of South Columbia from Avenue 'A' to Avenue 'I', and east side of South Downing from Avenue 'A' to Avenue 'K'. Parking further south on these three streets was permitted on both sides of the street. Two-way parking was also permitted on Avenue 'G' between South Franklin and South Beach Drive. The existing parking restrictions on 12th Avenue between North Holladay and North Franklin included "No Parking" signs on both sides of 12th Avenue between North Holladay and Necanicum Drive.

Chief Gross further stated the recommendations for parking restrictions was to extend the "No Parking" signs should be extended on South Beach Drive from Avenue 'G' to Avenue 'U' on the east side of the roadway, extend the "No Parking" signs on South Columbia from Avenue 'I' to Avenue 'N' on the east side of the roadway, where sidewalks end and parking does not create problems with two-way traffic, the "No Parking" signs should remain on South Downing from Avenue 'A' to Avenue 'K' on the east side of the roadway, where sidewalks end and parking does not create problems with two-way traffic, the "No Parking" signs should be placed on the south side of Avenue 'G' between South Beach and South Franklin and "No Parking" signs should be placed on both sides of the street between South Franklin and South Roosevelt, the parking needed to be restricted on the east side of North Franklin on both sides of 12th Avenue, 100 feet using signage and yellow curbing and add one additional "No Parking" sign just west of Necanicum Drive before the curb cut in. Chief Gross further stated eliminating and limiting parking in the recommended areas should make traveling much safer and ensure emergency response by both police and fire vehicles.

Council President Tolan stated while solving one problem you would be creating another problem as far as parking goes.

Chief Gross stated because of the narrowness of the streets there were problems right now with traffic trying to get through. By putting up the no parking signs people would need to park further out and walk in but the possibility of having a situation where police and fire were unable to respond to a location right away would be eliminated.

Council President Tolan asked if there was a problem year round.

Chief Gross stated even during the fall and winter more tourist were visiting Seaside. There was a discussion about making the parking seasonal but by the nature of the holidays and people coming more often there would still be a problem. There would be problems also trying to enforce the parking only certain times of the year.

Council President Tolan asked Chief Gross to explain why he picked one side of the street compared to the other.

Chief Gross stated most parking in Seaside was on one side of the street already.

Gini Dideum, 1941 Beach Drive, Seaside, stated most of the mail boxes were located on the west side of Beach Drive. If parking was only allowed on the west side would there be a problem.

Mr. Humpal stated his understanding was that if a car parked in front of a mail box there would not be mail delivery.

Chief Gross stated he would need to discuss that information with the post office.

Councilor Barber stated numerous times while driving on Beach Drive he had witnessed vehicles having problems getting down the street because of cars parked on both sides. Councilor Barber further stated there should be a public hearing conducted on the matter.

Janice Carpenter, 700 N. Prom, Seaside, stated Seaside did not have adequate parking in the City and now more parking would be taken away.

Chief Gross stated one of the issues looked at was for instance during Hood to Coast there were parking areas established with shuttles but the parking areas were always half full at the most.

Council President Tolan stated Council would schedule a Public Hearing for the Council meeting on Monday, September 13, 2010.

Mr. Winstanley stated that would give staff time to advertise the public hearing to get the information out to the public to address the issue.

RESOLUTION #3716

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, RECOGNIZING THE UPDATED FLOOD PLAIN MAPS

Kevin Cupples, Planning Director, explained the City of Seaside participated in the National Flood Insurance Program by adopting a Flood Damage Prevention Ordinance that satisfied 44 Code of Federal Regulation (CFR) Section 60.03 (d and e) of the National Flood Insurance Program (NFIP). Mr. Cupples stated the Federal Emergency Management Agency (FEMA) had undergone a map modernization process and developed new Flood Insurance Rate Maps which needed to be recognized and utilized as the official floodplain maps for implementation of the City of Seaside's Flood Damage Prevention by September 17, 2010. Mr. Cupples further stated failure to recognize the maps would result in City's suspension from the NFIP and prohibit mortgage loans guaranteed by the Department of Veteran Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services. Mr. Cupples further stated the City of Seaside was currently in the process of amending the City's Ordinance in order to formally incorporate the newly created Flood Insurance Rate Maps and Flood Insurance Study for Clatsop County and needed to avoid any potential delay in recognizing the new information under the City's Flood Damage Prevention Ordinance.

Council President Tolan asked for public comments, there were no public comments.

Council President Tolan asked for Council comments.

Councilor Johnson stated if Council did not approve the resolution would the Federal Government basically say Seaside was out.

Mr. Cupples stated most likely things would not happen that way but rather then take a risk with questions about what maps were being used the City needed to utilize the new maps and FEMA had sent letters stating the federal backed loans were covered especially if someone were in the flood plains. The newer maps could help some people lower their insurance.

Councilor Johnson stated that would be some people, not all.

Mr. Cupples stated a map modernization could not be done without some people being in and some people being out. The federal flood insurance program was very important to economics in Seaside.

Councilor Johnson stated some years ago when there was a map dispute, where did that balance come into play.

Mr. Cupples stated those maps were challenged and the City appealed the first round of maps and FEMA agreed. These maps were free of some of the errors from the last maps but staff did not agree with every line on the maps.

Councilor Johnson stated he did not appreciate being challenged by the Federal Government.

Mr. Cupples stated everyone in the County was in the same position and doing map mods.

Councilor Barber stated what individual rights do property owners have in contesting the designation.

Mr. Cupples stated the property owner could contest the designation with the federal government.

Tita Montero, 135 6th, Seaside, asked if the City of Seaside adopted the resolution would that mean the City implicitly agreed with everything that was on the map even if the City thought there were errors.

Mr. Cupples stated the City was not agreeing with everything that was on the map.

Motion to read Resolution #3716 by title only; carried with Johnson opposed. (Haller/Barber)

Motion to adopt Resolution #3716; carried with Johnson opposed. (Haller/Barber)

RESOLUTION #3717

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, REGARDING THE CLATSOP ECONOMIC DEVELOPMENT RESOURCES

Mr. Winstanley explained the Clatsop Economic Development Resources (CEDR) came to Council looking for verbal support. The goals of CEDR were to expand, retain, and recruit business and industry. The targets for expansion and retention included industry clusters, increasing per-capita income, diversifying the economy and promoting managed economic growth through year round family wage jobs, and lead delivery of professional economic development services by bringing together multi-organizational efforts. Mr. Winstanley stated the Seaside City Council had determined that endorsement of the establishment of Clatsop Economic Development Resources would be a benefit to the communities throughout the County. The approval of the resolution would allow the Seaside City Council to agree to partner with Clatsop Economic Development Resources and approve the contribution for the third year as financial support for the program.

Council President Tolan asked for public comments.

Ms. Montero asked if the financial support had been provided for in the budget.

Mr. Winstanley stated there was \$5,000.00 readily available in the budget and the additional money could be found if Council chose to support CEDR at the level they had been supported in the last couple of year.

Council President Tolan asked for Council comments.

Councilor Barber stated the relationship with CEDR was very important for economic development in Seaside and Clatsop County.

Motion to read Resolution #3717 by title only; carried unanimously. (Barber/Johnson)

Motion to adopt Resolution #3717, amending the resolution to include the amount of support for \$7,500.00; carried unanimously. (Barber/Haller)

COMMENTS – COUNCIL Councilor Lyons stated daily doubles in football started today with fifty-four players.

Councilor Barber stated he had taken a drive to look at the 12th Avenue and Holladay project and there was asphalt paving.

Neal Wallace, Public Works Director, stated the base course of asphalt was down and sidewalks would be poured this week. There was a hang up right now with getting all the poles down but were hoping that would be done within the next couple of weeks.

COMMENTS – STAFF Chief Kamrath stated the Seaside Fire Department volunteers would be out collecting money for Hood to Coast weekend for Muscular Dystrophy. Chief Kamrath reminded Council and the public of the Fire Departments Game Night at the Convention Center on September 11, 2010.

Mr. Winstanley reminded Council there would be a City Council and Planning Commission meeting on Monday, August 30, 2010, 6:30 pm.

ADJOURNMENT The regular meeting adjourned at 8:00 PM

Kim Jordan, Secretary

TIM TOLAN, COUNCIL PRESIDENT

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Planning Director, Kevin Cupples
Date: September 13, 2010
**Owner/
Applicant:** John Dunzer, 2964 Keepsake Drive, Seaside, OR 97138
Surveyor: CKI Inc., P.O. Box 309, Seaside, OR 97138
Location: 2964 Keepsake Drive, 6-10-28BC TL 1900
Subject: Appeal of Planning Commission Denial of Major Partition 10-023MP to divide existing property into two lots within the Medium Density Residential (R-2) zone.

Request Summary:

The applicant has appealed the Planning Commission's denial of his Major Partition request 10-023MP (see the attached appeal letter). The original request would have allowed the division of a duplex (two attached dwelling units) within the Medium Density Residential (R-2) zone. Currently, the applicant resides in the single family dwelling at the 2964 Keepsake and he planned to establish a second dwelling unit in the area above the attached garage. The applicant then planned to create a private access road so that parcel 1 (approximately 5,697 sq. ft, containing the main house) could be divided off from the newly established dwelling unit on Parcel 2 (approximately 4,102 sq. ft. attached dwelling above the garage). Although Parcel 2 would be below the standard lot size for a detached single family dwelling, the lots would conform to the minimum area required under a zero lot line development.

This lot is located within the subdivision plat of Rose Creek and it is adjacent to the subdivision plat of Ocean Cove Estates. These subdivisions have their own private covenants, conditions, and restrictions (CC&Rs) that may further regulate the uses and activities allowed within their subdivisions. These types of added restrictions are not adopted or enforced by the city.

Public Hearing Testimony Summary:

The Planning Commission conducted a public hearing to obtain input concerning the proposed partition on July 6, 2010. Testimony in favor of the proposed request was offered by the applicant, John Dunzer, 2964 Keepsake Dr., Seaside.

Testimony in opposition was provided by Jim Casterline, an attorney representing a number of property owners in the Rose Creek Subdivision. Testimony in opposition was also provided by Colleen Chandler 2955 Keepsake Dr., Seaside.

Excerpts from the minutes applicable to the request are attached for review.

Planning Commission Action:

On July 6, 2010, the Seaside Planning Commission denied the above referenced request after a motion to approve the applicant's proposal failed due to a tie vote (3 to 3) by the Commissioners present. The chairman announced that the tie vote was the denial of the agenda item; therefore, there was no further deliberation or action concerning the item.

A copy of the Commission's decision, the original staff report, written information submitted during the hearing, and a subsequent letter from Mr. Casterline are attached for review.

City Council Action:

The Council will conduct a public hearing to review the appeal and make a final decision. Staff incorrectly attempted to bring the matter back before the Planning Commission based on an incorrect assumption the Commission's tie vote to approve was a failure to make a decision; however, Mr. Van Thiel later clarified with staff that since the Commissioners present did not entertain any further deliberation on the issue, he believed we must consider the failed motion as a de facto denial of the request.

In case of a tie vote, staff would ordinarily suggest the Council simply remand the action to the Planning Commission for further deliberation; but in this case, the City Council needs to render a final decision on or before their meeting October 11, 2010, to meet the 120 day time limit to render a final decision. A remand would be further complicated by the fact one of the current Planning Commission members has resigned, leaving us with only six members. Therefore, staff is suggesting the Council review the attached information and take any additional public testimony prior to making their final decision. The Council set a time limit for testimony by the applicant

Attachments:

- Dunzer Appeal
- Excerpts from July 6, 2010 Planning Commission Minutes
- Commission's Decision
- Original Staff Report
- Original Letters of Opposition
- Copies of Photos & Additional Information Submitted During the Hearing
- Subsequent Letter Submitted by Mr. Casterline

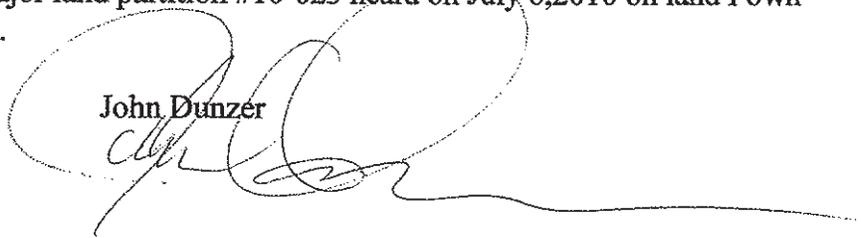
August 16, 2010

City of Seaside Planning Department

Per the attached letter, I gather that my request for partition 10-023 has been denied and the planning commission is not planning on taking any further action.

This letter will serve as notification of my appeal to the City Council of the Planning Commission denial of a major land partition #10-023 heard on July 6, 2010 on land I own at 2964 Keepsake, Seaside.

John Dunzer

A large, stylized handwritten signature in black ink, appearing to read 'John Dunzer', is written over the printed name. The signature is fluid and extends across the width of the name.

Received

AUG 16 PAID



Memo

To: Planning Commissioners
From: Planning Director, Kevin S. Cupples
Date: August 3, 2010
Re: Re-Consideration of Planning Commission Action,
Major Partition 10-023MAP

Mr. Dan Van Thiel and I have further research the details concerning Mr. Dunzer's partition request that resulted in a 3-3 tie vote. Given that the Commissioners present did not entertain any further deliberation on the issue, Dan believes we must consider the failed motion as a de facto denial of the request.

Therefore, the failed motion to approve the request will be recognized as a formal decision and staff will issue a final order based on the actions from the Commission's meeting on July 6, 2010.

In the future, Mr. Van Thiel suggested that a tie vote by the Commission be followed by further deliberation so as to further clarify the grounds to deny the request, include additional conditions, request more information, or allow absent members to take part in the final decision. This added deliberation over a spit decision would help bolster the Commission's basis for decision and avoid the perception that the Commission only has one chance to making a proper motion that will address any and all concerns.

Seaside Police Department

DATE: August 13, 2010
TO: Mark Winstanley, City Manager
FROM: Robert Gross, Chief of Police
SUBJECT: No Parking Designation

Based on our ongoing discussions concerning parking issues in the southwest portion of the city and 12th Avenue, I have provided the current parking restrictions and a proposal to make those areas safer.

Current Parking Restrictions

Existing parking restrictions included "No Parking" signs on the east side of S. Beach from Avenue "A" to Avenue "G", east side of S. Columbia from Avenue "A" to Avenue "I", and east side of S. Downing from Avenue "A" to Avenue "K". Parking further south on these three of these streets is permitted on both sides of the street. Two-way parking is also permitted on Avenue "G" between S. Franklin and S. Beach.

Current parking restrictions on 12th Avenue between N. Holladay and N. Franklin include "No Parking" signs on both sides of 12th Avenue between N. Holladay and Necanicum Drive.

Recommendations:

- **Beach Drive** - "No Parking" signs should be extended on S. Beach from Avenue "G" to Avenue "U" on the east side of the roadway
- **S. Columbia** - "No Parking" signs should be extended on S. Columbia from Avenue "I" to Avenue "N" on the east side of the roadway, where sidewalks end and parking doesn't create problems with two-way traffic.
- **S. Downing** - "No Parking" signs should remain on S. Downing from Avenue "A" to Avenue "K" on the east side of the roadway, where sidewalks end and parking doesn't create problems with two-way traffic.

*55 mail boxes
west side
mail not delivered
if cars parked
in front.*

Seaside Police Department

- **Avenue "G"** - "No Parking" signs should be placed on south side of Avenue "G" between S. Beach and S. Franklin and "No Parking" signs should be placed on both sides of the street between S. Franklin and S. Roosevelt.
- **12 Avenue** - Restrict parking east of N. Franklin on both sides of 12th Avenue 100 feet using signage and yellow curbing and add one additional "No Parking" sign just west of Necanicum Drive before the curb cut in.

Eliminating and limiting parking in these areas should make traveling much safer and ensure emergency response by both police and fire vehicles.

CITY OF SEASIDE MEMORANDUM

To: Mayor & City Council
From: Community Development Department
Date: September 13, 2010
Subject: Flood Damage Prevention Ordinance Amendments, Ordinance 2010-06

Request Summary:

The Community Development Department has completed review and the required updates to the City of Seaside Flood Damage Prevention Ordinance (Code of Seaside Chapter 152). Updating the ordinance was required by the Federal Emergency Management Agency (FEMA) as part of their map modernization project in conjunction with the City's participation in the National Flood Insurance Program (NFIP). Amendments to the ordinance are required to maintain compliance with Federal Regulations, State Building Code, and Planning Goals. Although some of the text in the ordinance can be modified by the City, the amendments must maintain compliance with the minimum State and Federal regulations in order remain in the NFIP.

The amended text in the ordinance is identified in **bold face and underlined** and the deleted text is **~~bold face-strikethrough~~**.

Recommended City Council Action:

Following consideration of any modification that may be necessary based on testimony during the public hearing, the Council should move to have ordinance 2010-06 read "by title only" for it's first reading. If the ordinance is read, a motion for the second reading "by title only" will allow for the Council to consider a third and final reading at the next regularly scheduled Council meeting.(September 27, 2010).

Attachments:

Ordinance No. 2010-06

ORDINANCE NO. 2010-06

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE
CODE OF SEASIDE CHAPTER 152 UPDATING THE CITY OF SEASIDE
FLOOD DAMAGE PREVENTION ORDINANCE.**

WHEREAS, the City of Seaside participates in the National Flood Insurance Program by adopting a Flood Damage Prevention Ordinance that satisfies 44 Code of Federal Regulation (CFR) Section 60.03 (d and e) of the National Flood Insurance Program (NFIP).

WHEREAS, the Federal Emergency Management Agency (FEMA) has undergone a map modernization process and developed new Flood Insurance Rate Maps which must be recognized and utilized as the official floodplain maps for implementation of the City of Seaside's Flood Damage Prevention Ordinance.

WHEREAS, failure to recognize these maps would result in City's suspension from the NFIP and prohibit mortgage loans guaranteed by the Department of Veteran Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services.

WHEREAS, the City of Seaside is needs to amend the City's Ordinance in order to formally incorporate the newly created Flood Insurance Rate Maps and Flood Insurance Study for Clatsop County dated September 17, 2010; update the local flood damage prevention ordinance in order to maintain compliance with federal regulation governing the NFIP, and allow continued participation in the NFIP.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. The City of Seaside Flood Damage Prevention Ordinance, Code of Seaside Chapter 152 shall be amended as follows:

Chapter 152 is attached as **ATTACHMENT A**.

SECTION 2 SEVERABILITY. The sections, subsections, paragraphs and clauses of this Ordinance are severable. A finding of invalidity by a Court of competent jurisdiction of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses and such remaining sections, subsections, paragraphs and clauses shall remain in full force and effect.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2010, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this __ day of _____, 2010.

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

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New changes are shown in bold underline and current text to be deleted is indicated by bold strikethrough.

CHAPTER 152: FLOOD DAMAGE PREVENTION

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GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known as the flood damage prevention ordinance.
(Ord. 90-12, passed 5-14-90)

§ 152.02 PURPOSE AND OBJECTIVES.

It is the purpose of this chapter to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Comprehensive Plan, the specific objectives are:

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- (A) To promote the general health, welfare and safety of the city.
 - (B) To prevent the establishment of certain structure and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
 - (C) To minimize the need for rescue and relief efforts associated with flooding.
 - (D) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
 - (E) To minimize damage to public facilities and utilities located in flood hazard areas.
- buyers are notified that property is in a flood area.
(Ord. 90-12, passed 5-14-90)

§ 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA OF SHALLOW FLOODING. A designated AO ~~or AH~~ Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides; except that below-grade crawlspaces that comply with the standards in FEMA Technical Bulletin 11-01 and the building code shall not be considered basements. Citizens are hereby advised that an approved below grade crawlspaces will increase the cost of flood insurance and cause an additional charge to be added to the basic policy premium

BREAKAWAY WALLS. Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building materials which are not part of the structural support of the building and which are so designed to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters.

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone ~~V1-V30~~, VE or V.

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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 located within the area of special flood hazard.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for those areas.

FLOOD INSURANCE STUDY. The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HIGHWAY READY. Refers to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

LOWEST FLOOR (Except Manufactured Homes). 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 found in Section 152.20(E) (i.e. provided there are adequate flood ventilation openings).

LOWEST FLOOR MANUFACTURED HOME. The floor of the lowest enclosed area of a manufactured dwelling. For the purpose of this code, lowest floor shall mean the bottom of the longitudinal chassis frame beam in A, AE, AO, & AH zones, and the bottom of the lowest horizontal structural member supporting the home in V & VE zones. An unfinished or flood-resistant enclosure, used solely for vehicle parking, home access or limited storage, shall not be considered the lowest floor, provided the enclosed area is not constructed so as to render the home in violation of the flood-related provisions of this code.

MANUFACTURED HOME. 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 HOME** does not include a **RECREATIONAL VEHICLE**.

MEAN SEA LEVEL (MSL). The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations were referenced shown on prior Flood

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Insurance Rate Maps are referenced. Elevations are now based on North American Vertical Datum of 1988 (NAVD88).

NEW CONSTRUCTION. Structures for which the ***START OF CONSTRUCTION*** commenced on or after the effective date of this ordinance.

NEW MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more lots for the rent or sale for which the construction of the facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

PERMANENT FOUNDATION. A natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistivity and strength.

RECREATION VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and primarily designed as temporary living quarters for camping, travel, or seasonal use.

REINFORCED PIER. A minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured home under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.

SPECIAL FLOOD HAZARD AREA (SFHA). Areas subject to inundation from the waters of a 100-year flood.

START OF CONSTRUCTION.

(1) For a structure other than a manufactured home, ***START OF CONSTRUCTION*** means the first placement of permanent construction on a site, such as the pouring of slab or footings, when piles are installed or columns are constructed, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, 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 as 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.

(2) For manufactured homes ***START OF CONSTRUCTION*** means the placing of the manufactured home on the site or foundation.

STRUCTURE. A walled and roofed building, a manufactured home, and a gas or liquid storage tank, that is principally above ground.

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SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or if the structure is being restored, before the damage occurred.

SUBSTANTIAL IMPROVEMENT is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include:

(1) Any project for improvement to comply with state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to ensure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

VARIANCE. A grant of relief to a person from the requirements of this chapter in a manner that would otherwise be prohibited by this chapter.
(Ord. 90-12, passed 5-14-90)

WET FLOODPROOFING. Permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing water to enter the structure as explained in FEMA Technical Bulletin 7-93.

§ 152.04 LAND TO WHICH PROVISIONS APPLY.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.
(Ord. 90-12, passed 5-14-90)

§ 152.05 ESTABLISHMENT OF FLOOD ZONES.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for **Clatsop County Oregon and Incorporated Areas, Volume 1 & 2 City of Seaside**, dated **September 17, 2010** ~~March 5, 1979~~, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and formally recognized by the city for regulatory purposes under this ordinance. The Flood Insurance Study and FIRM are on file at 989 Broadway. When base flood elevation data is not provided (Zones A and V); the best available information for flood hazard area identification, as outlined in Section 152.37, shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 152.37.

§ 152.06 COMPLIANCE REQUIRED.

No structure or land shall hereafter be used and no structure shall be located, extended,

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converted or altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 90-12, passed 5-14-90)

§ 152.07 INTERPRETATION.

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

(A) Considered as minimum requirements.

(B) Liberally construed in favor of the city.

(C) Deemed neither to limit nor repeal any provisions of other city ordinances.

(Ord. 90-12, passed 5-14-90)

§ 152.08 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

(B) This chapter 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. This chapter shall not create a liability on the part of the city or by an officer, or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 90-12, passed 5-14-90)

§ 152.09 ABROGATION AND GREATER RESTRICTIONS.

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

(Ord. 90-12, passed 5-14-90)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 152.20 GENERAL STANDARDS.

In all areas of special flood hazards as presented on the FIRM, the following standards shall apply for all new construction and substantial improvements.

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

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(2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(a) Over-the-top ties be provided at each end of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Additions to the manufactured homes be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles an hour or greater. Certification must be provided to the Building Official that this standard has been met.

(B) *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 or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(C) *Utilities.*

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

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

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Mechanical and utility equipment.* Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(E) *Use of openings in enclosures below a structure's lowest floor.* For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.

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Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Regardless of the design method, below-grade crawlspaces that comply with the standards in FEMA Technical Bulletin 11-01 and the building code shall not be considered basements. Citizens are hereby advised that an approved below grade crawlspaces will increase the cost of flood insurance and cause an additional charge to be added to the basic policy premium

(F) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be provided for subdivision proposals and other proposed developments greater than 50 lots or five acres, whichever is less.

(G) *Review of building permits.* Where base flood elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and the like, where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(Ord. 90-12, passed 5-14-90)

§ 152.21 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 152.05, Establishment of Flood Zones, or § 152.37, Use of Available Flood Data, the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (other than a manufactured home) shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed in accordance with Section 152.20 (E).

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below this level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of

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buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in § 152.38(B) (2). Structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 152.20 (E).

(C) *Manufactured homes.* All manufactured homes to be placed or substantially improved within Zones A1—A30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 128 inches or more above the base flood elevation.

(1) Manufactured homes shall be securely anchored to an adequately anchored foundation system, in accordance with § 152.20(A) (2) or (3).

(D) Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (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 manufactured home elevation requirements in Section 152.21 (C) and anchoring requirements in Section 152.21 (C) (1).

(E) All structures in AH zones are Require to provide adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

§ 152.22 COASTAL HIGH HAZARD AREA.

Coastal high hazard areas (V & VE Zones) are located within the areas of special flood hazard established in § 152.05. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, the following provisions shall apply:

(A) All building or structures shall be located land-ward of the reach of mean high tide.

(B) All new construction and substantial improvements in V-& VE Zones (other than a manufactured home) shall be elevated on pilings and columns so that:

(1) The lowest floor the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level and the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. It is recommended the bottom of the lowest horizontal structural member also be elevated one foot above the base flood level.

(2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind loading shall be based on the structural specialty code adopted by the City of Seaside and water loading values shall each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design,

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specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (1) and (2) of this section.

(C) . There shall be no fill used for structural support.

(D) All manufactured homes to be placed or substantially improved within V& VE Zones must meet the standards in Section B (1) and (2); however, they are still subject to any greater restriction indicated in the adopted Oregon Manufactured Dwelling Installation Specialty Code. ~~except the lowest floor of the manufactured home must be elevated 18 inches or more above the base flood elevation.~~

(E) Compliance with provisions of § 152.22(B), (C), (D), and (H) shall be certified to by a registered professional engineer or architect.

(F) Recreational vehicles placed on sites are required to meet the provisions of 152.21 (D) 1 or 2.

(G) There shall be no alteration of sand dunes which would increase potential flood damage.

(H) All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

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

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(I) If breakaway walls are utilized, such enclosed space shall not be used for human habitation and can only be used for parking of vehicles, building access, or storage.

(J) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.

(K) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided in § 152.22(H) and (I).

(Ord. 90-12, passed 5-14-90; Am. Ord. 91-02, passed 1-11-91)

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(L) An elevation shall be obtained (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The building official shall maintain a record of all such information.

§ 152.23 SPECIFIC STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONE).

In all areas of special flood hazards designated as areas of shallow flooding, the following provisions shall apply:

~~— (A) All new construction and substantial improvement of nonresidential structures shall:~~

~~— (1) Have the lowest floor, including basement, elevated one foot above the highest adjacent grade on the property to or above the depth number specified on the FIRM; or~~

~~— (2) Together with attendant utility and sanitary facilities be completely flood proofed to or above the level designated in division (A)(1) above, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.~~

(A) New construction and substantial improvements of residential structures (other than a manufactured home) within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

(B) Manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, 128 inches or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

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

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 152.21(B).

(D) Adequate drainage paths around structures on slopes to guide flood-waters around and away from proposed structures are required.

(E) Recreational vehicles placed on sites are required to meet the provisions of 152.21 (D)

1 or 2.

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(Ord. 90-12, passed 5-14-90; Am. Ord. 91-02, passed 1-11-91)

152.24 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, not new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's 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.

§ 152.25 FLOODWAYS.

Located within areas of special flood hazard established in § 152.05 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles, erosion potential, the following provisions apply:

(A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 152.21, Specific Standards.

(Ord. 90-12, passed 5-14-90)

ADMINISTRATION

§ 152.35 ESTABLISHMENT OF BUILDING PERMIT.

A building permit shall be required before construction or development begins within any area of special flood hazard established in Section 152.05 in conformance with the provisions of this section. The permit shall be for all structures including manufactured homes, as set forth in the definitions in § 152.03 and for all other developments including fill and other activities, also as set forth in the definitions. Application for a building permit shall be made to the Building Official on forms furnished by him and shall specifically include the following information:

(A) Elevation in relation to North American Vertical Datum of 1988 (NAVD88) mean sea level, of the lowest floor (including basement) of all structures; except in AO zones where the elevation must be based on the highest adjacent grade.

(B) Elevation in relation to North American Vertical Datum of 1988 (NAVD88) mean sea level to which any nonresidential structure that has been flood proofed.

(C) Certification by a registered professional engineer or architect that any nonresidential flood proofed structure meets the floodproofing criteria in § 152.21(B).

(D) Description of the extent to which any watercourse will be altered or relocated as a

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result of proposed development.
(Ord. 90-12, passed 5-14-90)

§ 152.36 DUTIES AND RESPONSIBILITIES OF BUILDING OFFICIAL.

The duties of the Building Official shall include, but not be limited to the following:

(A) Review all applications to determine that the permit requirements of this chapter have been satisfied.

(B) Review all applications to insure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(C) Review all applications in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.
(Ord. 90-12, passed 5-14-90)

(D) Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provision of Section 152.25 (A) are met.

§ 152.37 USE OF AVAILABLE FLOOD DATA.

The Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A comply with §§ 152.21, Specific Standards, and Section 152.25, Floodways.
(Ord. 90-12, passed 5-14-90)

§ 152.38 INFORMATION TO BE OBTAINED AND MAINTAINED BY BUILDING OFFICIAL.

(A) Obtain and record the actual elevation (in relation to NAVD88 mean-sea-level) of the lowest floor (including basement) of all new or substantially improved structures; except in AO zones where the elevation must be based on the highest adjacent grade.

(B) For all new or substantially improved flood proofed structures:

(1) Verify and record the actual elevation (in relation to NAVD88 mean-sea-level);
and

(2) Maintain the floodproofing certifications required in § 152.35(C).

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

(D) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored-pilings or columns in order to withstand velocity waters.
(Ord. 90-12, passed 5-14-90)

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§ 152.39 ALTERATION OF WATERCOURSES.

The Building Official shall:

(A) Notify adjacent communities and the Oregon Department of Land Conservation and Development (DLCD) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
(Ord. 90-12, passed 5-14-90)

§ 152.40 INTERPRETATION OF FIRM BOUNDARIES.

The Building Official shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in this chapter.
(Ord. 90-12, passed 5-14-90)

§ 152.41 APPEALS AND VARIANCE PROCEDURES.

(A) The Planning Commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this chapter.

(C) Those aggrieved by the decision of the Planning Commission or any taxpayer, may appeal such decision to the County Circuit Court, as provided by state law.

(D) Variances shall be issued in accordance with Code of Federal Regulations Title 44 (Title 44 CFR) Section 60.6, any applicable amendment thereto, and procedures outlined by the city.

(E) Authorization of a variance shall be void after six months unless the new construction, substantial improvement or approved activity has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional six months upon request.
(Ord. 90-12, passed 5-14-90)

§ 152.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 180 days or by a fine not to exceed \$500 or both. The imposition of a penalty does not relieve a person of the duty to comply with this chapter.
(Ord. 90-12, passed 5-14-90)