

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY
STATE OF OREGON**

ORDINANCE NO. 2009-003

AN ORDINANCE AMENDING THE TEXT OF THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) AT ARTICLE 69.1 (FLOODWAY HAZARD OVERLAY) BY [1] REVISING SECTION 69.120 REGARDING FLOOD HAZARD AREAS TO IMPLEMENT UPDATES TO THE JOSEPHINE COUNTY FLOOD INSURANCE STUDY, RATE MAPS, AND MAP INDEX; AND [2] ADDING A NEW SECTION 69.155 FOR ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY.

WHEREAS, the State of Oregon delegates the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, Oregon Revised Statute 203.035 authorizes Oregon counties to adopt a flood damage prevention ordinance from the home rule provision of the Oregon Constitution through the local government charter, if applicable; and

WHEREAS, Section 5, *General Grant of Powers* of the Charter for Josephine County provides the governing body of the county the authority over matters of county concern; and

WHEREAS, the flood hazard areas of Josephine County are subject to periodic inundation which results in loss of life and property, health, and safety, disruption of commerce and governmental services, expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety, and general welfare of the citizens, and

WHEREAS, the purpose of this ordinance is to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, adoption of this ordinance will comply with the standards for participation in the National Flood Insurance Program by implementing standards and provisions that encourage sound flood plain management, allowing property owners to obtain flood insurance at affordable rates; and

WHEREAS, the Planning Commission, pursuant to the review authority granted in Section 46.020 of the Rural Land Development Code (RLDC), and Goal 11, Policy 1, of the Josephine County Goals and Policies of the Comprehensive Plan, conducted a public hearing on November 9, 2009 regarding the proposed text amendment, after required notice by publication, community advertisement, and mailing to interested persons, agencies and organizations, and thereupon approved the proposed amendments as a final decision, together with written Findings of Decision; and

WHEREAS, the authority to implement legislative amendments to the county's comprehensive plan by ordinance resides solely with the Board of County Commissioners, as specified in Goal 11, Policy 1.D[2], and the RLDC, Section 46.020.B.2;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordain the following amendment to the text of the Josephine County Rural Land Development Code.

Section 1. Text Amendments

Amend the Josephine County Rural Land Development Code (Ord. 94-4) at Article 69.1 (*Floodway Hazard Overlay*) by [1] revising Section 69.120 regarding flood hazard areas to implement updates to the Josephine County Flood Insurance Study, Rate Maps, and Map Index (referenced as the December 3, 2009 revisions); and [2] adding a new Section 69.155 for *Administration in Floodway Fringe Areas Without Mapped Floodway*, as the exact amendments are depicted on Exhibit A.

Section 2. Affirmation

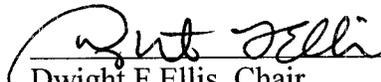
Except as specifically amended by the provisions of this Ordinance, the Comprehensive Plan (Ordinance 94-4) is hereby affirmed in all other respects.

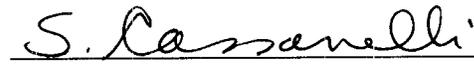
Section 3. Effective Date:

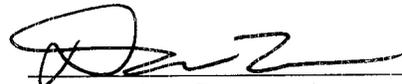
First reading by the Board of County Commissioners this 10th day of November, 2009.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 25th day of November, 2009. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

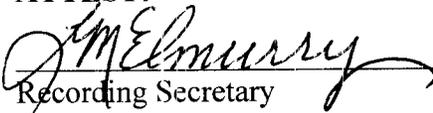
JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS:


Dwight F Ellis, Chair


Sandi Cassanelli, Vice-Chair


Dave Toler, Commissioner

ATTEST:


Recording Secretary

APPROVED AS TO FORM:

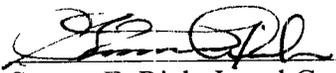

Steven E. Rich, Legal Counsel

EXHIBIT A

ARTICLE 69.1 - FLOOD HAZARD OVERLAY

~ EXISTING SECTION AMENDED ~

69.120 - FLOOD HAZARD AREAS

This Article shall apply to all areas of flood hazard within Josephine County as identified in the Federal Flood Insurance Study *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009, prepared* by the Federal ~~Insurance Administration~~ Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, and revised September 27, 1991, with the accompanying Flood Insurance Rate Maps. The study, maps and index are ~~is adopted~~ by this reference and incorporated into ~~as part of this code.~~ The documents are ~~and is~~ on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ EXISTING SECTION AMENDED WITHOUT CUES ~

This Article shall apply to all areas of flood hazard within Josephine County as identified in the *Flood Insurance Study for Josephine County, Oregon, and Incorporated Areas (Two Volumes), with Flood Insurance Rate Map Panels and a Map Index, effective December 3, 2009*, prepared by the Federal Emergency Management Agency for use in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The study, maps and index are adopted by this reference and incorporated into this code. The documents are on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones), Floodway Fringe (or Numbered "A" Zones), and Floodway. See Section 11.030 for these and other definitions related to flood hazard administration.

~ NEW SECTION ~

69.155 - ADMINISTRATION IN FLOODWAY FRINGE AREAS WITHOUT MAPPED FLOODWAY

The Director is authorized to review all applications for development within floodway fringe areas where the boundaries of the floodway have not been mapped by imposing mitigating conditions upon development which are reasonably necessary to accomplish the purposes of this Article and Section. At a minimum, all development shall meet the requirements of subsection A or B:

- A. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that identifies floodway boundaries at the development site. Depending upon whether the proposed development is located inside or outside of the regulatory floodway, the requirements of Sections 69.150 (Floodway Fringe Areas) or 69.160 (Floodway Areas) shall apply. The location of the floodway boundaries shall be presumed to lie equally on both sides of the centerline of the affected stream.
- B. The applicant shall submit evidence prepared by an Oregon registered professional engineer in accordance with accepted engineering practices that shows 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 to rise more than one foot at any point within the community. For the purposes of administering this subsection, "anticipated development" shall mean development for which an application is currently under review for permit approval by the Planning and/or Building Safety Departments. The county will collect and separately maintain records for pending and approved developments within the floodway fringe areas without mapped floodway boundaries, and make such records available for use by applicants for doing the one-foot rise analysis.