

ORDINANCE NO. 810

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17, SECTION 17.04.100 “DEFINITIONS; SECTION 17.16.780 “FLOODPLAIN (FP) OVERLAY DISTRICT; AND SECTION 17.16.790 “FLOOD CONTROL REGULATIONS (NATIONAL FLOOD INSURANCE PROGRAM)” AND DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton has adopted Ordinance No. 775 (codified as amendments to SMC 17.16.790) a flood damage prevention ordinance;

WHEREAS, Federal Emergency Management Agency (FEMA) has requested changes to Stayton’s floodplain overlay ordinance to ensure consistency with the minimum requirements for participation in the National Flood Insurance Program (NFIP);

WHEREAS, Department of Land Conservation and Development has reviewed the ordinance and recommended changes;

WHEREAS, the purpose of the City of Stayton Land Use and Development Code is to promote public health, safety and general welfare, and minimize public and private loss due to flood conditions in specific areas by provisions designed; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council in order to meet the FEMA deadline of January 19, 2000.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code Section 17.04.100 “DEFINITIONS” is hereby amended to include c & d;

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and was being restored before the damage occurred. For the purposes of this definition, “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 either:

- c. Any project for improvement of structure to correct existing violations of state or local health, sanitary code specifications which have been

identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

- d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 2. Stayton Municipal Code Section 17.16.780 (3) is hereby amended to read:

- 3. FLOODWAY. No ~~habitable~~ development is allowed in the floodway, as defined on the Federal Emergency Management Agency (FEMA) flood maps developed for the City.

SECTION 3. Stayton Municipal Code Section 17.16.790 (6) is hereby amended to read:

- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Stayton" dated March 1, 1979, with accompanying flood insurance maps, is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at Stayton City Hall, 362 N. Third Avenue, Stayton, Oregon 97383.

For lands annexed from Marion County into the City of Stayton hereby adopt by reference and declared a part of this ordinance the Marion County Flood Insurance Rate Maps, Floodway maps, and Flood Insurance Study for those annexed lands including January 19, 2000 and any subsequent updates.

SECTION 4. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of January 2000.

CITY OF STAYTON

Date: Jan 18th 2000

By: Henry A. Porter
Henry A. Porter, Mayor

Date: Jan 18, 2000

By: Thomas L. Barthel
Thomas L. Barthel, City Administrator
Don Eubank, Acting City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney