

**CITY OF BAY CITY  
ORDINANCE 712**

**AN ORDINANCE ADOPTING AND MAKING AMENDMENTS TO THE BAY CITY  
COMPREHENSIVE PLAN AND CERTAIN SECTIONS OF THE BAY CITY MUNICIPAL CODE,  
SPECIFICALLY CHAPTER 10 PERTAINING TO PROVISIONS FOR DEVELOPMENT IN  
FLOOD HAZARD AREAS**

**WHEREAS**, on July 15, 2024, the Federal Emergency Management Agency (FEMA) issued a requirement that communities in Oregon participating in the National Flood Insurance Program (NFIP) must choose and implement one of three Pre-Implementation Compliance Measures (PICM); and

**WHEREAS**, the PICM for the NFIP ensures the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA); and

**WHEREAS**, the City of Bay City heard presentations of the options at multiple public meetings and gained feedback from community members as they considered the options; and

**WHEREAS**, the City Council instructed City Staff to prepare changes to the City Municipal Code according to the Model Ordinance presented by FEMA; and

**WHEREAS**, the City Comprehensive Plan must be amended to reflect the required changes identified in the PICM and Model Ordinance; and

**WHEREAS**, this Model Ordinance to be implemented into City Municipal Code and Comprehensive Plan has been sent to FEMA and the Oregon Department of Land Conservation and Development prior to its publication, and

**WHEREAS**, notice of adoption of this Ordinance to be implemented into City Municipal Code and Comprehensive Plan has been mailed to the affected property owners in Bay City in accordance with City Municipal Code 10.12.080 and 10.12.130 and Oregon law; and

**WHEREAS**, the City Council believes that the public benefit of compliance with FEMA's requirements to remain in the NFIP outweigh the challenges caused by these changes.

**NOW THEREFORE**, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

**SECTION 1:**        **AMENDMENT** “10.07.310 Purpose And Objectives” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.310 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 to minimize public and private losses due to flood conditions. In advancing these principles and the general purpose of the Bay City Comprehensive Plan and Chapter 10, the specific objectives of this zone are:

- A. To promote the general health, welfare and safety of the City;
- B. To prevent the establishment of certain structures and land uses in areas 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;
- F. To ensure that potential home and business buyers are notified that property is in a flood hazard area; and
- G. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

AFTER AMENDMENT

10.07.310 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 to minimize public and private losses due to flood conditions. In advancing these principles and the general purpose of the Bay City Comprehensive Plan and Chapter 10, the specific objectives of this zone are:

- A. To promote the general health, welfare and safety of the City;
- B. To prevent the establishment of certain structures and land uses in areas 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;
- F. Preserve natural and beneficial floodplain functions;
- G. To ensure that potential home and business buyers are notified that property is in a flood hazard area; ~~and~~
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions, and
- I. To employ a standard of “no net loss” of natural and beneficial floodplain functions.

**SECTION 2:        AMENDMENT** “10.07.312 Definitions” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.07.312 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in the National Flood Insurance Program to give this Chapter its most reasonable application.

"Appeal." Means a request for a review of the interpretation of any provision of this Chapter or a request for a variance.

"Area of Shallow Flooding." Means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of Special Flood Hazard." The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year.

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

"Base Flood." Means the flood elevation having a one percent chance of being equaled or exceeded in any given year. Designation on maps always includes the letters A or V.

"Below-Grade Crawl Space." Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

"Breakaway Walls." Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal High Hazard Area." Means 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 V1-30, VE, or V.

"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, and police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"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.

"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, posts, piers, pilings, or columns.

"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.
4. 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 Insurance Rate Map (FIRM)." Means an 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 Map (DFIRM).

"Flood Insurance Study." Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"Floodway." Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Flood Openings." Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed with flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for flood openings must either be certified by a registered professional engineer or architect OR must meet or exceed the following minimum criteria:

- A. 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.
- B. The bottom of all openings shall be no higher than one foot above grade.
- C. Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

"Lowest Floor." Means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this Chapter and 44 CFR 60.3.

"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 connected to the required utilities. For flood hazard regulatory purposes, the term "manufactured dwelling" does not include park trailers, recreational vehicles, travel trailers, and other similar vehicles.

"Manufactured Dwelling Park or Subdivision." A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level (MSL)." Means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which the base flood elevations shown on the community's Flood Insurance Rate Maps 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 a community and includes any subsequent improvements to such structures.

"Recreational Vehicle." A recreational vehicle means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, or seasonal use.

"Special Flood Hazard Area (SFHA)." See "Area of Special Flood Hazard".

"Start of Construction." Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

"Structure." Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage." Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement." Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include 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 alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance." Means a grant of relief by a community from the terms of a floodplain management regulation.

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

## AFTER AMENDMENT

### 10.07.312 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in the National Flood Insurance Program to give this Chapter its most reasonable application.

"Appeal." Means a request for a review of the interpretation of any provision of this Chapter or a request for a variance.

"Area of Shallow Flooding." Means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of Special Flood Hazard." The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. [Also referred to as SFHA.](#)

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

"Base Flood." Means the flood elevation having a one percent chance of being equaled or exceeded in any given year. Designation on maps always includes the letters A or V.

"Below-Grade Crawl Space." Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

"Breakaway Walls." Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal High Hazard Area." Means 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 V1-30, VE, or V.

"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, and police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"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.

"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, posts, piers, pilings, or columns.

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

"Fish Accessible Space." The volumetric space available to fish to access.

"Fish Egress-able Space." The volumetric space available to fish to exit or leave from.

"Flood or Flooding."

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in 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.
  4. 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 Insurance Rate Map (FIRM)." Means an 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 Map (DFIRM).

"Flood Insurance Study." Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"Floodway." Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Flood Openings." Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed with flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for flood openings must either be certified by a registered professional engineer or architect OR must meet or exceed the following minimum criteria:

- A. 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.
- B. The bottom of all openings shall be no higher than one foot above grade.
- C. Openings may be equipped with screens, louvers, or other coverings or devices

provided they permit the automatic entry and exit of floodwaters.

"Green Infrastructure." Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. "Habitat Restoration Activities." Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

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

"Hydraulically Equivalent Elevation." A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow. Hydrologically Connected: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both. "Impervious Surface." A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then "flushed" into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

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

"Lowest Floor." Means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this Chapter and 44 CFR 60.3.

"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

connected to the required utilities. For flood hazard regulatory purposes, the term “manufactured dwelling” does not include park trailers, recreational vehicles, travel trailers, and other similar vehicles.

"Manufactured Dwelling Park or Subdivision." A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

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

"Mean Sea Level (MSL)." Means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which the base flood elevations shown on the community’s Flood Insurance Rate Maps 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 a community and includes any subsequent improvements to such structures.

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

"Offsite." Mitigation occurring outside of the project area.

"Onsite." Mitigation occurring within the project area.

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

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

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

"Recreational Vehicle." A recreational vehicle means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, or seasonal use.

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

"Riparian Buffer Zone (RBZ)." The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or

perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

"Riparian Buffer Zone Fringe." The area outside of the RBZ and floodway but still within the SFHA. "Silviculture." The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands."Special Flood Hazard Area (SFHA)." See "Area of Special Flood Hazard".

"Start of Construction." Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a 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 home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

"Structure." Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage." Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement." Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include 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 alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Undeveloped Space." The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

"Variance." Means a grant of relief by a community from the terms of a floodplain management regulation.

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

**SECTION 3:            AMENDMENT** “10.07.313 Lands To Which This Chapter Applies” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.313 Lands To Which This Chapter Applies

This Chapter shall apply to all Areas of Special Flood Hazards within the City Limits and Urban Growth Boundary of the City of Bay City.

**AFTER AMENDMENT**

10.07.313 Lands To Which This Chapter Applies

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

This Chapter shall apply to all Areas of Special Flood Hazards within the City Limits and Urban Growth Boundary of the City of Bay City. All development within special flood hazard areas (SFHA) is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

**SECTION 4:            AMENDMENT** “10.07.314 Designation Of The City Floodplain Administrator” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.314 Designation Of The City Floodplain Administrator

The City shall appoint a City Floodplain Administrator to administer and implement this Chapter and to make decisions to approve or deny Floodplain Development Permits in

accordance with its provisions. The City Floodplain Administrator shall maintain certification as a Certified Floodplain Manager with the Association of State Floodplain Managers.

AFTER AMENDMENT

10.07.314 Designation Of The City Floodplain Administrator

The City shall appoint the City Planner as a City Floodplain Administrator to administer and implement this Chapter and to make decisions to approve or deny Floodplain Development Permits in accordance with its provisions. The City Floodplain Administrator shall maintain certification as a Certified Floodplain Manager with the Association of State Floodplain Managers.

**SECTION 5:**        **AMENDMENT** “10.07.315 Duties And Responsibilities Of The City Floodplain Administrator” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.07.315 Duties And Responsibilities Of The City Floodplain Administrator

The duties of the City Floodplain Administrator shall include, but not be limited to the following:

- A. Review all Flood Development Permit applications to determine whether the requirements of this Chapter have been satisfied.
- B. Review all Flood Development Permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required
- C. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.
- D. Inspect all Flood Elevation Certificates required as a condition of Flood Development Permit approval.
- E. Coordinate with the State and Federal Agencies regarding Community Assistance Visits and any amendments required for compliance with applicable state and federal criteria.
- F. Provide notification to FEMA as a Letter of Map Revision (LOMR) within six months of project completion when:
  - 1. An applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA; or
  - 2. Development altered a watercourse; or
  - 3. Development modified a floodplain boundary; or
  - 4. Development modified Base Flood Elevations.

AFTER AMENDMENT

10.07.315 Duties And Responsibilities Of The City Floodplain Administrator

The duties of the City Floodplain Administrator shall include, but not be limited to the following:

- A. Review all Flood Development Permit applications to determine whether the requirements of this Chapter have been satisfied.
- B. Review all Flood Development Permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required
- C. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.
- D. Inspect all Flood Elevation Certificates required as a condition of Flood Development Permit approval.
- E. Determine whether the proposed development activity complies with the no net loss standards in Section 10.07.343
- F. Coordinate with the State and Federal Agencies regarding Community Assistance Visits and any amendments required for compliance with applicable state and federal criteria.
- G. Provide notification to FEMA as a Letter of Map Revision (LOMR) within six months of project completion when:
  - 1. An applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA; or
  - 2. Development altered a watercourse; or
  - 3. Development modified a floodplain boundary; or
  - 4. Development modified Base Flood Elevations.

**SECTION 6:****AMENDMENT** “10.07.319 Floodplain Development Permit Required” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.319 Floodplain Development Permit Required

A Floodplain Development Permit shall be obtained before construction or development begins within any Special Flood Hazard Area. A Flood Development Permit is required for any development within the Special Flood Hazard Area as defined in this Chapter including and not limited to fill and other activities, grading, subdivision applications, utility extensions, and the placement of manufactured homes or improvement of structures.

- A. Application for a Development Permit: Application for a Floodplain Development Permit shall be made on forms furnished by the City Floodplain Administrator. The application shall include all information necessary to show compliance with the provisions of this Chapter including:
- B. Flood Development Permit Application Documentation: The Floodplain Development Permit application documentation shall include all required documentation in electronic format and three originals, signed and printed to measurable scale where applicable including:
  - 1. A Pre-Construction Flood Elevation Certificate completed by a licensed, Professional Land Surveyor;
  - 2. Elevation of the site in relation to mean sea level of the lowest floor (including basement) of all structures;
  - 3. Elevation in relation to mean sea level of floodproofing in any structure;
  - 4. Certification by a registered professional engineer or architect that the

- floodproofing methods for any nonresidential structure meet the floodproofing criteria;
5. Certification by a registered professional engineer that describes the extent to which a watercourse will be altered or relocated as a result of the proposed development.
  6. A site plan showing the nature, location, dimensions, and topographic elevations of the area in question; existing or proposed structures; fill, storage of materials and drainage facilities.
  7. Development Plans that identify the location of all development, Base Flood Elevation, Freeboard, and the Elevation of the Lowest Floor (A Zones) or Lowest Horizontal Member including the longitudinal chassis of a manufactured home (V Zones) whether or not the structure has a basement.
  8. For development proposed to an existing structure, documentation of the real market value determined by the Tax Assessor's Office and a calculation of the cost of work.
  9. All necessary permits from federal, state, or local governmental agencies from which prior approval is required.
  10. In Coastal High Hazard Areas, V-Zone Certification written, signed and stamped by a licensed Professional Engineer or Architect that documents that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity floodwaters.
- C. Flood Development Permit Documentation Required as Conditions of Approval: If the Flood Development Permit is approved, as a condition of approval, the property owner shall provide the following documentation for all new construction and substantial improvements:
1. Certification of the Lowest Floor completed by a licensed, Professional Land Surveyor;
  2. A Post-Construction Flood Elevation Certificate completed by a licensed, Professional Land Surveyor;
  3. Certification by a registered professional engineer or architect of the extent to which any nonresidential structure meets floodproofing criteria.
- D. Maintenance of Records: The City shall maintain in electronic format for public inspection in perpetuity all records pertaining to the provisions of this Chapter, the issuance of a Flood Development Permit, and compliance with conditions of approval including and not limited to lowest floor, elevation and floodproofing certification records.

## AFTER AMENDMENT

### 10.07.319 Floodplain Development Permit Required

A Floodplain Development Permit shall be obtained before construction or development begins within any Special Flood Hazard Area. A Flood Development Permit is required for any development within the Special Flood Hazard Area as defined in this Chapter including and not limited to fill and other activities, grading, subdivision applications, utility extensions, and the placement of manufactured homes or improvement of structures.

- A. Application for a Development Permit: Application for a Floodplain Development Permit shall be made on forms furnished by the City Floodplain Administrator. The application shall include all information necessary to show compliance with the provisions of this Chapter including:
  - B. Flood Development Permit Application Documentation: The Floodplain Development

Permit application documentation shall include all required documentation in electronic format and three originals, signed and printed to measurable scale where applicable including:

1. A Pre-Construction Flood Elevation Certificate completed by a licensed, Professional Land Surveyor;
  2. Elevation of the site in relation to mean sea level of the lowest floor (including basement) of all structures;
  3. Elevation in relation to mean sea level of floodproofing in any structure;
  4. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria;
  5. Certification by a registered professional engineer that describes the extent to which a watercourse will be altered or relocated as a result of the proposed development.
  6. A site plan showing the nature, location, dimensions, and topographic elevations of the area in question; existing or proposed structures; fill, storage of materials and drainage facilities.
  7. Development Plans that identify the location of all development, Base Flood Elevation, Freeboard, and the Elevation of the Lowest Floor (A Zones) or Lowest Horizontal Member including the longitudinal chassis of a manufactured home (V Zones) whether or not the structure has a basement.
  8. For development proposed to an existing structure, documentation of the real market value determined by the Tax Assessor's Office and a calculation of the cost of work.
  9. All necessary permits from federal, state, or local governmental agencies from which prior approval is required.
  10. In Coastal High Hazard Areas, V-Zone Certification written, signed and stamped by a licensed Professional Engineer or Architect that documents that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity floodwaters.
- C. Flood Development Permit Documentation Required as Conditions of Approval: If the Flood Development Permit is approved, as a condition of approval, the property owner shall provide the following documentation for all new construction and substantial improvements:
1. Certification of the Lowest Floor completed by a licensed, Professional Land Surveyor;
  2. A Post-Construction Flood Elevation Certificate completed by a licensed, Professional Land Surveyor;
  3. Certification by a registered professional engineer or architect of the extent to which any nonresidential structure meets floodproofing criteria.
- D. Maintenance of Records: The City shall maintain in electronic format for public inspection in perpetuity all records pertaining to the provisions of this Chapter, the issuance of a Flood Development Permit, and compliance with conditions of approval including and not limited to lowest floor, elevation and floodproofing certification records.
- E. Determine whether the proposed development activity complies with the no net loss standards with documentation of how no net loss standards have been met in Section 10.07.343.

**SECTION 7:****AMENDMENT** “10.07.330 General Standards” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.330 General Standards

In all areas of special flood hazards, the following standards are required:

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. 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).

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.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Electrical, mechanical, and plumbing components are not to be mounted on or penetrate through walls that are designed to break away under flood loads.
5. Electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation
6. All site development shall have adequate drainage to reduce exposure to flood damage.
7. Building materials and installation used for flooring and interior and exterior walls and wall coverings below the elevation required by the Flood Plain Administrator shall be flood damage resistant materials that conform to FEMA provisions.

C. Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
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 and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. 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

- or eliminate 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 generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
- E. Critical Facilities: New critical facilities shall be located outside the limits of the Special Flood Hazard Area except where no feasible alternative site is available. Critical facilities constructed within the Special Flood Hazard Area shall have the lowest floor elevated three feet above Base Flood Elevation. Access to and from the critical facility shall be protected to three feet above Base Flood Elevation to the extent possible.
- F. Manufactured Dwellings: In addition to complying with other standards specified by this Chapter, all manufactured dwellings placed or substantially improved:
- 1. Shall be elevated on a permanent foundation such that the lowest floor of the dwelling is at or above the base flood elevation.
  - 2. The bottom of the longitudinal chassis frame beam shall be at or above one foot above Base Flood Elevation in V and Coastal A Zones.
  - 3. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation in Riverine A Zones
  - 4. In A and V Zones, electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation.
  - 5. The manufactured dwelling chassis shall be anchored foundation system to resist flotation, collapse, and lateral movement. 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).
  - 6. Where the manufactured dwelling is to be placed in the A1-A30, A, and AE Zones and supported on solid foundation walls, flood openings shall be provided.
  - 7. Manufactured dwellings to be placed or substantially improved within Zones V1-V30, V, VE or Coastal A Zones designated on the community's FIRM shall comply with the standards for the Coastal High Hazard Area.
- G. Recreational Vehicles: Recreational vehicles placed on sites within the Area of Special Flood Hazard are required to:
- 1. Be on site for fewer than 180 consecutive days;
  - 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. Shall meet all permit elevation, and anchoring requirements for manufactured dwellings including residential standards for the A Zones and the Coastal High Hazard Area.

#### AFTER AMENDMENT

#### 10.07.330 General Standards

In all areas of special flood hazards, the no net loss standards (see Section ~~6-0~~[10.07.343](#)) and

the following standards are required:

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. 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).

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.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Electrical, mechanical, and plumbing components are not to be mounted on or penetrate through walls that are designed to break away under flood loads.
5. Electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation
6. All site development shall have adequate drainage to reduce exposure to flood damage.
7. Building materials and installation used for flooring and interior and exterior walls and wall coverings below the elevation required by the Flood Plain Administrator shall be flood damage resistant materials that conform to FEMA provisions.

C. Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
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 and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. 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 or eliminate 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 generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. [Comply with no net loss standards in section 10.07.343.](#)

- E. Critical Facilities: New critical facilities shall be located outside the limits of the Special Flood Hazard Area except where no feasible alternative site is available. Critical facilities constructed within the Special Flood Hazard Area shall have the lowest floor elevated three feet above Base Flood Elevation. Access to and from the critical facility shall be protected to three feet above Base Flood Elevation to the extent possible.
- F. Manufactured Dwellings: In addition to complying with other standards specified by this Chapter, all manufactured dwellings placed or substantially improved:
  - 1. Shall be elevated on a permanent foundation such that the lowest floor of the dwelling is at or above the base flood elevation.
  - 2. The bottom of the longitudinal chassis frame beam shall be at or above one foot above Base Flood Elevation in V and Coastal A Zones.
  - 3. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation in Riverine A Zones
  - 4. In A and V Zones, electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation.
  - 5. The manufactured dwelling chassis shall be anchored foundation system to resist flotation, collapse, and lateral movement. 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).
  - 6. Where the manufactured dwelling is to be placed in the A1-A30, A, and AE Zones and supported on solid foundation walls, flood openings shall be provided.
  - 7. Manufactured dwellings to be placed or substantially improved within Zones V1-V30, V, VE or Coastal A Zones designated on the community’s FIRM shall comply with the standards for the Coastal High Hazard Area.
- G. Recreational Vehicles: Recreational vehicles placed on sites within the Area of Special Flood Hazard are required to:
  - 1. Be on site for fewer than 180 consecutive days;
  - 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. Shall meet all permit elevation, and anchoring requirements for manufactured dwellings including residential standards for the A Zones and the Coastal High Hazard Area.
- H. Determination and documentation of how no net loss standards have been met and whether the proposed development activity complies with these no net loss standards in Section 10.07.343.

**SECTION 8:            AMENDMENT “10.07.331 Specific Standards In Zones A1-30, AH, And AE” of the Bay City Municipal Code is hereby *amended* as follows:**

BEFORE AMENDMENT

10.07.331 Specific Standards In Zones A1-30, AH, And AE

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) the following provisions are required:

A. Residential Construction:

1. New construction and substantial improvement of a residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed with flood openings, as defined in this Chapter, to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for flood openings must either be certified by a registered professional engineer or architect must meet or exceed the following minimum criteria.

B. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement elevated to one foot above base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this paragraph based on their development and / or review of the structural design, specification and plans.
4. Nonresidential structures that are elevated, not floodproofed, must meet the residential construction standards for space below the lowest floor.
5. Applicants choosing to floodproof non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level. For example, a building floodproofed to the base flood level will be rated as one foot below the required elevation.

#### AFTER AMENDMENT

#### 10.07.331 Specific Standards In Zones A1-30, AH, And AE

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) ~~the no net loss standards (see Section 6-010.07.343)~~ and the following provisions are required:

A. Residential Construction:

1. New construction and substantial improvement of a residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed with flood openings, as defined in this Chapter, to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for flood openings must either be certified by a registered professional engineer or architect must meet or exceed the following minimum criteria.

B. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement elevated to one foot above base flood elevation, or, together

with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this paragraph based on their development and / or review of the structural design, specification and plans.
4. Nonresidential structures that are elevated, not floodproofed, must meet the residential construction standards for space below the lowest floor.
5. Applicants choosing to floodproof non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level. For example, a building floodproofed to the base flood level will be rated as one foot below the required elevation.

**SECTION 9:**        **AMENDMENT** “10.07.332 Coastal High Hazard Area” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 10.07.332 Coastal High Hazard Area

In Coastal High Hazard Areas, as defined in this ordinance, have special flood hazards associated with high velocity waters from tidal surges, and therefore, in addition to meeting all provisions in this Chapter, the following provisions shall also apply:

- A. All new construction and substantial improvements shall be elevated on pilings and columns so that:
  1. The bottom of the lowest horizontal structural member of the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated one foot or more above the base flood elevation; and
  2. The pile or column foundation and structure attached thereto is anchored to resist floatation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one (1) percent chance of being equaled or exceeded in any given year 100-year mean recurrence interval).
- B. A registered professional engineer or architect shall develop or review the structural design, 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 this Section. Wind loading values shall be those required by applicable State or local building codes.
- C. Development documentation shall identify the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) in relation to mean sea level of all new and substantially improved structures whether or not such structures contain a basement. The City shall maintain a record of all such information.
- D. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting 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. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot.

- E. Breakaway walls 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 a 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 wind and water loading values to be used in this determination shall each have a one percent chance of building equaled or exceeded in any given year.
  - 3. Wind loading values shall be those required by applicable State or local building standards.
  - 4. Walls intended to break away under flood loads shall have flood openings as defined.
- F. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- G. All manufactured homes to be placed or substantially improved Coastal High Hazard Area as defined in this Chapter shall meet the General Standards for placement of Manufactured Dwellings.
- H. Recreational Vehicles placed on sites in the Coastal High Hazard Area as defined in this Chapter shall meet the General Standards for the placement of Recreational Vehicles.
  - I. All new construction shall be located landward of the reach of mean high tide.
  - J. The use of fill for structural support of buildings is prohibited.
- K. The City prohibits man-made alteration of sand dunes which would increase potential flood damage.
- L. Basement floors that are below grade on all sides are prohibited.

#### AFTER AMENDMENT

##### 10.07.332 Coastal High Hazard Area

In Coastal High Hazard Areas, as defined in this ordinance, have special flood hazards associated with high velocity waters from tidal surges, and therefore, these areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this Chapter, and the State of Oregon Specialty Codes, the following provisions shall also apply:

- A. All new construction and substantial improvements shall be elevated on pilings and columns so that:
  - 1. The bottom of the lowest horizontal structural member of the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated one foot or more above the base flood elevation; and
  - 2. The pile or column foundation and structure attached thereto is anchored to resist floatation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one (1) percent chance of being

equaled or exceeded in any given year 100-year mean recurrence interval).

3. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

- B. A registered professional engineer or architect shall develop or review the structural design, 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 this Section. Wind loading values shall be those required by applicable State or local building codes.
- C. Development documentation shall identify the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) in relation to mean sea level of all new and substantially improved structures whether or not such structures contain a basement. The City shall maintain a record of all such information.
- D. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting 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. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot.
- E. Breakaway walls 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 a 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 wind and water loading values to be used in this determination shall each have a one percent chance of building equaled or exceeded in any given year.
  - 3. Wind loading values shall be those required by applicable State or local building standards.
  - 4. Walls intended to break away under flood loads shall have flood openings as defined.
- 5. Equipment shall not be mounted on or penetrate through breakaway walls.
- F. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- G. All manufactured homes to be placed or substantially improved Coastal High Hazard Area as defined in this Chapter shall meet the General Standards for placement of Manufactured Dwellings.
- H. Recreational Vehicles placed on sites in the Coastal High Hazard Area as defined in this Chapter shall meet the General Standards for the placement of Recreational Vehicles.
  - I. All new construction shall be located landward of the reach of mean high tide.
  - J. The use of fill for structural support of buildings is prohibited.
- K. The City prohibits man-made alteration of sand dunes which would increase potential flood damage.
- L. Basement floors that are below grade on all sides are prohibited.
- M. The proposed elevation in relation to mean sea level of the bottom of the lowest

structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement.

**SECTION 10:            AMENDMENT** “10.07.339 Variances” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.339 Variances

- A. Variances may be issued by the City in accordance with Section 60.6(b) of the Federal Regulations governing flood insurance (Title 44 CFR) and any amendment thereto, together with this Chapter.
  - 1. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
  - 2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variance Procedures: Procedures for the granting of variances by the City are as follows:
  - 1. Variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the required technical justification for issuing a variance increase.
  - 2. Variance procedures are governed by Chapter 10.
  - 3. Variances shall only be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use where the City adopts findings that support:
    - a. All criteria in the Variance section of Chapter 10;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - 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 local laws or ordinances.
    - d. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard;
    - e. 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.
  - 4. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
  - 5. The City shall provide written notice to property owners as required under

Chapter 10.

6. The City shall notify the applicant in writing that:
    - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
    - b. Such construction below the base flood level increases risks to life and property.
  7. The Planning Commission shall review the applicant's burden of proof and shall approve or disapprove a request in accordance with Chapter 10.
  8. The City shall:
    - a. Maintain a record of all variance actions including justification for their issuance; and
    - b. Report such variances issued in its annual or biennial report submitted to the State Coordinating Officer and the Federal Insurance Administrator.
- C. The Federal Insurance Administrator may review the City's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action.
- D. 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 authorize a six-month extension in conformance with Chapter 10.

#### AFTER AMENDMENT

##### 10.07.339 Variances

- A. Variances may be issued by the City in accordance with Section 60.6(b) of the Federal Regulations governing flood insurance (Title 44 CFR) and any amendment thereto, together with this Chapter.
  1. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
  2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variance Procedures: Procedures for the granting of variances by the City are as follows:
  1. Variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the required technical justification for issuing a variance increase.
  2. Variance procedures are governed by Chapter 10.
  3. Variances shall only be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use where the City adopts findings that support:
    - a. All criteria in the Variance section of Chapter 10;

- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 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 local laws or ordinances.
  - d. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard;
  - e. 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.
4. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
  5. The City shall provide written notice to property owners as required under Chapter 10.
  6. The City shall notify the applicant in writing that:
    - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
    - b. Such construction below the base flood level increases risks to life and property.
  7. The Planning Commission shall review the applicant's burden of proof and shall approve or disapprove a request in accordance with Chapter 10.
  8. The City shall:
    - a. Maintain a record of all variance actions including justification for their issuance; and
    - b. Report such variances issued in its annual or biennial report submitted to the State Coordinating Officer and the Federal Insurance Administrator.
- C. The Federal Insurance Administrator may review the City's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action.
- D. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 10.07.343).
- 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 authorize a six-month extension in conformance with Chapter 10.

**SECTION 11:            ADOPTION** "10.07.342 Standards For Protection of SFHA Floodplain Functions" of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.342 Standards For Protection of SFHA Floodplain Functions (Non-existent)

AFTER ADOPTION

10.07.342 Standards For Protection of SFHA Floodplain Functions(*Added*)

STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS The standards described below apply to all special flood hazard areas as defined in Section 10.07.312.

**SECTION 12:** **ADOPTION** “10.07.343 No Net Loss Standards” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343 No Net Loss Standards (Non-existent)

AFTER ADOPTION

10.07.343 No Net Loss Standards(*Added*)

A.

No net loss of the three proxies for the floodplain functions mentioned in Section 10.07.310 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:

1. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
2. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
3. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.

B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

C. No net loss must be provided within, in order of preference:

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

**Table 1 No Net Loss Standards**

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

Notes:

1. Ratios with asterisks are indicated in the BiOp
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
  - a. For example, if only 500 ft<sup>2</sup> of the total 1000 ft<sup>2</sup> of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 ft<sup>2</sup> of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, or on-site.
4. Additional standards may apply in the RBZ (Riparian Buffer Zone)



**SECTION 13: ADOPTION** “10.07.343.01 Undeveloped Space” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343.01 Undeveloped Space (Non-existent)

AFTER ADOPTION

10.07.343.01 Undeveloped Space(*Added*)

- A. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.
- B. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
- C. Lost undeveloped space must be replaced with fish accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).
  - 1. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
    - a. Ordinary High Water Mark to 10-year.
    - b. 10-year to 25-year.
    - c. 25-year to 50-year.
    - d. And 50-year to 100-year
  - 2. Hydrologically connected to the waterbody that is the flooding source;
  - 3. Designed so that there is no increase in velocity; and
  - 4. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

**SECTION 14:**        **ADOPTION** “10.07.343.02 Impervious Surfaces” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343.02 Impervious Surfaces (Non-existent)

AFTER ADOPTION

10.07.343.02 Impervious Surfaces(*Added*)

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

- A. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or
- B. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
- C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See the Bay City Stormwater Master Plan for stormwater retention specifications.

**SECTION 15:** **ADOPTION** “10.07.343.03 Trees” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343.03 Trees (Non-existent)

AFTER ADOPTION

10.07.343.03 Trees(*Added*)

Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.

- A. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.
- B. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

**SECTION 16:** **ADOPTION** “10.07.343.04 Activities Exempt from No Net Loss Standards” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343.04 Activities Exempt from No Net Loss Standards (Non-existent)

AFTER ADOPTION

10.07.343.04 Activities Exempt from No Net Loss Standards(*Added*)

The following activities are not subject to the no net loss standards in Section 10.07.343; however, they may not be exempt from floodplain development permit requirements.

- A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
- B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts. Activities exempt do not include expansion of paved areas;
- C. Routine maintenance of landscaping that does not involve grading, excavation, or

- filling:
- D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
  - E. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts;
  - F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
  - G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
  - H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor;
  - I. Habitat restoration activities.

**SECTION 17:           ADOPTION** “10.07.343.05 Riparian Buffer Zone (RBZ)” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.07.343.05 Riparian Buffer Zone (RBZ) (Non-existent)

AFTER ADOPTION

10.07.343.05 Riparian Buffer Zone (RBZ)(*Added*)

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

- including the stream channel.
- B. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
  - C. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
  - D. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
  - E. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

**SECTION 18:**        **REPEALER CLAUSE** Resolution 2024-022, creating a temporary moratorium for development in the special flood hazard areas, is hereby repealed when this ordinance is in full force and effect.

**SECTION 19:** NOW THEREFORE, be it further ordained by the City Council of the City of Bay City, in the State of Oregon, that the Bay City Comprehensive Plan is hereby amended to read as follows in Attachment A.


**SECTION 20:**        **SEVERABILITY CLAUSE:** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 21:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect thirty (30) days following the required approval and publication according to law.


PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL FEBRUARY 11, 2025.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Kathleen Baker, Council President	<u>X</u>	_____	_____	_____
Anthony Boatman, Councilor	<u>X</u>	_____	_____	_____
Justin Howard, Councilor	<u>X</u>	_____	_____	_____
Colin Jones, Councilor	<u>X</u>	_____	_____	_____
Tim Josi, Councilor	<u>X</u>	_____	_____	_____
Ralph McRae, Councilor	<u>X</u>	_____	_____	_____

Presiding Officer

  
\_\_\_\_\_  
Liane Welch, Mayor, City of Bay City

Attest

  
\_\_\_\_\_  
Lindsey Gann, City Recorder, City of Bay City

COMP Plan Changes for FEMA PICM

GOAL V: TO PROTECT THE NATURAL RESOURCES OF THE AREA.

POLICIES:

1. Agricultural lands in the vicinity shall only be converted to urban land use when they are necessary for the growth of the City inside the approved urban service area boundary. (Please refer to the urban growth policies.)
2. Commercial forest lands shall be protected from urban encroachment. Large scale forest management activities that cause significant ground disturbance of areas greater than one acre shall be regulated through the conditional use process and standards in the development ordinance. Non-commercial forest lands or small-scale commercial forest lands being converted to another allowable use shall be regulated by the City's tree cutting ordinance. All areas with identified Great Blue Heron Rookeries and wetlands shall be regulated by the State and the City development ordinance.
3. The integrity of Tillamook Bay and its shorelands shall be protected through cooperation with the Tillamook County and policies in the Plan relating to shoreland uses. (Refer to Land Use section)
4. The Plan encourages land and water uses which do not degrade the quality of the Bay City environment, including its air, water, and land. The City shall have an opportunity to review any use of the Bay which has a significant impact on the community in a public hearing and to require changes where appropriate.
5. **By means of a 2009 court case, FEMA has developed a model flood hazard management ordinance to address the requirements outlined in the Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration in Oregon ("Oregon Implementation Plan"). The City recognizes the importance of this ordinance and the integration of the flood insurance program and the Endangered Species Act in the Oregon Implementation Plan.**
6. **The City recognizes the protection of natural resources and endangered species, preserving the natural and beneficial values served by floodplains, and since the flood insurance program in Oregon has been determined to jeopardize the survival of several threatened species, and FEMA has issued a draft implementation plan on how to reduce the flood insurance program's negative impacts, the City shall comply with its mandate by (1) temporarily prohibiting all new development in the floodplain, and (2) until adopting a model floodplain management ordinance.**

.....

GOAL VII: TO ENCOURAGE DEVELOPMENT WHICH IS PROTECTIVE OF NATURAL TOPOGRAPHY AND VEGETATION, WHICH AVOIDS NATURAL HAZARDS, AND WHICH PROTECTS THE ENVIRONMENTAL QUALITY OF THE SURROUNDING AREA.

POLICIES:

## COMP Plan Changes for FEMA PICM

1. Development Ordinance standards shall be written to encourage high quality development that supports this goal.
2. Information contained in the Hazards Section of the Plan shall be used in the regulation of development and shall be updated as new information becomes available.
3. The City shall use the FEMA Flood Insurance program and the Oregon Implementation Plan in the regulation of development in Special Flood Hazard Areas.
4. Setbacks and buffers from all streams in the City as determined in the development codes shall be required for the protection of stream bank vegetation and for the prevention of flooding and erosion.
5. The City Building Official shall use information contained in the Comprehensive Plan and Development Ordinance in conjunction with Chapter 70 of the Uniform Building Code.
6. Site specific geologic hazards assessment and geotechnical engineering reports shall be a prerequisite in all areas identified as a geologic hazard for all exterior construction that involves ground disturbing activities, and all development applications subject to Planning Commission review under the provisions of Bay City Development Ordinance Article 5 Subdivisions, Partitions, and Planned Development.
7. Engineered stormwater, grading and erosion and sedimentation control plans shall be required for all large scale development based on standards in the development ordinance. The City shall rely on the DEQ and the Nonpoint Source Pollution Control Guidebook to regulate development which may impact streams and the Bay.
8. Development and other activities shall not encroach on streams or natural drainages reduce their ability to drain the land, or cause or increase erosion of the banks. Site specific geologic assessment and geotechnical engineering reports and site plans shall be required to mitigate potential adverse impacts.
9. Geologic assessments shall be conducted by an appropriately licensed professional geologist licensed to work in the State of Oregon using the Guidelines for Preparing engineering Geologic Reports in Oregon, adopted by the Oregon State Board of Geologist Examiners (OSBGE).

.....

## ADDITIONAL POLICIES

### A. Forestry:

1. Logging and associated road construction should be allowed on a conditional use basis to insure that the City can assess its impacts on water quality, adjacent development, and geologic stability. The Oregon Forest Practices Act shall be adhered to in all cases.
2. Most of the City's public and private forests are among residential areas and in the City parks. The Comprehensive Plan and Development Ordinance encourage the retention of these areas for visual buffers, recreation purposes, and slope stability. Incentives should be provided to developers wishing to retain native vegetation through variable setbacks and the clustering of lots or structures. Stream and Bay setbacks shall be required for the protection of stream banks. The City's Hilltop Park, between 9<sup>th</sup> and 14<sup>th</sup> Street along C Street, shall remain in a natural condition.

## COMP Plan Changes for FEMA PICM

### B. Bicycles:

1. The Oregon Coast Bicycle Route passes through the City on U.S. Highway 101. Development along the route or changes to the Highway should be compatible with its use by bicyclists.
2. The Street Section of the Public Facilities Plan generally does not require sidewalks as part of street improvements. However, as traffic becomes heavier along City arterials and in the high intensity areas, consideration should be given to the requirement of or safe pedestrian zones. Sidewalks would be built as part of new public or private street or land development.

### C. Energy:

1. City-owned lands north of the existing power substation should be reserved for possible expansion of power facilities. The existing substation is nearing capacity at present and additional space may be needed if electrical usage continues to increase.
2. Renewable energy sources such as solar and wind shall be encouraged as a means to conserve existing supplies. The City's Development Ordinance should allow for flexibility in design to promote these sources.
3. Building sites with good solar exposure, such as on south-facing hillsides, should be considered for the use of solar energy devices such as space heaters and water heaters. Through the use of variable height limits, setbacks, and selective tree removal solar opportunities should be taken advantage of.

### D. Air Quality:

1. Bay City will review all DEQ Air Quality Permits (notice of construction, air contaminant discharge permits, and indirect source construction permits) to insure their consistency with the Comprehensive Plan and shall notify DEQ when there is a conflict.

### E. Water Quality:

1. The City shall participate in and support local and regional planning efforts to eliminate new point sources of water pollution. Standards in the Development Ordinance shall address storm water runoff controls, lot coverage, and stream and Bay setbacks.
2. The City supports the efforts of the Patterson Creek Pals and Tillamook Bay National Estuary Program (TBNEP) to improve water quality in the City's streams and to enhance Tillamook Bay's environment.

### F. Land Quality:

1. Bay City is presently and will continue to cooperate with a County or regional solid waste disposal plan.
2. To facilitate efficient solid waste collection in the City, the City shall maintain an exclusive franchise with a private solid waste collector. Mandatory collection shall be required to discourage illegal dumping of solid waste.

## COMP Plan Changes for FEMA PICM

### G. Historic Structures:

1. The City will establish a review and notification procedure for historic buildings proposed for demolition or alteration.

### H. Noise:

1. The City will cooperate with the Department of Environmental Quality to prevent noise pollution problems in the area.

### I. Hazardous Waste:

1. The City's actions shall be consistent with State and Federal hazardous waste regulations.

### J. Sensitive Aquifers:

1. The City has been identified as major water table area with a sensitive aquifer by the D.E.Q. The D.E.Q. has not yet implemented this program. At the appropriate time, the City will coordinate with the D.E.Q. in the implementation of its program for water table areas with sensitive aquifers. The D.E.Q. anticipates this program may have an effect on the placement of septic tanks and underground storage tanks.

### **K. Endangered Species**

1. **It shall be a goal of the City to require appropriate buffers (Riparian Buffer Zones) from bodies of water within the SFHA to support the survival of threatened and endangered species. The objective of this goal is to require reasonable buffers bordering streams, and to meet the requirements of the Oregon Implementation Plan, requiring no net loss for development.**

.....

### 4. COASTAL SHORELANDS:

The State of Oregon Coastal Shorelands Goal states that based upon inventories, Comprehensive Plans for coastal areas adjacent to the ocean, estuaries, or coastal lakes shall identify coastal shorelands. This shoreland area is to include at least:

- A. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- B. Adjacent areas of geologic instability, where the geologic instability is related to or will impact a coastal water body;
- C. Natural or man-made riparian resources;
- D. Areas of significant shoreland or wetland biological habitat, whose habitat quality is primarily derived from or related to the association with coastal water areas;
- E. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;

## COMP Plan Changes for FEMA PICM

- F. Areas of exceptional aesthetic or scenic quality; and
- G. Coastal headlands.

**H. Areas in the Special Flood Hazard Area (SFHA) and 170 feet from the median high water mark are located in the Riparian Buffer Zone (RBZ); with those areas in the SFHA beyond the RBZ in the RBZ Fringe; and require no net loss for development.**

The Coastal Shoreland portion of the Background Report outlines how this coastal shoreland boundary was established. The extent of the Coastal Shoreland Area is shown on the map titled "Coastal Shoreland Boundary".

In establishing its Shoreland Area, the City has used a broader definition than that required by the Statewide Planning Goals. U.S. Highway 101 forms a logical boundary because it separates the portion of Bay City adjacent to Tillamook Bay from the remainder of the City. Therefore, Bay City has defined its Coastal Shoreland area as that portion of the City west of Highway 101. In the vicinity of Larson Cove, the Shoreland Area is defined by the 25-foot contour line and the wetland area surrounding the outlet of Larson Creek. The waterward extent of the Shoreland Area is the line of non-aquatic vegetation.

Because of the variety of physical features and existing land use patterns in the Bay City Shoreland Area, the Shoreland Area has been divided into three subareas.

- Shoreland 1 Zone, a natural subarea that extends from Larson Cove to the Main Street extension'
- Shoreland 2 Zone, a water-dependent, water-related management unit in the vicinity of the Bay City jetty; and
- Shoreland 3 Zone, a non-water dependent / related subarea in the southern portion of the town.

The Coastal Shoreland Uses section of the Coastal Shorelands Goal states that "local governments shall determine whether there are any existing, developed commercial/industrial waterfront areas which are suitable for redevelopment which are not designated as especially suited for water-dependent uses." The City of Bay City has determined that no such areas exist within its Urban Growth Boundary.

.....

### GENERAL SHORELAND POLICIES:

The following policies apply to all uses and activities in the Shoreland Area.

1. The requirements of the City's Flood Hazard Overlay Ordinance shall be used to regulate development in ***special*** flood hazard areas.
2. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. When shown to be necessary, structural shoreline stabilization (rip-rap and bulkheads) shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

## COMP Plan Changes for FEMA PICM

3. Public access to publicly owned shoreland and estuarine areas shall be maintained and improved wherever possible, consistent with authorized uses. (See Estuarine Policies - Public Access to the Estuary and its Shoreland.)
4. The multiple use of shoreland area is encouraged when the integration of compatible uses and activities is feasible, and is consistent with other Plan policies.
5. **The requirements of No Net Loss in the Riparian Buffer Zone and Fringe shall be recognized to regulate development in the Special Flood Hazard Areas in the Shoreland Area.**