



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.sweethomeor.gov

Legislative Amendment LA 20-01

This legislative amendment, LA 20-01, consists of text amendments to Chapter 15.12, Flood Hazard Area Regulations, of the Sweet Home Municipal Code (SHMC). The proposed text amendments were identified by a Department of Land Conservation and Development (DLCD) review and the text amendments are required for compliance with minimum National Flood Insurance Program (NFIP) and state standards.

This proposal includes amendments to following sections of the SHMC 15.12: 15.12.010 Statutory Authority; 15.12.020 Statement of Purpose; 15.12.025 Methods of reducing flood losses; 15.12.030 Definitions; 15.12.060 Abrogation and greater restrictions; 15.12.100 Designation of Building Official as local administrator; 15.12.110 Application for a Building Permit, 15.12.120 Duties and responsibilities of Building Inspector; 15.12.130 General Standards; 15.12.140 Lands to which chapter applies; 15.12.170 Appeal Board; 15.12.150 Floodways; and 15.12.190 Penalties for noncompliance.

FILE NUMBER: LA 20-01

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s): 15.12

CITY COUNCIL HEARING DATE & TIME: April 14, 2020 at 6:30 PM: City Council Memo

LOCATION: City Hall Council Chambers 3225 Main Street, Sweet Home, Oregon 97386

CITY COUNCIL HEARING DATE & TIME: April 28, 2020 at 6:30 PM: First Reading

LOCATION: City Hall Council Chambers 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113;
Email: aclegg@sweethomeor.gov

REPORT DATE: April 21, 2020

This Staff Report is an amendment to the Staff Report presented to the Planning Commission at the April 6, 2020 Public Hearing.

The Planning Commission moved to approve application LA20-01 on April 6, 2020 and thereby permit the legislative amendment, LA 20-01, consisting of text amendments to Chapter 15.12, Flood Hazard Area Regulations, of the Sweet Home Municipal Code (SHMC) with the additional recommendations listed below, and recommending the City Council hold a public hearing on Tuesday, April 28, 2020 at 6:30 PM and make a decision on the application.

During the Planning Commission Public Hearing held on April 6, 2020 at 6:30 PM, the following questions/recommendations were raised by the Planning Commissioners:

- Chairman Parker suggested an edit on Page 6, Recreational Vehicle, 2. Change 400 SF to 430 SF. 430 is the maximum size for a fifth-wheel style RV.
- Chairman Parker suggested an edit on Page 6, Recreational Vehicle, 3. Delete 'by a light duty truck'. The commissioners felt that by deleting it then it would eliminate any confusion as to what the definition of a light duty truck is. They felt that having it just say 'permanently towable' was enough.
- Page 21, 5.a. where did the '180' days come from? The Planning Commissioners would like clarification since the City of Sweet Home doesn't allow that amount of time.

Celinda Adair, DLCD, NFIP Coordinator responded with the following:

- The definition for "Recreational Vehicle" comes from the Code of Federal Regulations (CRR), Section 44 CFR 59.1. FEMA Region X requires the definition to be adopted verbatim for compliance with the NFIP minimum standards.
- The FEMA definition reflects the national standard is maximum of 400 square feet. Here is a link to the RV Industry Association's website that references this standard <https://www.rvia.org/advocacy/policies/dimensions>. The light-duty truck language is also in the definition of "Recreational Vehicle" in Section 44 CFR 59.1. The goal of that language is to ensure that the RV can be moved quickly and easily in the event of a flood. So, it needs to be towable by a light-duty truck. If the Planning Commission wants to add a definition to clarify what that is they can.
- DLCD does not have leeway to approve the language amendments proposed by the Planning Commission. DLCD is required by FEMA to ensure the definition of RV matches the definition in Section 44 CFR 59.1.

Recreation vehicles placed on sites are required to: (a) Be on site for fewer than 180 consecutive days:

- SHMC Title 10.28.030 Permitted Acts:
 - D. The City shall create a temporary construction residential permit, herein called the TCR permit, to be a form and content prescribed by the Building Official and required by Subsection E of this section.
 - E. Notwithstanding the provisions of § 10.28.020, a person can occupy a travel trailer or recreational vehicle, herein referred to as a temporary construction residence, in conjunction with the building of a structure that is to be used as a residence, upon the following conditions and terms.

Attachment A: Planning Commission Meeting Minutes; April 6, 2020

Attachment B: Planning Commission Staff Report

Attachment C: Draft Ordinance