



TYPE II APPLICATION- Floodway Development Permit

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE #

FEE:

The undersigned hereby submits this application for a permit to develop in a designated floodplain area. The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Lane County Floodplain Ordinance, LC 16.244 and 10.271, and other applicable local, State and Federal regulations. This application does not create liability on the part of Lane County or any officer or employee thereof for any flood damage that results from reliance on this application or any administrative decision made lawfully hereunder.

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Through applying for this application, I authorize the Lane County Planning Director, designee, or Hearings Official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature: _____

LOCATION

Assessor's Map and Tax Lot Number

Site address

PROPOSAL: A request for Type II (Director) review for a Floodway Development permit in the Floodplain Combining Zone pursuant to Lane Code 16.244(5)(b)(iv) or LC 10.271(5)(b)(iv).

Please explain what you are proposing in detail:

REQUIRED SUBMITTALS	(Also reference the Application Standards handout)
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Lane Code 14.020 (3)(b) Electronic Materials.

- (i) When application or appeal materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received by the Director or not confirmed by the Director to have been received.
- (ii) When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

Lane Code 14.040 Application Requirements

- (1) **Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:
 - (a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size;
 - (b) All applicable information requested on the application form;
 - (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
 - (d) Signature of each applicant;
 - (e) Signature of a property owner or property owner’s authorized representative;
 - (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor’s records;
 - (g) Assessor’s map and tax lot number of the subject property;
 - (h) A site plan drawn to a standard engineer’s scale, and conforming to the County’s site plan submittal standards;

A site plan must be included. Refer to the handout entitled “How to prepare your plot plan.” Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.
 - (i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;

- (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
- (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
- (l) A written statement indicating whether a railroad-highway crossing provides or will provide the only access to land that is the subject of an application; and

Does a railroad-highway crossing provide the only access to the subject property?

Yes ___ No ___

(m) Additional information needed to evaluate applicable standards and criteria.

- (2) Fees Required. In addition to any other applicable approval criteria, an approvable Type II or III application must be accompanied by the appropriate filing fee unless the Director authorizes a waiver or reduction to filing fees pursuant to Lane Manual Chapter 60.850.
- (3) Determination of Application Requirements. The Director may waive any of the requirements of subsection (1) above if deemed to be inapplicable to the application.
- (4) Applicant's Burden. It is the applicant's responsibility to provide evidence demonstrating that the application complies with all applicable standards and criteria.

ADDITIONAL INFORMATION REQUESTED FOR THIS APPLICATION:

ZONING _____

ACREAGE: _____

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer):

State Hwy

County Rd

Public Rd

Private Easement

Road name: _____

NUMBER OF EXISTING DWELLINGS ON PARCEL: _____

EXISTING IMPROVEMENTS: What structures or improvements does the property contain (i.e., outbuildings, roads, driveways, wells, septic tanks, drainfields)? Will any structure or improvement be removed/demolished?

PHYSICAL FEATURES: Describe the site.

▪ The Vegetation on the property: _____

▪ The Topography of the property: _____

▪ Any Significant Features of the property (steep slopes, water bodies, etc.): _____

EXISTING IMPROVEMENTS Does the property contain any roads/driveways, structures, etc.? Are any road/driveway improvements proposed?

PHYSICAL FEATURES: Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

APPROVAL CRITERIA

Lane Code Ch 16.244(5)(b)(iv) and LC 10.271(5)(b)(iv) Floodways. Located within the special flood hazard areas established in section (3)(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, encroachments, including fill, new construction, substantial improvements and other development is prohibited.

Note, if the proposal involves fill, new construction, or substantial improvements then as indicated in the approval criteria above, it is prohibited in the Floodway. See a Planner-on-duty for questions.

(aa) The following encroachments may be permitted if certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in an increase in flood levels within the community during the occurrence of the base flood discharge. The proposed encroachment and the analysis required by this subsection must be evaluated through a Type II land use review process

Following the FEMA Region X *Procedures for "No-Rise" Certification* (attached, dated October 2013), provide a hydrologic and hydraulic study from a licensed Engineer demonstrating that the above "no-rise" criteria is met for the proposed development.

(A) The replacement, repair, alteration, or modification of a structure that:

Circle the one that best summarizes your proposal: Replacement / Repair / Alteration / Modification

(i-i) Does not expand the footprint of the structure;

If the proposed development is the replacement, repair, alteration or modification of a structure, then it must not expand the footprint of the structure being replaced (e.g., where the foundation of the existing structure meets the ground or where the skirting of the existing manufactured dwelling meets the ground.) Please provide a site plan that demonstrates no increase to the structure footprint.

Does your proposal expand the footprint of the existing structure?: Yes / No

(ii-ii) Is pre-FIRM or was approved by a Lane County Floodway Development permit;

Is the structure pre-firm (constructed or placed prior to December 18, 1985) or was it approved by a Lane County Floodway Development Permit, and if so what is the permit(s) number?

(iii-iii) Is lawfully existing or was in lawful existence prior to being substantially damaged by the Holiday Farm Fire on September 7, 2020;

Explain how this criterion is met and submit the previous permit(s).

(iv-iv) For replacement of structures, the applicant demonstrates that no alternative exists on the subject property that would allow the structure to be replaced outside of the floodway. Circumstances that make construction or placement of the replacement dwelling on higher ground infeasible that can be reviewed through a Type I procedure include those listed at (5)(xi)(aa) through (gg). Circumstances requiring discretion must be reviewed through a Type II procedure.

Is your property entirely within the Floodway? Circle one: Yes/No (If Yes – skip to next section)

If no, and you are proposing a replacement structure in the Floodway, please explain how this criterion above (known as the “higher ground” provision) is met. For example, for properties that are not entirely within the Floodway, you may have to replace your structure in the Floodplain area (less hazardous, flood fringe area, or higher ground areas) via a Floodplain Development Permit, unless your property qualifies for a circumstance that makes the replacement of the structure on higher ground infeasible, as listed below.

If no, what is the reason(s) there is no alternative area outside of the Floodway for the replacement of the structure? Check any of the following that apply and provide supporting evidence (note, the burden of proof is on the applicant) if necessary:

- Lane Code Chapter 16 or 15 development setbacks cannot be met outside of the floodplain. Provide a written statement and site plan demonstrating that setbacks cannot be met outside of the floodway
- A protected riparian setback area (Class I stream subject to Lane Code 16.253) or wetland area regulated by the Department of State Lands prevents the structure from being located outside of the floodplain. Provide a site plan or map of the wetland area, or location and associated setback area of the Class I stream.
- In the forest zones (F-1 and F-2), slopes greater than 40% prevent establishing the dwelling outside of the floodplain; and in any zone, the dwelling cannot be placed 15 feet from the toe of a slope or 40 feet from the top of a slope that exceeds 20%. Provide evidence depicting slopes on the property, such as contour or LiDAR maps or a topographic survey.
- An easement that prohibits structural development exists in the area outside of the floodway. Provide a copy of the recorded easement.

- The siting standards of Lane Code 16.210(3)(o), (5)(b) and (6); 16.211(3)(r), (5)(b) and (6); or 16.212(4)(bb) and (15)(b) apply to the siting of the structure and prevent the structure from being located outside of the SFHA. Please provide a site plan and written statement that demonstrate compliance with this standard.
- The proposed development location was already approved through a Type I, II, or III land use application; or the location has already been approved through a septic installation or sewage disposal site evaluation permit. Please provide a copy of the permit approval.
- Other; Please explain: _____

(B) Quarry and mine extraction as defined in Lane Code 16.216 or development ancillary to quarry and mine extraction that is not a structure as defined in (2)(oo);

Is the proposed development a quarry or mine activity? Circle one: Yes / No
 If yes, please explain:

(C) A locationally dependent public utility, and there is no feasible or practicable location outside of the regulatory floodway for establishing the utility facility;

Is the proposed development a locationally dependent public utility project? Circle one: Yes / No
 If yes, please explain:

(D) The construction, maintenance, preservation, repair and replacement of a public road and ancillary facilities, including bridges, recreational paths or trails culverts, drainage improvements, embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of a public agency, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements;

Is the proposed development related to the above activities? Circle one: Yes / No
 If yes, please explain:

(E) Minimal development, such as, but not limited to fences, gazebos, raised gardening beds, signage, retaining walls, bank stabilization, or other landscaping features, and not including habitable structures; or

Is the proposal considered minimal development, please explain. Circle one: Yes / No
 If yes, please explain:

(F) A habitat enhancement or restoration project.

Is the proposal a habitat enhancement or restoration project? Circle one: Yes/ No

If yes, please explain:

(5) Provisions for Flood Hazard Reduction See Section 5 in LC 16.244 or LC 10.271 for general floodplain design standards. The floodplain standards include such measures as elevation of the structure above the base flood elevation, anchoring, elevating utilities and equipment, and proper flood openings. All applicable flood hazard reduction measures will be made conditions of approval.

Will you be disturbing more than 1 acre (or 43,560 sq. ft.) of land (development site & driveway)?

Yes No How Much? _____ (approximate square footage)

Additional Informational items (as applicable):

- As part of verifying compliance with floodplain hazard reduction standards, certain conditions of approval may necessitate the requirements of elevation certificates to determine and record actual elevation of lowest floor and utilities.
- Appurtenant structures located partially or entirely in the floodway must comply with the floodway development standards in section (5)(b)(iv).
- For projects involving habitat enhancement or restoration any proposed floodway encroachments that increase the base flood elevation will require a Conditional Letter of Map Revision (CLOMR) prior to the issuance of a floodplain development permit pursuant to LC 16.244 (4)(iii)(cc) Requirement to Submit New Technical Data.



FEMA

US Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021

Procedures for “No-Rise” Certification **For Proposed Developments in the Regulatory Floodway**

Section 60.3 (d) (3) of the National Flood Insurance Program (NFIP) regulations states that a community shall "prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base (100-year) flood discharge."

Prior to issuing any building, grading or development permits involving activities in a regulatory floodway the community must obtain a certification stating the proposed development will not impact the pre-project base flood elevations, floodway elevations, or floodway data widths. The certification should be obtained from the applicant and be signed and sealed by a professional engineer.

The engineering or "no-rise" certification must be supported by technical data.

The supporting technical data should be based upon hydraulic analyses that utilize the same model used to prepare the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) unless it is demonstrated that the 'effective' hydraulic model is unavailable or its use is inappropriate. If an alternative hydraulic model is used, the new model must be calibrated to reproduce the FIS profiles within 0.5 feet. Hydraulic model used in the analysis must be on FEMA's accepted models list, or documentation must be provided showing the model meets the requirements of NFIP regulation 65.6(a)(6).

Although communities are required to review and approve the "no-rise" submittals, they may request, in writing, technical assistance and review from the FEMA regional office. However, if this alternative is chosen, the community must review the technical submittal package and verify that all supporting data, listed in the following paragraphs, are included in the package before forwarding to FEMA.

To support a "no-rise" certification for proposed developments encroaching into the regulatory floodway, a community will require that the following procedures be followed:

1. Current Effective Model: Submit a written request for the effective model for the specified stream and community, identifying the limits of the requested data. A fee will be assessed for providing the data. Data request forms and instructions can be obtained at:

<http://www.fema.gov/national-flood-insurance-program-flood-hazard-mapping/how-order-technical-administrative-support>

or by writing to:

FEMA Engineering Library
847 S. Pickett Street
Alexandria, VA 22304
Phone: 1-877-336-2627
Facsimile: 1-703-212-4090

2. Duplicate Effective Model: Upon receipt of the effective computer model, the engineer should run the original model to duplicate the output in the effective (FIS).
3. Corrected Effective Model: The model that corrects any errors that occur in the Duplicate Effective model, adds any additional cross sections, or incorporates more detailed topographic information than that used in the current effective model. Floodway limits should be manually set at the new cross-section locations by measuring from the effective FIRM or FBFM. The cumulative reach lengths of the stream should also remain unchanged. The Corrected Effective model must not reflect any man-made physical changes since the date of the effective model.
4. Existing, or Pre-Project Conditions Model: Revise the Duplicate Effective or the Corrected Effective model to reflect any modifications that have occurred within the floodplain since the date of the Effective model but prior to the construction of the project. If no modifications have occurred since the date of the effective model, then the model would be identical to the Duplicate Effective or Corrected Effective model. The results of this

Existing Conditions analysis will indicate the 100-yr elevations at the project site.

5. Proposed, or Post-Project Conditions Model: Modify the Existing Condition or Pre-Project Conditions Model (or Duplicate Effective model or Corrected Effective model, as appropriate) to reflect revised or post-project conditions. The overbank roughness coefficients should remain the same unless a reasonable explanation of how the proposed development will impact Manning's "n" values is included with the supporting data. The results of this analysis will indicate the 100-year elevation for proposed conditions at the project site. These results must indicate NO impact on the 100-year floodway elevations when compared to the Existing Conditions or Pre-Project Conditions model. If an increase results the project will require the submittal of a CLOMR prior to the start of the project.

The "no-rise" supporting data and a copy of the engineering certification must be submitted to and reviewed by the appropriate community official prior to issuing a permit.

The "no-rise" supporting data should include, but may not be limited to:

- 1) Copy of the Duplicate Effective model;
- 2) Copy of the Corrected Effective model;
- 3) Existing conditions, or Pre-Project conditions model
- 4) Proposed conditions or Post-Project conditions model.
- 5) FIRM and topographic map, showing floodplain and floodway, the additional cross-sections, the site location with the proposed topographic modification superimposed onto the maps, and a copy of the effective FIRM or FBFM showing the current regulatory floodway.
- 6) Documentation clearly stating analysis procedures. All modifications made to the original FIS model to represent revised existing conditions, as well as those made to the revised existing conditions model to represent proposed conditions, should be well documented and submitted with all supporting data.
- 7) Copy of effective Floodway Data Table copied from the (FIS) report.
- 8) Statement defining source of additional cross-section topographic data and supporting information.
- 9) Cross-section plots, of the added cross sections, for revised existing and proposed conditions.

- 10) Certified planimetric (boundary survey) information indicating the location of structures on the property.
- 11) Copy of the source from which input for original FIS model was taken.
- 12) CD with all input and output files.
- 13) Printout of output files from EDIT runs for all three floodway models.

The engineering "no-rise" certification and-supporting technical data must stipulate NO impact on the 100-year flood or floodway elevations at the new cross-sections and at all existing cross-sections anywhere in the model. Therefore, the revised computer model should be run for a sufficient distance (usually one mile, depending on hydraulic slope of the stream) upstream and downstream of the development site to insure proper "no-rise" certification.

Attached is a sample "no-rise" certification form that can be completed by a registered professional engineer and supplied to the community along with the supporting technical data when applying for a development permit.

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of _____.

It is to further certify that the attached technical data supports the fact that proposed _____ will

(Name of Development)

not impact the 100-year flood elevations, floodway elevations and floodway widths on _____ at published sections

(Name of Stream)

in the Flood Insurance Study for _____,

(Name of Community)

dated _____ and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

(Date) _____

(Signature)

(Title)

(Address)

(Seal)