

AN ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE SHERWOOD COMPREHENSIVE PLAN (COMMUNITY DEVELOPMENT CODE, CHAPTER 2, SECTION 4.03 FLOOD PLAIN DISTRICT STANDARDS) TO MEET FEDERAL REGULATIONS AND PERMIT THE CITY TO CONTINUE PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND DECLARING AN EMERGENCY

WHEREAS, the Sherwood Comprehensive Plan has been enacted by the city (Ordinance No. 726, August 27, 1980); and

WHEREAS, the Federal Emergency Management Agency has reviewed Chapter 2, Section 4.03 "Flood Plan District Standards" of the Sherwood Community Development Code (Part 3 of the Comprehensive Plan) and has provided the city with a list of requirements not presently met by the code, and pursuant thereto the Planning Commission has initiated plan text amendment PTA 81-05 to conform the code to federal regulations, thus permitting the city to continue participation in the national flood insurance program and make flood insurance available to residents of the city; and

WHEREAS, the Planning Commission has made its recommendation to the City Council by its Notice of Decision dated December 3, 1981 and Staff Report attached thereto, marked Exhibit "A" hereto; and

WHEREAS, the City Council after due and legal notice held a public hearing on the proposed amendments at its meeting of December 9, 1981 whereat the Staff Report and recommendation of the Planning Commission were received, discussed, and adopted by the Council; and

WHEREAS, The City Council finds that the proposed amendments are in conformance with map and text portions of the Comprehensive Plan not being considered for amendment; that the public interest is best served by making the amendments; and adopts the findings of the Planning Commission as stated in Exhibit A with respect to each proposed amendment;

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2, Section 4.03 FLOOD PLAIN DISTRICT (FP) of the Community Development Code (Part 3 of the Sherwood Comprehensive Plan) is hereby amended to read as follows:

4.03 FLOOD PLAIN DISTRICT (FP)

A. Purpose

This district is intended to recognize flood-hazard areas and, through regulation, control the uses therein in order to protect the public health, safety and general welfare and to reduce financial burdens imposed on the community through flood damage losses as well as to protect floodways and natural drainageways from encroachment by uses which may adversely affect the over-all stream or drainageway water flor and subsequent upstream or downstream flood levels.

This district is proposed to preserve the integrity and character of the natural water storage area, being the 100 year flood plain, and protect it from incompatible use except where there is a demonstrable showing that a proposed use will not:

1. Conflict or seriously interfere with the primary purpose of these flood plain district regulations.
2. Create an immediate or long range hazard to the public health, safety or general welfare; or
3. Materially alter the stability of the environmental balance, or the over-all land use capability of the immediate area or the drainage shed area.

The flood plain district is a special purpose district suited to application in those areas within the City which are flood hazard areas, defined as flood plain areas.

B. Definition of Terms

1. Flood Plain

The flood hazard area adjoining a stream or drainage-way feature that is subject to inundation by a 100 year flood. The flood plain includes the floodway and floodway fringe.

2. Floodway

The normal stream or drainage channel and that adjoining area of the natural flood plain needed to convey the waters of a regional flood without increasing the water surface elevation more than one foot at any point.

3. Floodway Fringe

The area of the flood plain lying outside the floodway which does not contribute appreciably to the passage of flood water, but serves as a retention area.

4. 100 Year Flood

Inundation during periods of higher than normal stream or drainage flow that has a one percent chance of occurrence in any single year.

5. Flood Plain District

The Flood Plain District of the City of Sherwood is defined by the area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sherwood, Oregon", dated July 6, 1981, with accompanying Flood Insurance Maps. The Flood Insurance Study is adopted by reference as a part of this ordinance and is on file at City Hall, City of Sherwood, 90 N.W. Park Street, Sherwood, Oregon 97140.

C. Development Permit Process

1. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard as defined in Section B.5. When the development under consideration involves a building or other structure, a building permit, pursuant to City Ordinance 644, shall be used. For other development not involving a structure, including but not limited to mining, dredging, filling, grading, excavation, or drilling, a special development permit shall be required. Application for a development permit shall be made on forms furnished by the Building Official and may include, but is not limited to, plans in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following information is required.

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section F.2.b.; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

3. Designation of the Building Official

The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4. Duties and Responsibilities of the Building Official

Duties of the Building Official shall include, but not be limited to:

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- b. Review all 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. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.03 D. are met.
- d. Notify adjacent communities and the Oregon State Land Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.

5. Use of Other Base Flood Data

When base flood elevation data is not available from the Flood Insurance Study adopted by reference pursuant to Section B.5, the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this ordinance.

6. Information To Be Obtained and Maintained

The Building Official shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or substantially improved floodproofed structures:

- a. verify and record the actual elevation in relation to mean sea level; and
- b. maintain the floodproofing certifications required in Section F.2.b.

The Building Official shall maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Uses Permitted By Right

The following are the principal permitted used by right within the floodway and floodway fringe of the FP District, provided that the existing grade is not materially altered thereby impeding the floodway or drainage flow or flood plain capacity and provided that encroachment in a floodway does not result in any increase in flood levels during the occurrence of the base flood discharge.

- 1. General Farm Uses conducted without locating a structure in the FP District except for a boundary fence that is designed to impede as little as possible the movement of flood waters and flood-carried materials.
- 2. Accessory Residential or Institutional Uses within any Primary Designation Area which allows residential or institutional uses such as a use that does not require a structure, including but not limited to the following: lawns, gardens, parking areas and play areas.
- 3. Accessory Industrial or Commercial Uses within any

Primary Designation Area which allows said uses such as a use that does not require a structure other than surfacing at ground level, such as for a loading area or parking area that requires only temporary use and need not be in the FP District during the periods of annual flood risk.

4. Recreational and Accessory Recreational Uses within any Primary Designation Area which allows said uses and that requires only minor structures above ground and which are designed to impede as little as possible the movement of flood waters and flood-carried materials.

E. Uses Permitted Under Prescribed Conditions in the Floodway Fringe

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Floodway Fringe

Any use permitted in the Primary Designation Area with which the FP District is combined, either by right, under prescribed conditions, or as a conditional use, is permitted within the floodway fringe subject to the provisions of the Primary Designation Area and Section F.

F. General Use Provisions

1. Flood Plain Alteration

- a. Location of the Flood Plain

Delineation of the flood plain including the floodway and floodway fringe area shall be established by a Registered Engineer, from the flood surface elevations provided by the Planning Director. Such delineation shall be based on mean sea level data and be field located from recognized valid bench marks. The delineation shall then be submitted and approved along with a grading plan and final site plan, pursuant to subsections 1.b. and 1.c. below.

- b. Alteration of the existing topography of flood plain areas may be made upon application and payment of appropriate fees and upon approval of a grading plan by the City Engineer. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one foot for ground slopes up to five percent and for areas immediately adjacent to a stream or drainageway, two foot for ground slopes between five and ten percent, and five foot for greater slopes.

- c. Use of Altered Flood Plain Areas

Proposed flood plain fill or diked lands may be used in compliance with this section and the

Primary Designation Area, if a site plan for the area to be altered within the Flood Plain is prepared and certified by a Registered Engineer and is submitted and approved along with the Final Site Plan by the Design Review Board pursuant to Section 9.00 or if a subdivision, along with the Final Plat pursuant to Chapter 3 of this Part.

The Flood Plain Alteration Site Plan shall demonstrate that:

- (1) Proposed improvements will not have a serious tendency to change the flow of surface water during future flooding such as to cause a compounding of flood hazards or the direction of velocity of flood water flow.
- (2) No structure, fill, storage or other uses alone or in combination with existing or future uses will materially reduce the capacity of the flood plain or increase flood heights.
- (3) Proposed flood plain fill or diked area will have a beneficial purpose consistent with the Comprehensive Plan, and adequate provisions will be made for erosion control and storm drainage for the proposed fill or diked area.
- (4) Proposed flood plain alteration will not result in serious environmental degradation considering the natural features and ecological balance of the upstream and downstream area together with the intent of the Comprehensive Plan.
- (5) Storm drainage behind dike, i.e. lift pump, flap gate, etc. will drain flood plain behind dike.
- (6) Maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

All plans certified by the proponent's engineer shall be reviewed and approved by the City Engineer.

2. Permitted Structures

Permitted structures shall be subject to the following in addition to the standards of the Primary Designation Area with which the FP District is combined.

a. Elevation of Structures

Permitted structures such as electrical and service equipment, etc. shall be constructed at or above the regulatory flood protection elevation. Utility openings shall be sealed and locked.

The lowest floor elevation of a structure designed for human occupancy shall be at least one and

one-half (1-1/2) feet above the regional flood surface elevation, and the building site shall comply with the provisions of subsection F.l.c.

- b. The lower portions of any structure, at least to an elevation of one and one-half (1-1/2) feet above the regional flood surface elevation, shall be flood-proofed according to the provisions of Chapter 56 of the State Structural Specialty Code or otherwise protected from significant damage by inundation.

The design of substructures and structural members of all buildings shall comply with the specifications and plans required by the State Structural Specialty Code and the State Plumbing Specialty Code in order to withstand expected water pressures and velocities as well as minimize flood risk and unsanitary conditions.

New construction and substantial improvements or major repairs of structures which require a building permit pursuant to the Oregon State Building Code shall:

- (1) provide for the anchoring of the structure for the purpose of preventing movement or collapse during flood conditions; and
- (2) use floor-resistant materials and equipment deemed appropriate by the City Engineer.

The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street or natural or approved drainage-way, unless specifically approved by the Building Official. A positive means of drainage from the low point of such crawl space shall be provided, such as concrete tile or plastic pipe of at least 4 inch diameter.

3. General Use Criteria

The use of the flood plain shall require compliance with the following:

- a. Subsurface sewerage disposal system shall not be installed in a flood plain and shall meet such other standards as prescribed by the State Department of Environmental Quality and the Washington County Health Department.
- b. Water service or public sanitary sewers shall be designed so as not to become a health hazard during future flooding, and shall be approved by the Washington County Health Department.
- c. Vehicular access to a proposed fill or diked site shall be provided, and said site shall be accessible to a roadway no portion of which is less than the elevation of a regional flood, if said site is to support structures for human occupancy, and otherwise shall be provided with emergency vehicle access approved as a part of the Flood Plain Alteration Plan.

- d. The use of the flood plain shall require that all land partitions and subdivisions approved pursuant to Chapter 3 of this part, and any other new development of land for the location of structures for human occupancy, shall comply with all flood plain regulations herein, and further such site or sites shall provide a building area with a ground elevation equal to the flood surface elevation encompassing an area equal to one created by the year requirement of the Planning Designation Area in which the site is located.
- e. A flood impact study shall be made by a Registered Engineer based upon a 100 year storm as defined by the Intensity-Duration-Frequency curves in the Metropolitan Service District Drainage Plan, and delineation of those areas subject to inundation as the result of a 100 year storm shall be submitted to the Planning Director.

4. Prohibited Uses

The following uses are prohibited in a FP District.

- a. The storage or processing of environmentally incompatible materials that are buoyant, flammable, contaminants, explosives or otherwise injurious to human, animal or plant life, except the storage of other material or equipment may be allowed as permitted by the Primary Designation Area if not subject to damage, firmly anchored to prevent flotation, and readily removable upon flood warning.
- b. Manufactured housing.

G. Dimensional Requirements

Same as in Primary Designation Area, except as may be specified pursuant to Section H.

H. Additional Conditions

1. Approval of a site plan pursuant to Section E.1. may be further conditioned when the Design Review Board considers such conditions as necessary to protect the best interests of the surrounding area or the community as a whole and to carry out the Comprehensive Plan. These conditions may include but are not limited to the following:
 - a. Increasing the required lot size or yard dimension;
 - b. Limiting the height, size, or location of buildings;
 - c. Controlling the location and number of vehicle access points;
 - d. Increasing the street width;
 - e. Increasing the number of required off-street parking spaces;

- f. Limiting the number, size, location, or lighting of signs;
 - g. Requiring diking, fencing, screening, landscaping, or other facilities to protect proposed, adjacent, or nearby property;
 - h. Designating sites for open space or water retention purposes;
 - i. Soil examination in regard to surface and ground water;
 - j. Drainage, i.e. means of pumping once diked areas, storm drainage, etc.
 - k. Providing for maintenance for drainage facilities.
2. The provisions of this Section shall take precedence over any conflicting land use regulations contained in this Part.

Section 2. Inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood that immediate provision be made for conforming to the requirements of the Federal Emergency Management Agency to enable the city to continue participation in the national flood insurance program, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the City Council and approval by the Mayor.

PASSED:

By the City Council by Unanimous vote of all council members present, after being read by caption three times, this 23rd day of December, 1981.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED:

By the Mayor this 24th day of December, 1981.

Clyde List
Clyde List, Mayor

STAFF REPORT

November 19, 1981

CITY CASE NO: PTA-81-05

SUBJECT: Planning Commission Initiated Amendments to the Text of the Sherwood Community Development Code, Chapter 2 Section 4.03, "Flood Plain District Standards" Necessary to Qualify the City for Entrance into the National Flood Insurance Program.

APPLICABLE STANDARDS FOR REVIEW

Chapter 1 Section 3.00 of the Community Development Code Procedures and Criteria for the Amendment of the Text of the Comprehensive Plan (see attached required findings.)

FINDINGS

General Findings

- a. The Flood Insurance Study conducted by the U.S. Corps of Engineers under the auspices of the Federal Emergency Management Agency (FEMA) is scheduled to go into effect on January 6, 1982. If the City wishes to continue participating in the National Flood Insurance Program, thereby making flood insurance available to residents of the City, flood plain management provisions consistent with federal regulations must be adopted by that date.
- b. FEMA has reviewed our flood plain district, Section 4.03, and has provided the City with a list of requirements that are not met by our current code language (see attachment A).
- c. The staff has reviewed the findings of FEMA contained in the attached letter from Mr. Charles Steele and has found the suggested revisions necessary and reasonable to achieve consistency with the National Flood Insurance Program. Staff has noted in the margin of the letter the proposed amendment addressing the stated federal requirement.
- d. The staff finds that the proposed amendments are in conformance to map and text portions of the Comprehensive Plan not being considered for amendment. The public interest is best served by making the amendments at this time to make available low cost flood insurance to Citizens of Sherwood.
- e. The proposed amendments are the minimum necessary to assure proper management of development activities within areas subject to flooding to protect the lives and property of the citizens of Sherwood.

STAFF RECOMMENDATION

Based on the above findings the staff recommends adoption of the attached amendments.

Exp. 11

REQUIRED FINDINGS

PLAN AMENDMENT

In order to grant an amendment to the text of this Part, the City Council shall find that:

- (1) The proposed amendment is in conformance to map and text portions of the Comprehensive Plan not being considered for amendment.
- (2) The public interest is best served by granting the amendment at this time.
- (3) The following factors in ORS 215.055 were consciously considered; the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement; density of development; property values; the needs of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.

PROPOSED AMENDMENTS TO
FLOOD PLAIN DISTRICT STANDARDS;
Chapter 2 Section 4.03
of the COMMUNITY DEVELOPMENT CODE

4.03 B.

2. ...without increasing the water surface elevation more than one foot at any point.

4.03 B.

5. The Flood Plain District of the City of Sherwood is defined as the area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sherwood, Oregon dated July 6, 1981 with accompanying Flood Insurance Maps. The Flood Insurance Study is adopted by reference as a part of this ordinance and is on file at City Hall City of Sherwood 90 NW Park St., Sherwood, Ore. 97140

4.03 C. DEVELOPMENT PERMIT PROCESS

1. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard as defined in section B.5. When the development under consideration involves a building or other structure, a building permit or a ~~manufactured home~~ installation permit pursuant to City Ordinance 644 shall be used. For other development not involving a structure including but not limited to mining, dredging, filling, grading, excavation, or drilling a special development permit shall be required. Application for a development permit shall be made on forms furnished by the Building Official and may include, but is not limited to, plans in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required.

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;

- 4.03 C. 1. c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section F, 2.b. and,
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

3. Designation of the Building Official

The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4. Duties and Responsibilities of the Building Official

Duties of the Building Official shall include, but not be limited to:

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all 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. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.03D. are met.

d. Notification of adjacent communities and the Oregon State Land Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration

4.03 C. 5. Use of Other Base Flood Data

When base flood elevation data is not available from the Flood Insurance Study adopted by reference pursuant to Section B.5., the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this ordinance.

6. Information To Be Obtained and Maintained

Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or substantially improved floodproofed structures:

- a. verify and record the actual elevation (in relation to mean sea level), and
- b. maintain the floodproofing certifications required in Section F.2.b.

Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.03 D. ...and provided that encroachment in a floodway does not result in any increase in flood levels during the occurrence of the base flood discharge.

4.03 F.

~~e. (5) Notify adjacent communities and the Oregon State Land Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.~~

Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

4. b. Manufactured Homes