



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 26, 2016  
Jurisdiction: City of Sheridan  
Local file no.: LA 2015-04  
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/25/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
 File No.: 004-15 {24204}  
 Received: 4/25/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sheridan

Local file no.: **LA 2015-04**

Date of adoption: 4/18/16

Date sent: 4/25/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/31/15

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No  
 If yes, describe how the adoption differs from the proposal:

The Development Code Sections 16.501, Application Types, and 16.548, Floodplain Development Permit (FDP), were added as amended sections to clarify the type of action & the process for FDPs. The FDP process was in 16.280 & 16.548; it was deleted from 16.280 to get rid of the duplication.

Local contact (name and title): Jim Jacks

Phone: 503 843-2347

E-mail: [jjacks@wavecable.com](mailto:jjacks@wavecable.com)

Street address: 120 SW Mill St.

City: Sheridan

Zip: 97378-

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Sections Amended: 16.280, Floodplain Overlay District; 16.370, Storm Drainage; 16.501, Application Types; 16.548, Floodplain Development Permit Application.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: FEMA, DLCD.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

3/21/16 staff report to City Council. 4/18 staff report to City Council.

REPORT TO THE CITY COUNCIL FROM THE CITY MANAGER  
April 18, 2016

Subject: Recommendation to Adopt Ordinance 2016-03, an Ordinance Amending the Sheridan Development Code, Title 16 of the Sheridan Municipal Code, Related to Flood Plain Regulations, Storm Drainage and Flood Plain Development Permit Applications.

Background. In 2010 the city amended the Flood Plain Overlay District in the Sheridan Development Code (SDC) (Section 16.280) to reflect the new digital flood insurance rate maps made available by the Federal Emergency Management Agency (FEMA). The 2010 amendments included changes based on the "Oregon Model Flood Damage Prevention Ordinance" prepared by the Oregon Department of Land Conservation and Development (DLCD). The Model's language included the Federal requirements in Title 44, Code of Federal Regulations (CFR), interpretations from FEMA Region X, language related to the State Building Code, and language related to other items that clarified issues.

The DLCD Model regulations were updated in January 2014 and these proposed Sheridan Development Code amendments will bring the Sheridan flood plain regulations into conformance with the Model regulations.

The proposed amendments will make a change to Section 16.370, Storm Drainage.

Discussion. A public hearing was held by the City Council on March 21, 2016. The Council introduced Ordinance 2016-03 on March 21, 2016.

Recommendation. Based upon the above, recommend that the City Council adopt Ordinance 2016-03, An Ordinance Amending The Sheridan Development Code, Title 16 of the Sheridan Municipal Code, Related to Flood Plain Regulations, Storm Drainage and Flood Plain Development Permit Applications with 1 reading by title only.

*Francis D. Sheridan*

Francis D. Sheridan  
City Manager

Attachments:

1. Ordinance 2016-03 - An Ordinance Amending The Sheridan Development Code, Title 16 of the Sheridan Municipal Code, Related to Flood Plain Regulations, Storm Drainage and Flood Plain Development Permit Applications (2 pages).
2. Staff Report: City Planner to City Council, subject: Amend the Sheridan Development Code: Section 16.280, Flood Plain Overlay District, and Section 16.370, Storm Drainage, Case No. LA 2015-04; March 21, 2016, (pages 1-8)
3. Staff Report Attachment 1, Marked Copy of changes to Section 16.280 – Flood Plain Overlay District (pages 9-29).
4. Exhibit B to Ordinance 2016-3 Amended Language to Section 16.280 – Flood Plain Overlay District (FPOD) (pages 30-47).

## ORDINANCE 2016-03

### AN ORDINANCE AMENDING THE SHERIDAN DEVELOPMENT CODE, TITLE 16 OF THE SHERIDAN MUNICIPAL CODE, RELATED TO FLOOD PLAIN REGULATIONS, STORM DRAINAGE AND FLOOD PLAIN DEVELOPMENT PERMIT APPLICATIONS.

**WHEREAS**, the Sheridan Development Code, Title 16 of the Sheridan Municipal Code, includes regulations concerning flood plain regulations, storm drainage and flood plain development permits within the City of Sheridan;

**WHEREAS**, the regulations concerning flood plain regulations, storm drainage and flood plain development permits have not been amended for several years and they need to be updated to be consistent with Federal and State requirements and the Oregon Department of Land Conservation and Development's model flood plain development code;

**WHEREAS**, the Sheridan City Council wishes to amend Chapter 16.280, Flood Plain Overlay District (FPO), Chapter 16.370, Storm Drainage, Chapter 16.501, Type I - IV Application, and Chapter 16.548, Flood Plain Development Permit Applications;

**WHEREAS**, the Sheridan Planning Commission conducted a public hearing on February 8, 2016 at which time interested parties were given full opportunity to be present and heard and passed a motion recommending the City Council approve the proposed rules governing flood plain development, storm drainage and flood plain development permit applications; and

**WHEREAS**, the Sheridan City Council conducted a public hearing on March 21, 2016 at which time interested parties were given full opportunity to be present and heard on the proposed rules governing flood plain development, storm drainage and flood plain development permit applications.

**NOW, THEREFORE, THE CITY OF SHERIDAN DOES ORDAIN AS FOLLOWS:**

Section 1. The City Council of the City of Sheridan does hereby adopt the staff report dated March 21, 2016.

Section 2. The City Council of the City of Sheridan does hereby adopt those certain findings of fact and conclusionary findings and supporting documentation attached hereto as Exhibit "A" and by this reference made a part hereof.



Section 3. The City Council of the City of Sheridan does hereby adopt the amended language attached hereto as Exhibit "B" and by this reference made a part hereof.

PASSED and adopted by the City Council of the City of Sheridan on this 18 day of April, 2016 by the following votes:

AYES: 5

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Approved by the Mayor on this 18th day of April, 2016.

SIGNED *Harry Cooley* 4-18-16  
Harry Cooley, Mayor Date

ATTEST: *Yvonne Hamilton* 4-18-2016  
Yvonne Hamilton, CMC, City Recorder Date

EXHIBIT "A"  
ORDINANCE 2016-03

MEMORANDUM

TO: SHERIDAN CITY COUNCIL

FROM: JIM JACKS, CITY PLANNER

SUBJ: AMEND THE SHERIDAN DEVELOPMENT CODE,  
SECTION 16.280, FLOOD PLAIN OVERLAY DISTRICT  
SECTION 16.370, STORM DRAINAGE  
Case No. LA 2015-04

DATE: MARCH 21, 2016

---

BACKGROUND

In 2010 the city amended the Flood Plain Overlay District in the Sheridan Development Code (SDC)(Section 16.280) to reflect the new digital flood insurance rate maps made available by the Federal Emergency Management Agency (FEMA) for Yamhill County and all the cities in Yamhill County.

The amendments also included changes based on the "Oregon Model Flood Damage Prevention Ordinance" prepared by the Oregon Department of Land Conservation and Development (DLCD). The Model's language included the Federal requirements in Title 44, Code of Federal Regulations (CFR), interpretations from FEMA Region X, language related to the State Building Code and language related to other items that clarified issues.

The DLCD Model regulations were updated in January 2014 and these 2016 Sheridan Development Code amendments will bring the Sheridan flood plain regulations into conformance with the Model regulations.

Finally, the proposed amendments will make a change to Section 16.370, Storm Drainage.

SUMMARY OF PROPOSED AMENDMENTS

The following is a list by Section number which summarizes the proposed amendments by section. Minor "housekeeping" changes are not listed here. Attachment 1 to this staff report is the "mark-up" copy showing all of the proposed amendments.

16.280.010 Purpose.

Subsection 16.280.010, A, 2, is a "run-on" list of several items. Subsection A, 2, is proposed to be divided with the first two items remaining as A, 2, and the remaining items as a new A, 3.

16.280.020 Definitions.

Add and delete language to be more consistent with the State Model Flood Plain Ordinance and other applicable regulations.

"Accessory Structure:" To ensure the definition is consistent with the Oregon building code, add language indicating the structure must be less than 10 feet in height.

"Floodway:" Change to be consistent with the Model Regulations, i.e., replace "remain unobstructed" with "be reserved."

"Manufactured Home:" Clarify that "Manufactured Home" does not include a "recreational vehicle."

"Substantial Improvement:" Replace "25%" with "50%." This is a major change. The Federal regulations define a "substantial improvement" as an improvement whose value is at least 50% of the value of the structure before the improvement is made using the standard Statewide building permit values. When a substantial improvement is made, the Federal regulations require the entire building be changed to comply with all the flood plain requirements. For example, if a building is valued at \$100,000 and a \$50,001 improvement is proposed, the regulations require the main floor of the building be elevated at least 1 foot above the Base Flood Elevation (the height of the water during a 100-year flood), the required number and size of foundation vents be installed, etc.

The Federal standard of 50% can be made more stringent by a local jurisdiction. On August 21, 2000 the city amended the flood plain requirements per Ordinance 2000-10 changing the 50% requirement to 25% with the idea that when lower value additions/remodels are proposed (an improvement whose value is only 25% of the value of the structure before the improvement is made), the entire building would be changed to comply with all the flood plain requirements. The 25% trigger would result in more buildings being brought up to full flood plain standards and reducing the potential for flood damage to persons and property. Additionally, the 25% figure might result in a significant addition/remodel project being dropped in favor of demolishing the building and rebuilding a new structure in compliance with the flood plain regulations.

In reality, the result was the projects that would have exceeded the 25% figure were not constructed because the cost to bring the entire building up to full flood plain standards was prohibitive. Some buildings that needed to be improved were not improved. Staff is not aware of any addition/remodel project that was dropped in favor of demolishing the building and constructing a new structure in compliance with the flood plain regulations.

The city participates in the Community Rating System (CRS) program which allows flood insurance premiums to be less than if the city did not participate in the CRS program. The CRS program awards points for "higher regulatory standards." The 25% figure is a higher regulatory standard. But before points are awarded for the 25% figure, the local jurisdiction must adopt a system of tracking to ensure that serial improvements of less than 25% do not add up over time to more than 25%. For example, using the \$100,000 building value above, a building permit in January 2016 valued at \$20,000 (20%) would not trigger the requirement for the entire building to be improved to full flood plain standards. Then, another building permit one month, 6 months



or a year later, for structural, electrical, plumbing, mechanical or other improvements of \$10,000 would not trigger the requirement for the entire building to be improved to full flood plain standards. The result is the entire building can be significantly improved over time and never trigger the 25% figure. The higher regulatory standard then is ineffective and no CRS points are awarded.

The city has not adopted a system of tracking over any period of time to ensure that serial improvements of less than 25% do not add up over time to more than 25%, thus no CRS points have been awarded to the city for this specific higher regulatory standard.

Given the city has not adopted a tracking system and that some buildings that need to be improved have not been improved due to the 25% figure, the proposed amendments show the 25% figure reverting to the Federal 50% standard.

#### 16.280.030, Administration.

Amend 16.2880.030, C, to delete the current language regarding compliance and penalties for noncompliance with language from the Model Code. The proposed language will be reviewed by the City Attorney to ensure it is consistent with the penalty language in the Sheridan Municipal Code.

#### 16.280.030, D, Abrogation and Greater Restriction.

The heading for Subsection D is changed to "Abrogation and Severability." A new Subsection D, 2, from the Model Code is added regarding severability.

#### 16.280.030, E, Interpretation.

Reference to "...and rules including the state building code" is deleted because the State building code has recently been amended to delete special standards for development in the flood plain. For example, previously the Oregon Residential Specialty Code required the main floor to be at least 1-foot above the Base Flood Elevation, but that language has been deleted. Now, it is necessary for a local jurisdiction's flood plain overlay district to include such standards and be administered by local officials.

#### 16.280.030, G, Duties and Responsibilities of the Local Administrator.

16.280.030, G, 9, a - c, is new proposed language from the Model Code regarding an additional duty and responsibility of the local flood plain administrator (the City Manager) regarding submitting new technical data.

#### 16.280.050, Permitted Uses.

16.280.050, E, deletes reference to the "building official."

16.280.070, Flood Protection Standards.

16.280.070, A, 2, Residential Development, Except Manufactured Homes, adds "vents" to clarify that vents are the item that would equalize hydrostatic flood forces.

16.280.070, B, Manufactured Homes, adds and deletes language consistent with the Model Code for the placement of manufactured homes in the special flood hazard area (SFHA)(the area of the 100-year flood plain).

16.280.070, C, Nonresidential Development, adds a new Subsection 4 requiring a Maintenance Plan for floodproofed nonresidential buildings, consistent with the Model Code and Federal regulations.

16.280.070, C, Nonresidential Development, adds a new Subsection 5 requiring an Emergency Action Plan for floodproofed nonresidential buildings, consistent with the Model Code and Federal regulations.

16.280.070, D, Accessory Structures, adds and deletes language related to accessory structures consistent with the Model Code.

16.280.070, G, Construction Materials and Methods, adds and deletes language related to materials below the level that is 1-foot above the base flood elevation. It requires electrical systems, equipment and components; heating, ventilating, and air-conditioning equipment; plumbing appliances and plumbing fixtures; duct systems; and other service equipment to be at least 1-foot above the base flood elevation which is consistent with the State building code before the flood plain related requirements were removed from the State building code.

16.280.070, I, Residential Developments Generally, clarifies that detached single-family dwellings and duplexes are affected by this subsection which requires minimizing or eliminating flood damage.

16.280.070, K, Review of Building Permits, clarifies that where development is proposed on a property where data for the base flood elevation is not available in the Flood Insurance Study or the Flood Insurance Rate Map, the Flood Plain Development Permit will be decided through the Type I-B process (City Manager decision with appeal) wherein the best available information will be used to establish the base flood elevation, and because the establishment of the base flood elevation is through secondary information, the building must be at least 2-feet above the established base flood elevation.

16.280.070, L, Floodways, the language is changed from allowing development in the Floodway with an analysis by a registered professional engineer to not allowing development in the Floodway, except for city, county, State and Federal public infrastructure facilities. This is a major change whose intent is to not allow unnecessary development in the Floodway, but to allow public facilities that are needed and appropriate to be in the Floodway. Preventing non-public development in Floodways will decrease the potential for damage during a flood. Currently, there is very little development in the Floodway.

16.280.070, L, 7 and 8, Floodways, adds language for temporary structures in the Floodway consistent with the Model Code.

16.280.070, P, AH Zone Drainage, adds language for adequate drainage paths in the AH Zone.

### PROPOSED CHANGES TO THE STORM DRAINAGE SECTION

16.370.010, Purpose.

Add language regarding preventing the placement of material in storm drainage facilities such as swales, ditches, streams and creeks.

16.370.050, Dumping Prohibited.

Add language making it unlawful to dump, deposit, or otherwise cause any trash, landscape debris, or other material to be placed in any stream, channel, ditch, pond, or basin that regularly or periodically carries or stores water. This language will assist the city in obtaining the maximum CRS points in support of reduced flood insurance premiums.

### PROPOSED CHANGES TO THE FLOOD PLAIN DEVELOPMENT PERMIT SECTION

Currently, the Flood Plain Development Permit procedures are in Section 16.280, Flood Plain Overlay District, and Section 16.548, Flood Plain Development Permit Application. They should not be in Section 16.280 because the procedures for the various land use applications are in Section 16.500 and 16.548 already exists.

The proposed amendments remove the procedures from Section 16.280 and meld them into the existing procedures in Section 16.548.

### FINDINGS

1. The proposed amendments to the Flood Plain Overlay District and the Storm Drainage Section are legislative amendments and will be reviewed through a legislative process. The Sheridan Zoning and Development Ordinance does not include criteria for a legislative amendment to the zoning regulations, but appropriate criteria to address are any applicable goals and policies in the Sheridan Comprehensive Plan and any applicable Statewide Planning Goals.
2. The City of Sheridan Charter, Chapter II, Section 5, states, in part: "...the city shall have for the conduct of its municipal affairs all the powers contemplated by the municipal home rule provisions of the constitution and laws of the state." The City has the authority and responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, including regulations related to the 100-year floodplain and the storm drainage system. The proposed amendments to the Flood Plain Overlay

District (FPO) and Storm Drainage Section will promote the public health, safety, and general welfare of its citizenry.

3. The flood hazard areas of the City of Sheridan are subject to periodic inundation which results in (1) loss of life and property, (2) health and safety hazards, (3) disruption of commerce and governmental services, (4) extraordinary public expenditures for flood protection and relief, and (5) impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Debris placed in storm drainage facilities can create and exacerbates flood inundations. The proposed amendments to the Flood Plain Overlay District (FP) and the Storm Drainage Section will promote the public health, safety, and general welfare of its citizenry.
4. Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and can damage inadequately anchored uses. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. The proposed amendments to the Flood Plain Overlay District (FP) and the Storm Drainage Section will promote the reduction of flood losses.
5. Applicable goals and policies in the Comprehensive Plan.

Flood Plain Policy 3 states, "The City shall recognize and incorporate additional flood data as it becomes available."

Amending Sections 16.280 and 16.370 will recognize and incorporate new information that is now available. The proposed amendments are consistent with Policy 3.

Flood Plain Policy 10 states in part, "The City shall develop appropriate zoning and subdivision ordinances as a way to guide development within the flood plain."

Amending Sections 16.280 and 16.370 will update the zoning ordinance and improve its effectiveness in guiding development in the flood plain. The proposed amendments are consistent with Policy 10.

6. Applicable Statewide planning goals.

A. Goal 1, Citizen Involvement.

Goal 1 applies. The Planning Commission and City Council will conduct public hearings. The process is a Legislative process because the proposed amendments affect properties Citywide and because they propose changes to the laws of the City. Public notice has been provided in accordance with the Sheridan Zoning and Development Ordinance Legislative public hearings by the Planning Commission and the City Council. Goal 1 is met.

B. Goal 2, Land Use Planning.

Goal 2 applies. The 35-day notice prior to the first evidentiary hearing to the Oregon

Department of Land Conservation and Development (DLCD) was provided to notify and garner comments from those parties on the DLCD notification list. Goal 2 is met.

C. Goal 3. Agricultural Lands.

Goal 3 does not apply because the proposed amendments do not add or remove land from exclusive farm use zoning.

D. Goal 4. Forest Lands.

Goal 4 does not apply because the proposed amendments do not add or remove land from exclusive forest use zoning.

E. Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces.

Goal 5 does not apply because the proposed amendments do not change the designation of natural resources, scenic areas, historic areas or open space areas.

F. Goal 6. Air, Water and Land Resources Quality.

Goal 6 does not apply because the proposed amendments do not change the requirements related to air, water and land resources quality.

G. Goal 7. Areas Subject to Natural Hazards.

Goal 7 applies. The proposed amendments will help to ensure inappropriate structures are not constructed in the floodway and that appropriate structures constructed in the 100-year flood plain meet or exceed the federal and state flood plain requirements. For example, the State of Oregon requires the lowest floor be at least 1-foot above the 100-year flood height and that manufactured homes have the bottom of the longitudinal chassis (I-beam) at or above the 100-year flood height. Goal 7 is met.

H. Goal 8. Recreation Needs.

Goal 8 does not apply because the designation of recreation resources will not be changed.

I. Goal 9. Economic Development.

Goal 9 does not apply because the proposed amendments do not change the designation of lands zoned for residential, commercial, industrial or public uses.

J. Goal 10. Housing.

Goal 10 does not apply because the proposed amendments do not change the designation of lands zoned for residential uses.

K. Goal 11. Public Facilities and Services.



Goal 11 does not apply because the proposed amendments do not relate to public facilities or services.

L. Goal 12. Transportation.

Goal 12 does not apply because the proposed amendments do not relate to transportation facilities.

M. Goal 13. Energy Conservation.

Goal 13 does not apply because the proposed amendments do not relate to energy conservation.

N. Goal 14. Urbanization.

Goal 14 does not apply because the proposed amendments do not relate to the urban growth boundary.

O. Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals do not apply because the City is not on the Willamette River or on the coast.

The proposed amendments are consistent with the applicable Statewide Planning Goals.

The proposed amendments meet the applicable criteria of the Sheridan Comprehensive Plan and the Statewide Planning Goals.

### STAFF RECOMMENDATION

Staff recommends the City Council pass a motion adopting the staff report and approving the proposed amendments to the Sheridan Development Code.

Staff recommends the City Council pass a motion for first reading of the attached Ordinance 2016-03.

Attachment 1: "Mark-up" copy of all the proposed amendments.



STAFF REPORT, ATTACHMENT 1.

City of Sheridan Case No.: Legislative Amendment 2015-04.

The proposed deletions are in ~~strikeout~~ and the proposed additions are in ***bold italics***.

**Section 16.280**      ~~Floodplain~~ ***Flood Plain*** Overlay District (FPO)

**Sections:**

**16.280.010 Purpose.**

**16.280.020 Definitions.**

**16.280.030 Administration.**

**16.280.040 General requirements and exemptions.**

**16.280.050 Permitted uses.**

**16.280.060 Reserved for future use.**

**16.280.070 Flood protection standards.**

**16.280.080 Generalized floodplain areas.**

**16.280.090 Variances--Issuance, notification and records.**

**16.280.100 Variance criteria.**

**16.280.110 Warning and disclaimer of liability**

**16.280.010 Purpose.**

A. The purpose of the ~~flood p~~***Flood Plain*** ~~o~~***Overlay*** ~~d~~***District*** is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize the expenditure of public money~~;~~***and to minimize costly flood control projects;******and;***
3. ~~to~~***To*** minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood bight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard;
8. To ensure those who occupy the areas of special flood hazard assume responsibility for their actions;
9. To minimize flood insurance premiums paid by the citizens of the City of Sheridan by reducing potential hazards due to flood damage;
10. To implement the flood plain policies in the City of Sheridan Comprehensive Plan.

B. To accomplish its purposes, the Flood Plain Overlay District includes the following methods and provisions for reducing flood losses:

1. - 5. NO CHANGE.

6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances **regulations**.

#### **16.280.020 Definitions.**

For purposes of this overlay district, the following terms shall mean:

*[NOTE: Only those definitions proposed to be amended are shown.]*

"Accessory structure" means a structure which is less than 200 square feet in gross floor area, **is less than 10 feet in height**, is detached from and is on the same parcel of property as the principal structure, and the use of which is incidental to the use of the principal structure.

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

"Expansion to an existing manufactured home park or manufactured home subdivision" means the preparation of additional sites by the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of a concrete pad).

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones applicable to the community and is on file with the eCity of Sheridan.

"Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map and the water surface elevation of the base flood and is on file with the eCity of Sheridan.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must ~~remain unobstructed~~ **be reserved** to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Manufactured home" means 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 floodplain management purposes, the term "manufactured home" also includes mobilehomes as defined in this section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. ***The term Manufactured Home does not include a "recreational vehicle."***

"Substantial improvement" means any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds ~~25~~ **50** percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:
  - a. Any project for improvement of a structure to correct existing violations of sState or local health, sanitary or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions,
  - b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

#### **16.280.030 Administration.**

##### **A. Applicable Lands.**

The Flood ~~p~~Plain Overlay District applies to all areas of special flood hazard within the City of Sheridan.

##### **B. Basis for Special Flood Hazard Areas. NO CHANGE.**

##### **C. Compliance and Penalties for Noncompliance.**

No person shall make, cause, suffer, or permit any intensification, change of use, or development within any area of special flood hazard without full compliance with the terms of this Chapter and all other applicable provisions of the Sheridan Zoning and Development Ordinance. Penalties shall be in accordance with Section ~~16.08.190~~**16.105.010**, Violations-Penalties.

##### **D. Abrogation, and Greater Restrictions *and Severability*.**

**1.** The Flood Plain Overlay District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where a Flood Plain Overlay District or other Zoning and Development ~~Ordinance~~ **Code** regulation, sState building code regulation, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.

**2. Where any section, clause, sentence, or phrase of the Flood Plain Overlay District is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall in no way effect the validity of the remaining portions of the Flood Plain Overlay District.**

E. Interpretation. NO CHANGE.

F. Designation of Local Administrator. NO CHANGE.

G. Duties and Responsibilities of the City Manager, or Designee.

NO CHANGE TO G, 1 – 8.

**9. Submit New Technical Data.**

**a. Notify FEMA within 6 months of project completion when an applicant obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. The notification shall be provided as a Letter of Map Revision (LOMR).**

**b. The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.**

**c. The City Manager, or designee, shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates the project will meet, or has met, the requirements of the Flood Plain Overlay District and all applicable State and Federal laws.**

H. Establishment of Flood Plain Development Permit.

1. Except as set forth in Section 16.280.040 for exempt uses, and ~~Section 16.280.070, D, for accessory structures,~~ a Flood Plain Development Permit application shall be submitted for structures, including manufactured homes, as defined in Section 16.280.020, Definitions, and for all development, including fill and other activities, as defined in Section 16.280.020, Definitions. A Flood Plain Development Permit shall be approved before construction or development begins within any area of special flood hazard established in Section 16.280.030, B, Basis for Special Flood Hazard Areas.

2. A Flood Plain Development Permit shall be reviewed and decided by the City Manager, or designee, as a Type I-A action **in accordance with Section 16.504 or a Type I-B action in accordance with Section 16.506.**

3. A Flood Plain Development Permit Application shall be submitted ~~on forms provided by the City, filed with the City Recorder and accompanied by the appropriate fee~~ **in accordance with Section 16.548.030, Application Submittal Requirements.**



~~4. If the Flood Plain Development Permit decision involves the interpretation or exercise of policy or legal judgment, the decision shall be issued as a Type II action.~~

~~5. A Flood Plain Development Permit decision involving an interpretation may be appealed by those aggrieved by the decision or by any taxpayer consistent with Section 16.280.030, I, Appeal Procedure.~~

~~6. Application Contents.~~

~~a. It shall be the applicant's responsibility to submit a complete application which addresses the provisions and standards of Sections 16.280.030, Administration, 16.280.040, General Requirements and Exemptions, 16.280.050, Permitted Uses, 16.280.070, Flood Protection Standards, and 16.280.080, Generalized Floodplain Areas. The application shall include plans in duplicate drawn to scale. Building Permit Application materials may be used for partial fulfillment of the application contents requirements provided they address 16.280.030, H, 6, b-f, below. The Flood Plain Development Permit Application shall include, but is not limited to, the following:~~

~~b. The nature, location, dimensions, and elevations of:~~

~~i. The subject property,~~

~~ii. Existing and proposed structures,~~

~~iii. Existing and proposed fill,~~

~~iv. Existing and proposed storage for materials, and~~

~~v. Existing and proposed drainage facilities.~~

~~c. Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.~~

~~d. Elevation in relation to mean sea level of floodproofing in any structure.~~

~~e. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 16.280.070, C, Nonresidential Development.~~

~~f. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.~~

~~I. Appeal Procedure.~~

~~1. The Planning Commission shall review and decide appeals of the City Manager, or designee, decision for an interpretation of the provisions of the Flood Plain Overlay District. An appeal of the Planning Commission's decision shall be reviewed and decided by the City Council.~~

~~2. In deciding appeals, the Planning Commission and City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Zoning and Development Ordinance, and the following factors:~~

~~a. The danger that materials may be swept onto other lands to the injury of others.~~

~~b. The danger to life and property due to flooding or erosion damage.~~

~~c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~



- ~~— d. — The importance of the services provided by the proposed facility to the community.~~
- ~~— e. — The necessity to the facility of a waterfront location, where applicable.~~
- ~~— f. — The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.~~
- ~~— g. — The relationship of the proposed use to the comprehensive plan, the underlying zone for the subject property, and the Flood Plain Overlay District for that area.~~
- ~~— h. — The safety of access to the property in times of flood for ordinary and emergency vehicles.~~
- ~~— i. — The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.~~
- ~~— j. — The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~
- ~~— 3. — Upon consideration of the factors of Section 16.280.030, 1, 2, a — j, the Planning Commission may approve, approve with conditions or deny the appeal as it deems necessary to implement the Flood Plain Overlay District.~~
- ~~— 4. — The City Manager, or designee, shall maintain the records of all appeal actions.~~

**16.280.040 General requirements and exemptions.**

Within the Flood Plain Overlay District, no uses, structures, vehicles, premises or land shall be used or established , except as provided in the applicable underlying zone and the provisions of this overlay zone. The following uses are exempt from the regulations of this overlay zone:

A. - C. NO CHANGE.

D. Replacement of utility facilities necessary to serve established and permitted uses within areas of special flood hazard, such as telephone poles. This exemption does not apply to the replacement of buildings and substations, or to electrical, heating, ventilation, plumbing and air-conditioning systems, or other similar types of service development **equipment** in areas of special flood hazard.

**16.280.050 Permitted uses.**

NO CHANGE TO LEAD-IN SENTENCE.

A. - D. NO CHANGE.

E. ~~The building official has determined that a~~ Any construction and substantial improvements below the base flood elevation **shall** meet the requirements of Section 16.280.070, Flood Protection Standards;



F. - J. NO CHANGE.

**16.280.060 Not used.**

**16.280.070 Flood protection standards.**

NO CHANGE TO LEAD-IN SENTENCE.

A. Residential Development, Except Manufacture Homes.

1. NO CHANGE.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed **with vents** to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement 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 **outside** grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwater.

B. Manufactured Homes **shall be** :

~~1. All manufactured homes shall be~~ Elevated on a permanent foundation with the finished floor of the manufactured home elevated a minimum of 18 inches (46 cm) **bottom of the longitudinal chassis (I-beam)** above the base flood elevation; and

~~2. s~~Securely anchored to an adequately anchored foundation system to resist **prevent** floatation, collapse and lateral movement, **including but not limited to the use of over-the-top or frame ties to ground anchors (see FEMA's "Manufactured Home Installation in Flood Hazard Area" guidebook for additional techniques)**; when the manufactured home is to be placed or substantially improved on a site that is:

~~\_\_\_\_\_ a. \_\_\_\_\_~~ Outside of a manufactured home park or subdivision,

~~\_\_\_\_\_ b. \_\_\_\_\_~~ In a new manufactured home park or subdivision,

~~\_\_\_\_\_ c. \_\_\_\_\_~~ In an expansion area to an existing manufactured home park or manufactured home subdivision, or

~~\_\_\_\_\_ d. \_\_\_\_\_~~ In an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

~~2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or manufactured home subdivision that are not subject to the provisions of 16.280.070, B, 1, shall be elevated so that either:~~

~~\_\_\_\_\_ a. \_\_\_\_\_~~ The finished floor of the manufactured home is a minimum of 18 inches (46 cm) above the base flood elevation, or



~~b. The manufactured home chassis is supported by reinforced piers, or other foundation elements of at least equivalent strength, that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.~~

**3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed with vents to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer 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.**

**b. The bottom of all openings shall be no higher than one foot above exterior grade.**

**c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.**

**4. Cross-over ducts and electrical connections shall be a minimum of 12 inches above the base flood elevation.**

C. Nonresidential Development.

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

a. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. 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 Section 16.280.070, C, based on their development and/or review of the structural design, specifications and plans. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed. Such certifications shall be submitted with the Floodplain Development Permit Application as required in Section 16.280.030, H, 6.

2. - 3. NO CHANGE.

**4. Applicants for a Flood Plain Development Permit that proposes floodproofing a nonresidential building shall supply a comprehensive Maintenance Plan for the entire structure, including but not limited to:**

**a. The exterior envelope of the structure;**

**b. All penetrations to the exterior of the structure;**

**c. All shields, gates, barriers, or components designed to provide floodproofing protection to the structure;**

- d. **All seals and gaskets for shields, gates, barriers, or components; and**
- e. **The location of all shields, gates, barriers, and components as well as all associated hardware and any materials or specialized tools necessary to seal the structure.**

**5. Applicants for a Flood Plain Development Permit that proposes floodproofing a nonresidential building shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.**

D. Accessory Structures. An accessory structure as defined in Section 16.280.020 is not required to apply for and be granted a Flood Plain Development Permit and is exempt from elevation and floodproofing standards provided the following development standards are met:

1. It is used only for the parking of vehicles and the storage of items unlikely to be damaged by flood waters (**a low damage potential when submerged**), including but not limited to lawn furniture and garden tools. An accessory structure shall not be used for human habitation or to operate equipment or to place appliances such as, **including but not limited to** freezers, refrigerators, washers, dryers, pool tables, couches and stuffed chairs.

2. It is anchored consistent with Section 16.280.070, F, Anchoring, to prevent floatation, **collapse and or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;**

3. It is resistant to flood damage and is constructed to minimize flood damage consistent with Section 16.280.070, G, Construction Materials and Methods;

4. It is vented consistent with Section 16.280.070, A, 2, Residential Development; and

5. Electrical **systems, equipment and components**, heating, ventilation, plumbing **appliances and fixtures** and air-conditioning systems, and other similar types of service development **equipment** are elevated at least 1 foot above the base flood elevation.

6. **It is not temperature controlled, or if heating and cooling equipment, ductwork, and components are provided, they are elevated at least 1 foot above the base flood elevation; and**

7. **It is located and constructed to have low damage potential.**

E. - F. NO CHANGE.

G. Construction Materials and Methods.

1. All new construction and substantial improvements below the **level that is 1-foot above the** base flood elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least 1 foot above the base flood elevation.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.



3. Electrical **systems, equipment and components**; heating, ventilation **ventilating**, plumbing, and air-conditioning equipment; **plumbing appliances and plumbing fixtures; duct systems**; and other service facilities **equipment** 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 **at least 1-foot above the base flood elevation**.

H. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. ~~All~~ **All** new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality **regulations**.

I. **Residential** Developments Generally. Residential developments involving more than one **detached** single-family dwelling **or more than one duplex**, including ~~;~~ but not limited to ~~;~~ partitions, subdivisions, manufactured home parks, multiple-family dwellings and planned **unit** developments, including development regulated under Sections 16.280.070, A, B, and C, shall meet the following requirements:

1. Be designed **and constructed** to minimize **or eliminate** flood damage;

2. ~~Have~~ **Provide** public **and private** utilities and facilities such as, **including but not limited to** sewer, gas, electrical and water systems, **which are designed**, located and constructed to minimize **or eliminate** flood damage;

3. ~~Have~~ **Provide** adequate drainage provided to reduce exposure to **minimize or eliminate** flood damage; **and**

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the applicant for subdivision and development applications which contain at least 50 lots or 5 acres, whichever is less.

J. NO CHANGE.

K. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, Flood Insurance Rate Map, or from another authoritative source in accordance with Section 16.280.030, G, 5, Use of Other Base Flood Data (in A Zone), Flood Plain Development Permit Applications related to a building permit shall be reviewed through the Type ~~H-I~~ **H-B** process to ensure the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment **shall be based on available data, including but not limited to** and includes use of historical data, high water marks, **and** photographs of past flooding, etc., where available. Failure to elevate ~~t~~ The lowest floor **shall be** at least two feet above grade in these zones may result in higher insurance rates.



L. Floodways. The Floodway is designated within the areas of special flood hazard established in Section 16.280.030, B, Basis for Special Flood Hazard Areas. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles, and causes erosion. The following provisions and the requirements in Section 16.280.070, I, Developments Generally, shall apply to development in the floodway and to areas within areas of special flood hazard where a floodway has not been technically determined and the base flood elevation is three or more feet above the land surface:

1. ~~Prohibit encroachments, including **but not limited to** fill, new construction, substantial improvements and other development **are prohibited, except as set forth in L, 2, below.** unless, through a Flood Plain Development Permit processed as a Type II action, certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with **FEMA standards and** standard engineering practices that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review;~~

2. ~~If Section 16.280.070, L, 1, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section. **Encroachments, including but not limited to fill, new construction, substantial improvements, water facilities, sewer facilities, storm drainage facilities, and transportation facilities, public parks and other development by the City of Sheridan, Yamhill County and State and Federal agencies for public infrastructure, are allowed through a Flood Plain Development Permit processed as a Type I - B action, when certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with FEMA standards and standard engineering practices that the encroachments shall not result in an increase in flood levels of more than 1-foot during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review.**~~

3. ~~The **For structures, the** area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure.~~

4. ~~Except as provided in Subsections a and b, below, the installation of a **A** manufactured home **on an individual lot or parcel or in a manufactured home park** is prohibited in the floodway in accordance with the 2002 Oregon Manufactured Dwelling Park Specialty Code.~~

~~a. A manufactured home existing in the floodway may remain provided the placement was permitted at the time of the original installation, and its continued use is not a threat to life, health, property, or the general welfare of the public.~~

~~b. A manufactured home existing in the floodway may be replaced with a manufactured home provided the existing manufactured home was permitted at the time of the original installation, the replacement manufactured home will not be a threat to life, health, property, or the general welfare of the public, and it meets the following criteria:~~

~~i. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the new replacement manufactured home and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;~~

~~ii. The new replacement manufactured home and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the base flood elevation as identified on the Flood Insurance Rate Map;~~

~~iii. The new replacement manufactured home is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and is approved by the City Manager or designee;~~

~~iv. The new replacement manufactured home, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) are designed by an Oregon professional engineer or architect to not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties and that such design is approved by the City Manager or designee;~~

~~v. The new replacement manufactured home's location is allowed by the Sheridan Zoning and Development Ordinance; and~~

~~vi. The new replacement manufactured home meets any other requirements deemed necessary by the City Manager or designee.~~

5. Projects for stream habitat restoration may be permitted in the floodway provided:

a. The project qualifies for a Department of the Army, Portland District "Regional General Permit for Stream Habitat Restoration" (NWP-2007-1023); and,

b. A qualified professional (a Registered Professional Engineer; or staff of *the* Natural Resources Conservation Service (NRCS); ~~the~~ *Yamhill* County; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,

c. No structures would be impacted by a potential rise in flood elevation; and

d. An agreement to monitor the project, correct problems, and ensure the flood carrying capacity remains unchanged is included as part of the local approval.

6. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map, unless through a Flood Plain Development Permit processed as a Type H **I - B** action, it is demonstrated in a written report that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.



**7. Temporary structures placed in the floodway. Relief from the no-rise evaluation, elevation or dry floodproofing standards may be granted for a non-residential structure during the dry season, June - October. A plan for the removal of the temporary structure after the dry season or when a flood event threatens during the dry season shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.**

**8. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway during the dry season, June - October.**

M. Recreational Vehicles.

1. A recreational vehicle in a recreational vehicle park shall comply with M, 1, a, or M, 1, b, or M, 1, c:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be:
  - i. Fully licensed and ready for highway use; and
  - ii. On its wheels or jacking system; and
  - iii. Have no permanently attached additions; and
  - iv. Be attached to the site only by quick disconnect type devices for utilities and security systems;
- c. Meet the requirements of Section 16.280.070, B, Manufactured Homes.

2. NO CHANGE.

N. Below Grade Crawl Space.

1. NO CHANGE.

a. The building ~~must~~ **shall** be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

b. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, ~~must~~ **shall** have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening ~~can~~ **shall** be no more than 1 foot above the lowest adjacent exterior grade.

c. Portions of the building below the **level that is 1-foot above the** BFE ~~must~~ **shall** be constructed with materials resistant to flood damage. ~~This includes not only, including but not limited to~~ the foundation walls of the crawlspace used to elevate the building, ~~but also any~~ **posts**, joists, insulation, or other materials that extend below the **level that is 1-foot above the** BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.



d. Any building utility systems within the crawlspace must **shall** be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions **at least 1-foot above the base flood elevation**. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

e. The interior grade of a crawlspace below the BFE must **base flood elevation shall** not be more than two (2) feet below the lowest adjacent exterior grade.

f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must **shall** not exceed 4 feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

g. There must **shall** be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should **shall** be drained within a reasonable time after a flood event. The type of drainage system will **may** vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through **proven** porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

h. NO CHANGE.

2. NO CHANGE.

#### O. Critical Facilities.

a. Construction of new critical facilities shall be, to the extent possible, located outside the area of special flood hazard (100-year floodplain).

b. Construction of new critical facilities shall be permissible within the area of special flood hazard if no feasible alternative site is available.

c. Critical facilities constructed within the area of special flood hazard shall have the lowest floor elevated 3 feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.

d. Access routes **to and from critical facilities shall be** elevated to or above the level of the base flood elevation ~~shall be provided to all critical facilities to the extent possible. The access route(s) to and from the critical facility~~ should be elevated 3 feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.

e. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

**P. AH Zone Drainage. Adequate drainage paths shall be provided around structures on slopes to guide flood waters around and away from proposed structures.**

#### 16.280.080 Generalized floodplain areas.

Where elevation data is generalized, such as the unnumbered A zones on the Flood Insurance Rate Map, a Flood Plain Development Permit processed as a Type # **I-B**

action shall include a review and determination that the proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed floodplain development is reasonably safe, ~~applicable criteria shall include, among other things, the use of~~ historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is not in a floodplain. In such cases, a letter of map amendment may be required by the City Manager, or designee.

**16.280.090 Variances--Issuance, notification and records.**

A. The Planning Commission shall decide requests for variances from the requirements of the Flood Plain Overlay District consistent with the Type II-A process. Generally, the only situation under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of 0.5 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in Section 16.280.100. For lots greater than ~~one-half~~ 0.5 acre the technical justification required for approving the variance increases.

B. Prior to the public hearing the City Manager, or designee, shall notify the applicant in writing that: (1) the granting of a variance to construct a structure with the elevation of the lowest floor less than one (1) foot above the base flood elevation will result in increased premium rates for flood insurance commensurate with the increased ~~riek~~ *risk* resulting from the reduced lowest floor elevation; and (2) such construction less than one (1) foot above the base flood elevation increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C of this section.

C. The City Manager, or designee, shall:

—~~(1.)~~ ~~m~~Maintain a record of all variance actions, including justification for their issuance; and

—~~(2.)~~ ~~r~~Report variances granted to the Federal Insurance Administration upon request.

D. - E. NO CHANGE.

**16.280.100 Variance criteria.**

In deciding variance applications, the ~~Planning Commission~~ *Type II-A decision authority* shall consider all technical evaluations, all relevant factors, standards specified in other relevant sections of the ~~Zoning and Development Ordinance~~ *Sheridan Development Code*, and the following factors:

A. There is a good and sufficient cause;

B. ~~That~~ Failure to grant the variance would result in exceptional hardship to the applicant;

C. ~~That the~~ Granting of a *the* 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;

D. The variance is the minimum necessary, considering the flood hazard, to afford relief;

E. The variance will be consistent with the intent and purpose of the provision being varied;

F. There has not been a previous land use action approved on the basis that variances would not be allowed; and

G. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in *flood levels during the* base flood discharge will result.;

H. The danger that materials may be swept onto other lands to the injury of others →;

I. The danger to life and property due to flooding or erosion damage →;

J. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner →;

K. The importance of the services provided by the proposed facility to the community →;

L. The necessity to the facility of a waterfront location, where applicable →;

M. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage →;

N. The compatibility of the proposed use with existing and anticipated development →;

O. The relationship of the proposed use to the comprehensive plan, the underlying zone for the subject property, and the Flood Plain Overlay District for that area →;

P. The safety of access to the property in times of flood for ordinary and emergency vehicles →;

Q. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site →;

R. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges →;

S. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare →; **and**

T. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 16.280.090, A, and otherwise complies with Sections 16.280.070, F, Anchoring, G, Construction Materials and Methods, and H, Utilities.

**16.280.110 Warning and disclaimer of liability. NO CHANGE.**

End of the Flood Plain Overlay District amendments.

## **Section 16.370 Storm Drainage**

### **16.370.010 Purpose.**

The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; **to prevent the placement of any material in storm water conveyances** and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

### **16.370.020 Scope.**

The provisions of this section shall apply to all **properties in the city limits and to all** new subdivisions, planned unit developments, partitions which include a public street, private street or shared private driveway, multifamily developments, commercial developments, and industrial developments; and to the reconstruction or expansion of such developments.

**16.370.030 Storm drainage and erosion control plan required. NO CHANGE.**

**16.370.040 Storm drainage standards. NO CHANGE.**



**16.370.050 Dumping Prohibited.**

*It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, or other material to be placed in any stream, channel, ditch, pond, or basin that regularly or periodically carries or stores stormwater.*

End of Storm Drainage amendments.

**Section 16.501**

**APPLICATION TYPES**

**Sections:**

**16.501.010 Application types.**

**16.501.020 Type I applications.**

**16.501.030 Type II applications.**

**16.501.040 Type III applications.**

**16.501.050 Type IV applications.**

**16.501.010 Application types. NO CHANGE.**

**16.501.020 Type I applications.**

A. NO CHANGE.

B. Type I-B actions are decided by the City Manager, or designee, applying objective and subjective standards. Appeal of the decision is to the Planning Commission. The following actions are processed under the Type I-B procedure:

1. Flood plain development permit with discretion (see Section 16.548), *and Flood plain development permits where a regulatory floodway has not been designated (16.280.070, L, 5)* ;

2. - 9. NO CHANGE.

C. - D. NO CHANGE.

End of amendments to Section 16.501.

**Section 16.548 Floodplain Development Permit Application**

**Sections:**

**16.548.010 Purpose.**

**16.548.020 Process.**

**16.548.030 Application submittal requirements.**

**16.548.040 Approval criteria.**

**16.548.050 Expiration of approval period.**



**16.548.060 Extension of approval period.**

**16.548.010 Purpose.** NO CHANGE.

**16.548.020 Process.**

A floodplain development permit application shall be reviewed in accordance with the Type I-A (discretion *not* exercised) or I-B (discretion *not* exercised) procedures in Sections 16.504 or 16.506, respectively.

**16.548.030 Application submittal requirements.**

A. NO CHANGE.

B. The application form shall include the following information:

1. - 8. NO CHANGE.

**9. *The elevation in relation to mean sea level of floodproofing in any structure.***

**10. *A Floodproofing Certificate prepared by a registered professional engineer certifying the floodproofing methods for a nonresidential structure meet the floodproofing criteria in Section 16.280.070, C, Nonresidential Development.***

**11. *A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.***

C. A site plan drawn to scale on a sheet of paper at least 8.5 x 11 inches shall be submitted with the following information:

1. - 8. NO CHANGE.

**9. The location of the 100-year flood plain and the height of the base flood elevation as set forth in an Elevation Certificate (EC) signed by a professional land surveyor with the "Construction Drawings" box in Section C marked;**

**10. The location and size of public and private storm drain pipes, ditches and swales on the subject property and abutting properties; and**

**11. The location, size and type of fences and walls on the subject property and abutting properties--;**

**12. The elevations of existing and proposed fill;**

**13. The location of existing and proposed storage for materials;**

**14. The location of existing and proposed drainage facilities;**

**15. The elevation in relation to mean sea level of floodproofing in any structure; and**

**16. The location of and the extent to which a watercourse will be altered or relocated as a result of the proposed development.**

**D. *Building permit drawings showing compliance with the requirements in Section 16.280. The drawings submitted for the Building Permit may be used for***



*the Floodplain Development Permit provided they contain information showing compliance with the requirements in Section 16.280. The foundation plan or another plan can show the location of vents and that they comply with the venting requirements of Section 16.280. Alternatively, the building permit drawings may include the following statement, "Foundation flood vents shall be provided with a minimum of 2 vents having a total net opening area of not less than 1 square inch for every square foot of enclosed area with the vent lip no more than 1 foot above outside grade."*

DE. A copy of a deed showing the legal owner and legal description for the subject property.

EF. Other information requested by the City, including but not limited to a wetland delineation and/or determination, geotechnical studies and traffic impact analysis.

**16.548.040 Approval criteria and Appeal Process.**

A. An application for a floodplain development permit to develop in the Special Flood Hazard Area (100-year floodplain) may be approved where the application materials show compliance with the requirements of the Floodplain Overlay District (16.280).

**B. Appeal Procedure.**

1. An appeal of a Flood Plain Development Permit shall be in accordance with Section 16.514.080. An appeal of the Planning Commission's decision shall be reviewed and decided by the City Council.

2. In deciding an appeal, the Planning Commission and City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Zoning and Development Ordinance, and the following factors:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.
- e. The necessity to the facility of a waterfront location, where applicable.
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- g. The relationship of the proposed use to the comprehensive plan, the underlying zone for the subject property, and the Flood Plain Overlay District for that area.
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors of Section 16.548.040, B, 2, a – j, the Planning Commission, or City Council, may approve, approve with conditions or deny the appeal as it deems necessary to implement the Flood Plain Overlay District.

4. The City Manager, or designee, shall maintain the records of all appeal actions.

16.548.050 Expiration of approval period. NO CHANGE.

16.548.060 Extension of approval period. NO CHANGE.

End of amendments to Section 16.548.



EXHIBIT "B"  
ORDINANCE 2016-03

City of Sheridan Case No.: Legislative Amendment 2015-04.

Section 1. The title of Section 16.280 is amended to read:

**Section 16.280      Flood Plain Overlay District (FPO)**

Section 2. Section 16.280.010, A, the lead-in sentence is amended to read:

A. The purpose of the Flood Plain Overlay District is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

Section 3. Section 16.280.010, A, 2, is amended to read:

2. To minimize the expenditure of public money and to minimize costly flood control projects;

Section 4. Section 16.280.010, A, 3, is amended to read:

3. To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;

Section 5. Sections 16.280.010, A, 3, 4, 5, 6, 7, 8, and 9 are renumbered to be Sections A, 4, 5, 6, 7, 8, 9, and 10.

Section 6. Section 16.280.010, B, 6, is amended to read:

6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

Section 7. Section 16.280.020, Definitions, is amended to read:

"Accessory structure" means a structure which is less than 200 square feet in gross floor area, is less than 10 feet in height, is detached from and is on the same parcel of property as the principal structure, and the use of which is incidental to the use of the principal structure.

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

"Expansion to an existing manufactured home park or manufactured home subdivision" means the preparation of additional sites by the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring a concrete pad).

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones applicable to the community and is on file with the City of Sheridan.

"Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map and the water surface elevation of the base flood and is on file with the City of Sheridan.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Manufactured home" means 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 floodplain management purposes, the term "manufactured home" also includes mobilehomes as defined in this section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. The term Manufactured Home does not include a "recreational vehicle."

"Substantial improvement" means any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the

building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:

- 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 building code enforcement official and which are the minimum necessary to assure safe living conditions,
- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

Section 8. Section 16.280.030, Administration, Subsection 16.280.030, A, is amended to read:

**16.280.030 Administration.**

**A. Applicable Lands.**

The Flood Plain Overlay District applies to all areas of special flood hazard within the City of Sheridan.

Section 9. Section 16.280.030, Administration, Subsection 16.280.030, C, is amended to read:

**C. Compliance and Penalties for Noncompliance.**

No person shall make, cause, suffer, or permit any intensification, change of use, or development within any area of special flood hazard without full compliance with the terms of this Chapter and all other applicable provisions of the Sheridan Zoning and Development Ordinance. Penalties shall be in accordance with Section 16.105.010, Violations-Penalties.

Section 10. Section 16.280.030, Administration, Subsection 16.2880.030, D, is amended to read:

**D. Abrogation, Greater Restrictions and Severability.**

1. The Flood Plain Overlay District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where a Flood Plain Overlay District or other Zoning and Development Code regulation, State building code regulation, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.

2. Where any section, clause, sentence, or phrase of the Flood Plain Overlay District is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall in no way effect the validity of the remaining portions of the Flood Plain Overlay District.



Section 11. Section 16.280.030, Administration, Subsection 16.280.030, G, 9, is added to read:

G. Duties and Responsibilities of the City Manager, or Designee.

**9. Submit New Technical Data.**

**a. Notify FEMA within 6 months of project completion when an applicant obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. The notification shall be provided as a Letter of Map Revision (LOMR).**

**b. The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.**

**c. The City Manager, or designee, shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates the project will meet, or has met, the requirements of the Flood Plain Overlay District and all applicable State and Federal laws.**

Section 12. Section 16.280.030, Administration, Subsections 16.280.030, H, 1, 2 and 3 are amended to read:

H. Establishment of Flood Plain Development Permit.

1. Except as set forth in Section 16.280.040 for exempt uses, a Flood Plain Development Permit application shall be submitted for structures, including manufactured homes, as defined in Section 16.280.020, Definitions, and for all development, including fill and other activities, as defined in Section 16.280.020, Definitions. A Flood Plain Development Permit shall be approved before construction or development begins within any area of special flood hazard established in Section 16.280.030, B, Basis for Special Flood Hazard Areas.

2. A Flood Plain Development Permit shall be reviewed and decided by the City Manager, or designee, as a Type I-A action in accordance with Section 16.504 or a Type I-B action in accordance with Section 16.506.

3. A Flood Plain Development Permit Application shall be submitted in accordance with Section 16.548.030, Application Submittal Requirements.

Section 13. Section 16.280.030, Administration, Subsections 16.280.030, H, 4, 5 and 6 are deleted and moved, as amended, to Section 16.548, Flood Plain Development Permit Application.

Section 14. Section 16.280.030, Administration, Subsection 16.280.030, I, is deleted and moved, as amended, to Section 16.548, Flood Plain Development Permit Application.

Section 15. Section 16.280.040, General Requirements and Exemptions, Subsection 16.280.040, D, is amended to read:

D. Replacement of utility facilities necessary to serve established and permitted uses within areas of special flood hazard, such as telephone poles. This exemption does not apply to the replacement of buildings and substations, or to electrical, heating, ventilation, plumbing and air-conditioning systems, or other similar types of service equipment in areas of special flood hazard.

Section 16. Section 16.280.050, Permitted Uses, Subsection 16.280.050, E, is amended to read:

E. Any construction and substantial improvements below the base flood elevation shall meet the requirements of Section 16.280.070, Flood Protection Standards;

Section 17. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, A, 2, and A, 2, a and b, are amended to read:

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed with vents to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer 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.
- b. The bottom of all openings shall be no higher than one foot above outside grade.

Section 18. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, B, 1 and 2, are amended to read:

B. Manufactured Homes shall be:

1. Elevated on a permanent foundation with the bottom of the longitudinal chassis (I-beam) above the base flood elevation;
2. Securely anchored to an adequately anchored foundation system to prevent floatation, collapse and lateral movement, including but not limited to the use of over-the-top or frame ties to ground anchors (see FEMA's "Manufactured Home Installation in Flood Hazard Area" guidebook for additional techniques).

Section 19. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, B, 3 and 4, are added to read:

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed with vents to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer 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.
  - b. The bottom of all openings shall be no higher than one foot above exterior grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
4. Cross-over ducts and electrical connections shall be a minimum of 12 inches above the base flood elevation.

Section 20. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, C, 1, c, is amended to read:

- c. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of Section 16.280.070, C, based on their development and/or review of the structural design, specifications and plans. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed. Such certifications shall be submitted with the Floodplain Development Permit Application as required in Section 16.280.030, H, 6.

Section 21. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, C, 4 and 5, are added to read:

4. Applicants for a Flood Plain Development Permit that proposes floodproofing a nonresidential building shall supply a comprehensive Maintenance Plan for the entire structure, including but not limited to:



- a. The exterior envelope of the structure;
- b. All penetrations to the exterior of the structure;
- c. All shields, gates, barriers, or components designed to provide floodproofing protection to the structure;
- d. All seals and gaskets for shields, gates, barriers, or components; and
- e. The location of all shields, gates, barriers, and components as well as all associated hardware and any materials or specialized tools necessary to seal the structure.

5. Applicants for a Flood Plain Development Permit that proposes floodproofing a nonresidential building shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

Section 22. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, D, 1, 2, 4 and 5, are amended to read (Subsection 3 is not changed):

1. It is used only for the parking of vehicles and the storage of items unlikely to be damaged by flood waters (a low damage potential when submerged), including but not limited to lawn furniture and garden tools. An accessory structure shall not be used for human habitation or to operate equipment or to place appliances, including but not limited to freezers, refrigerators, washers, dryers, pool tables, couches and stuffed chairs.

2. It is anchored consistent with Section 16.280.070, F, Anchoring, to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

4. It is vented consistent with Section 16.280.070, A, 2, Residential Development;

5. Electrical systems, equipment and components, ventilation, plumbing appliances and fixtures and other similar types of service equipment are elevated at least 1 foot above the base flood elevation.

Section 23. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, D, 6 and 7 are added to read:

6. It is not temperature controlled, or if heating and cooling equipment, ductwork, and components are provided, they are elevated at least 1 foot above the base flood elevation; and

7. It is located and constructed to have low damage potential.

Section 24. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, G, 1 and 3 are amended to read (Subsection 2 is not changed):

1. All new construction and substantial improvements below the level that is 1-foot above the base flood elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least 1 foot above the base flood elevation.

3. Electrical systems, equipment and components; heating, ventilating, and air-conditioning equipment; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be at least 1-foot above the base flood elevation.

Section 25. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, H, 2 and 3 are amended to read:

2. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality regulations.

Section 26. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, I, and I, 1, 2, 3 and 4, are amended to read:

I. Residential Developments Generally. Residential developments involving more than one detached single-family dwelling or more than one duplex, including but not limited to partitions, subdivisions, manufactured home parks, multiple-family dwellings and planned unit developments, including development regulated under Sections 16.280.070, A, B, and C, shall:

1. Be designed and constructed to minimize or eliminate flood damage;
2. Provide public and private utilities and facilities, including but not limited to sewer, gas, electrical and water systems, which are designed, located and constructed to minimize or eliminate flood damage;
3. Provide adequate drainage to minimize or eliminate flood damage; and
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the applicant.

Section 27. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, K, is amended to read:

K. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, Flood Insurance Rate Map, or from another authoritative source in accordance with Section 16.280.030, G, 5, Use of Other Base Flood Data (in A

Zone), Flood Plain Development Permit Applications related to a building permit shall be reviewed through the Type I-B process to ensure the proposed construction will be reasonably safe from flooding. The test of reasonableness shall be based on available data, including but not limited to historical data, high water marks, and photographs of past flooding. The lowest floor shall be at least two feet above grade in these zones.

Section 28. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, L, and L, 1 - 6, are amended to read:

L. Floodways. The Floodway is designated within the areas of special flood hazard established in Section 16.280.030, B, Basis for Special Flood Hazard Areas. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles, and causes erosion. The following provisions shall apply to development in the floodway:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited, except as set forth in L, 2, below.

2. Encroachments, including but not limited to fill, new construction, substantial improvements, water facilities, sewer facilities, storm drainage facilities, and transportation facilities, public parks and other development by the City of Sheridan, Yamhill County and State and Federal agencies for public infrastructure, are allowed through a Flood Plain Development Permit processed as a Type I - B action, when certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with FEMA standards and standard engineering practices that the encroachments shall not result in an increase in flood levels of more than 1-foot during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review.

3. For structures, the area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure.

4. A manufactured home on an individual lot or parcel or in a manufactured home park is prohibited in the floodway.

5. Projects for stream habitat restoration may be permitted in the floodway provided:

- a. The project qualifies for a Department of the Army, Portland District "Regional General Permit for Stream Habitat Restoration" (NWP-2007-1023);
- b. A qualified professional (a Registered Professional Engineer; or staff of the Natural Resources Conservation Service; Yamhill County; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project;
- c. No structures would be impacted by a potential rise in flood elevation; and



d. An agreement to monitor the project, correct problems, and ensure the flood carrying capacity remains unchanged is included as part of the local approval.

6. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map, unless through a Flood Plain Development Permit processed as a Type I - B action, it is demonstrated in a written report that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section 29. Section 16.280.070, Flood Protection Standards, Subsection 16.280.070, L, 7 and 8, are added to read:

7. Temporary structures placed in the floodway. Relief from the no-rise evaluation, elevation or dry floodproofing standards may be granted for a non-residential structure during the dry season, June - October. A plan for the removal of the temporary structure after the dry season or when a flood event threatens during the dry season shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.

8. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway during the dry season, June - October.

Section 30. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, M, 1, b, i and ii, are amended to read:

- b. Be:
  - i. Fully licensed and ready for highway use;
  - ii. On its wheels or jacking system;

Section 31. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, N, 1, a - g, are amended to read (no change to the lead-in language in N, 1, and no change to N, 1, h):

N. Below Grade Crawl Space.

a. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of

buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered professional engineer. Other types of foundations are recommended for these areas.

b. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, shall have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than 1 foot above the lowest adjacent exterior grade.

c. Portions of the building below the level that is 1-foot above the BFE shall be constructed with materials resistant to flood damage, including but not limited to the foundation walls of the crawlspace used to elevate the building, posts, joists, insulation, or other materials that extend below the level that is 1-foot above the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

d. Any building utility systems within the crawlspace shall be at least 1-foot above the base flood elevation.

e. The interior grade of a crawlspace below the base flood elevation shall not be more than two (2) feet below the lowest adjacent exterior grade.

f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed 4 feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

g. There shall be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area shall be drained within a reasonable time after a flood event. The type of drainage system may vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through proven porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

Section 32. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, O, is amended to read:

O. Critical Facilities.

a. Construction of new critical facilities shall be, to the extent possible, located outside the area of special flood hazard (100-year floodplain).

b. Construction of new critical facilities shall be permissible within the area of special flood hazard if no feasible alternative site is available.

c. Critical facilities constructed within the area of special flood hazard shall have the lowest floor elevated 3 feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.

d. Access routes to and from critical facilities shall be elevated to or above the base flood elevation to the extent possible and should be elevated 3 feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.

e. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Section 33. Section 16.280.070, Flood Protection Standards, Subsections 16.280.070, P, is added to read:

P. AH Zone Drainage. Adequate drainage paths shall be provided around structures on slopes to guide flood waters around and away from proposed structures.

Section 34. Section 16.280.080, Generalized Floodplain Areas, is amended to read:

**16.280.080 Generalized floodplain areas.**

Where elevation data is generalized, such as the unnumbered A zones on the Flood Insurance Rate Map, a Flood Plain Development Permit processed as a Type I-B action shall include a review and determination that the proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed floodplain development is reasonably safe, historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is not in a floodplain. In such cases, a letter of map amendment may be required by the City Manager, or designee.

Section 35. Section 16.280.090, Variances-Issuance, Notification and Records, Subsections A, B and C, are amended to read (no change to D and E):

**16.280.090 Variances--Issuance, notification and records.**

A. The Planning Commission shall decide requests for variances from the requirements of the Flood Plain Overlay District consistent with the Type II-A process. Generally, the only situation under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of 0.5 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in Section 16.280.100. For lots greater than 0.5 acre the technical justification required for approving the variance increases.

B. Prior to the public hearing the City Manager, or designee, shall notify the applicant in writing that: (1) the granting of a variance to construct a structure with the elevation of the lowest floor less than one (1) foot above the base flood elevation will result in increased premium rates for flood insurance commensurate with the increased risk



resulting from the reduced lowest floor elevation; and (2) such construction less than one (1) foot above the base flood elevation increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C of this section.

C. The City Manager, or designee, shall:

1. Maintain a record of all variance actions, including justification for their issuance; and
2. Report variances granted to the Federal Insurance Administration upon request.

Section 36. Section 16.280.100, Variance Criteria, and Subsections B, C, F - S are amended to read (no changes to D, E and T):

**16.280.100 Variance criteria.**

In deciding variance applications, the Type II-A decision authority shall consider all technical evaluations, all relevant factors, standards specified in other relevant sections of the Sheridan Development Code, and the following factors:

- A. There is a good and sufficient cause;
- B. Failure to grant the variance would result in exceptional hardship to the applicant;
- C. Granting the 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;
- F. There has not been a previous land use action approved on the basis that variances would not be allowed;
- G. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in flood levels during the base flood discharge will result;
- H. The danger that materials may be swept onto other lands to the injury of others;
- I. The danger to life and property due to flooding or erosion damage;
- J. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- K. The importance of the services provided by the proposed facility to the community;
- L. The necessity to the facility of a waterfront location, where applicable;

M. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

N. The compatibility of the proposed use with existing and anticipated development;

O. The relationship of the proposed use to the comprehensive plan, the underlying zone for the subject property, and the Flood Plain Overlay District for that area;

P. The safety of access to the property in times of flood for ordinary and emergency vehicles;

Q. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

R. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

S. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare; and

End of the Flood Plain Overlay District amendments.

Section 16.370, Storm Drainage.

Section 37. Section 16.370.010, Purpose, is amended to read:

**16.370.010 Purpose.**

The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; to prevent the placement of any material in storm water conveyances and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

Section 38. Section 16.370.020, Scope, is amended to read:

**16.370.020 Scope.**

The provisions of this section shall apply to all properties in the city limits and to all new subdivisions, planned unit developments, partitions which include a public street, private street or shared private driveway, multifamily developments, commercial developments, and industrial developments; and to the reconstruction or expansion of such developments.

Section 39. Section 16.370.050, Dumping Prohibited, is added to read:

**16.370.050 Dumping Prohibited.**

It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, or other material to be placed in any stream, channel, ditch, pond, or basin that regularly or periodically carries or stores stormwater.

End of Storm Drainage amendments.

Section 16.501, Application Types.

Section 40. Section 16.501.020, Type I Applications, Subsection 16.501.020, B, 1, is amended to read:

1. Flood plain development permit with discretion (see Section 16.548), and Flood plain development permits where a regulatory floodway has not been designated (16.280.070, L, 5);

End of amendments to Section 16.501.

Section 16.548 Floodplain Development Permit Application.

Section 41. Section 16.548.020, Process, is amended to read:

**16.548.020 Process.**

A floodplain development permit application shall be reviewed in accordance with the Type I-A (discretion not exercised) or I-B (discretion exercised) procedures in Sections 16.504 or 16.506, respectively.

Section 42. Section 16.548.030, Application Submittal Requirements, Subsections B, 9, 10 and 11, are added to read:



9. The elevation in relation to mean sea level of floodproofing in any structure.
10. A Floodproofing Certificate prepared by a registered professional engineer certifying the floodproofing methods for a nonresidential structure meet the floodproofing criteria in Section 16.280.070, C, Nonresidential Development.
11. A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

Section 43. Section 16.548.030, Application Submittal Requirements, Subsections C, 9, 10 and 11, are amended to read:

9. The location of the 100-year flood plain and the height of the base flood elevation as set forth in an Elevation Certificate (EC) signed by a professional land surveyor with the "Construction Drawings" box in Section C marked;
10. The location and size of public and private storm drain pipes, ditches and swales on the subject property and abutting properties;
11. The location, size and type of fences and walls on the subject property and abutting properties;

Section 44. Section 16.548.030, Application Submittal Requirements, Subsections C, 12 - 16, are added to read:

12. The elevations of existing and proposed fill;
  13. The location of existing and proposed storage for materials;
  14. The location of existing and proposed drainage facilities;
  15. The elevation in relation to mean sea level of floodproofing in any structure;
- and
16. The location of and the extent to which a watercourse will be altered or relocated as a result of the proposed development.

Section 45. Section 16.548.030, Application Submittal Requirements, Subsection D, is added to read:

D. Building permit drawings showing compliance with the requirements in Section 16.280. The drawings submitted for the Building Permit may be used for the Floodplain Development Permit provided they contain information showing compliance with the requirements in Section 16.280. The foundation plan or another plan can show the location of vents and that they comply with the venting requirements of Section 16.280. Alternatively, the building permit drawings may include the following statement, "Foundation flood vents shall be provided with a minimum of 2 vents having a total net opening area of not less than 1 square inch for every square foot of enclosed area with the vent lip no more than 1 foot above outside grade."

Section 46. Section 16.548.030, Application Submittal Requirements, Subsections E and F, are renumbered to read:

E. A copy of a deed showing the legal owner and legal description for the subject property.

F. Other information requested by the City, including but not limited to a wetland delineation and/or determination, geotechnical studies and traffic impact analysis.

Section 47. Section 16.548.040, Approval Criteria and Appeal Process, the lead-in sentence is amended to become Subsection A, as follows ("A" is added and no change to the language):

A. An application for a floodplain development permit to develop in the Special Flood Hazard Area (100-year floodplain) may be approved where the application materials show compliance with the requirements of the Floodplain Overlay District (16.280).

Section 48. Section 16.548.040, Approval Criteria and Appeal Process, Subsection B, is added to read:

B. Appeal Procedure.

1. An appeal of a Flood Plain Development Permit shall be in accordance with Section 16.514.080. An appeal of the Planning Commission's decision shall be reviewed and decided by the City Council.

2. In deciding an appeal, the Planning Commission and City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Zoning and Development Ordinance, and the following factors:

a. The danger that materials may be swept onto other lands to the injury of others.

b. The danger to life and property due to flooding or erosion damage.

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

d. The importance of the services provided by the proposed facility to the community.

e. The necessity to the facility of a waterfront location, where applicable.

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

g. The relationship of the proposed use to the comprehensive plan, the underlying zone for the subject property, and the Flood Plain Overlay District for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors of Section 16.548.040, B, 2, a – j, the Planning Commission, or City Council, may approve, approve with conditions or deny the appeal as it deems necessary to implement the Flood Plain Overlay District.

4. The City Manager, or designee, shall maintain the records of all appeal actions.

End of amendments to Section 16.548.