

# Floodplain Development Code Amendment

City Council  
Planning File: DC-02-24  
June 12, 2024



# The Amendments:

The Albany Development Code Article 6 contains the City's Floodplain Ordinance.

In a recent audit by Department of Land Conservation and Development found the City's floodplain ordinance does not meet the State's minimum floodplain standards.

The proposed amendments will update the City's floodplain ordinance to align with Oregon's Model Floodplain Ordinance, which as been approved by FEMA to meet, and in some cases exceeds, the National Flood Insurance Program's minimum requirements for development in the regulated floodplain.

# Additional Amendments:

In addition to aligning the City's floodplain ordinance to the Oregon Model Floodplain Ordinance, Staff included some additional clarifying language as noted in the staff report.

## PROVISIONS FOR FLOOD HAZARD REDUCTION

### Staff Comments:

#### 6.100(1) Floodway Restriction

- Clarification that all structures, as defined in Section 6.075, are prohibited in the floodway.

6.100 Floodway Restrictions. No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence prepared in accordance with standard engineering methodology approved by FEMA and certified by a registered professional engineer and upon documentation that one of the following criteria has been met: [Ord. 5875, 10/28/16]

- (1) The development does not involve the construction of permanent ~~or habitable~~ structures as defined in Section 6.075 (including fences). [Ord. 5746, 9/29/10]

### Staff Comments:

#### 6.111(2) Grading, Fill, Excavation, and Paving.

- Provided updated language to align with updated stormwater requirements in the Albany Municipal Code.

- (2) The proposal will be approved only where adequate provisions for stormwater runoff to prevent and control nonpoint source pollution, land surface erosion, sedimentation, and stream channel erosion have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.

6.125 Flood Fringe Fencing and Wall Standards. Certain types of fences and garden walls may be allowed in the flood fringe of the Special Flood Hazard Area (100-year floodplain). All fences and garden walls constructed within the flood fringe must not obstruct the entry and exit of floodwater, through their design and construction. All fences and walls ~~are prohibited~~ in the floodway must comply with the requirements of Section 6.100. [Ord. 5746, 9/29/10]

# ADC Criteria and Findings:

Criteria 1: The proposed amendments are consistent with applicable Comprehensive Plan/Statewide Planning Goals and Policies:

- Goal 1: Citizen Involvement. To develop a citizen involvement program and ensures the opportunity for citizens to be included in all phases of the planning process.
- Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure the adequate factual bases for such decisions.
- Goal 7: Flood Hazards & Hillside: Protect life and property from natural disasters and hazards.

# ADC Criteria and Findings:

Criteria 2: The proposed amendments are consistent with the applicable Development Code and base zone purposes statements:

The purpose of the Floodplain overlay district (/FP) standards in the ADC are to:

*"Manage development in the floodplain in a way that promotes public and environmental health and safety and minimize the economic loss and social disruption caused by impending flood events."*

# Process and Timeline

Process: Type IV Legislative Review. The Planning Commission makes a recommendation to City Council. The City Council is the final decision-maker.

Public Notice: “Notice of Public Hearing” was advertised within the Legal Section of the Democratic Harold on April 27, 2024. Notice was posted to the City’s website and to DLCD; and physically mailed to Benton County, Linn County, and the Mid-Willamette Council of Governments on April 29<sup>th</sup>, 2024.

Planning Commission: A public hearing was conducted on May 13, 2024 by the Albany Planning Commission. At the conclusion of the public hearing the Planning Commission recommended the City Council to approve the proposed amendments.

Timeline: Effective Date: **30 days following the approval of the Ordinance.**

Questions:

