



ORDINANCE NO. 5929

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT RELATING TO FLOODPLAIN MANAGEMENT AND ADOPTING FINDINGS

WHEREAS, the Albany Planning Commission held a public hearing on June 3, 2019, and considered public testimony on the proposed text amendments to the Albany Development Code (ADC), and recommended approval based on evidence presented in the Staff Report presented at the public hearing for City of Albany Planning File DC-01-19; and

WHEREAS, the proposed text amendments to the Albany Development Code are discussed in detail in the Staff Report, and the specific text amendments as shown in Exhibit A of this Ordinance; and

WHEREAS, the Albany City Council held a public hearing on the proposal on June 26, 2019, reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings of Fact and Conclusions included in the Staff Report are hereby adopted in support of the decision.

Section 2: The text of the Albany Development Code is hereby amended as shown in Exhibit A of this Ordinance.

Passed by the Council: June 26, 2019

Approved by the Mayor: June 26, 2019

Effective Date: July 26, 2019



Mayor

ATTEST:



City Clerk





COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Proposed Text Amendments to the Albany Development Code (ADC)

Grading, Fill, Excavation, and Paving (ADC 6.111):

A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable have been met: [Ord. 5746, 9/29/10]

- (1) Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.
- (2) The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.

~~(3) The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.~~

- ~~(3-4)~~ No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.
- ~~(4-5)~~ In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.
- ~~(5-6)~~ The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).
- ~~(6-7)~~ All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.
- ~~(7-8)~~ Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.