

ORDINANCE 2023-03

AN ORDINANCE AMENDING THE SHERIDAN DEVELOPMENT CODE, TITLE 16 OF THE SHERIDAN MUNICIPAL CODE, RELATED TO THE FLOODPLAIN OVERLAY DISTRICT (Case No. LA 2023-01).

WHEREAS, the Sheridan Development Code, Title 16 of the Sheridan Municipal Code, Section 16.280, Floodplain Overlay District, includes regulations concerning development in the 100-year floodplain (Special Flood Hazard Area) within the City of Sheridan; and

WHEREAS, on January 30, 2023 the Oregon Department of Land Conservation and Development (DLCD) and the City of Sheridan met for a community assistance visit to review the City's floodplain program and one of the recommendations was for the City to amend its floodplain provisions to be consistent with the 2019 DLCD Model Flood Hazard Management Ordinance; and

WHEREAS, the City of Sheridan staff conducted an Open House on June 1, 2023 at which time interested parties were given full opportunity to attend, ask questions and discuss the proposed amendments; and

WHEREAS, the Sheridan Planning Commission conducted a public hearing on June 12, 2023 at which time interested parties were given full opportunity to be present and heard on the proposed amendments, and passed a motion recommending the City Council approve the proposed amendments; and

WHEREAS, the Sheridan City Council conducted a public hearing on July 17, 2023 at which time interested parties were given full opportunity to be present and heard on the proposed amendments.

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

Section 1. The City Council of the City of Sheridan does hereby adopt the staff report dated July 17, 2023, including those certain findings of fact and conclusionary findings and supporting documentation, including the staff report's Attachment 1, a "mark-up" copy of the proposed amendments, Attachment 2, a copy of the current Floodplain Overlay District, Attachment 3, seven comments from the June 1, 2023 Open House, and Attachment 4, a "clean" copy of the proposed amendments as they would read as adopted, all attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Sheridan does hereby adopt the amended language to Title 16, Sheridan Development Code, Floodplain Overlay District, 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 21st day of August, 2023 by the following votes:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Approved by the Mayor on this 21st day of August, 2023.

SIGNED: _____
Marianne Thomson, Mayor Date

ATTEST: _____
Yvonne Hamilton, City Recorder Date

EXHIBIT “A”

ORDINANCE 2023-03

TO: SHERIDAN CITY COUNCIL

FROM: JIM JACKS, CITY PLANNER

SUBJ: AMEND THE SHERIDAN DEVELOPMENT CODE,
SECTION 16.280, FLOOD PLAIN OVERLAY DISTRICT (FPO)
Case No. LA 2023-01

DATE: JULY 17, 2023

PURPOSE

The purpose of this staff report is to present to the City Council information related to proposed amendments to Section 16.280 of the Sheridan Development Code (SDC), Flood Plain Overlay District (FPO). The amendments are being proposed to bring the FPO into consistency with the minimum requirements of the 2019 Model Flood Hazard Ordinance prepared by the Oregon Department of Land Conservation and Development (DLCD).

The Model language includes the National Flood Insurance Program (NFIP) requirements in Title 44, Code of Federal Regulations (CFR), interpretations from FEMA Region 10, language related to the State Building Code and language related to other items that clarify and make Section 16.280 more complete.

This staff report includes a background discussion, a summary discussion of the proposed changes to Section 16.280 of the Sheridan Development Code (SDC), and findings demonstrating the proposed amendments satisfy the applicable approval criteria in the SDC, are consistent with the applicable goals and policies of the City of Sheridan Comprehensive Land Use Plan, and are consistent with Statewide Planning Goals. A “marked-up” copy of the amended Section 16.280 is included in Exhibit A of this report.

BACKGROUND

In 2016 the city amended the Flood Plain Overlay District (FPO) 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 August 6, 2009 “Oregon Model Flood Damage Prevention Ordinance” prepared by the Oregon Department of Land Conservation and Development (DLCD).

In 2019 DLCD updated the 2009 model regulations and the update was effective August 9, 2019. It included a new name, “State of Oregon Model Flood Hazard Management Ordinance” (referred to herein as the Model Code). The 2023 Sheridan Development Code amendments will bring the FPO into conformance with the August 9, 2019 Model Code. Adoption of the amendments will ensure compliance with the minimum standards for continued participation in the National Flood Insurance Program (NFIP).

SUMMARY OF PROPOSED AMENDMENTS

The 2019 version of the Model Code made changes to the 2009 Oregon Model Flood Damage Prevention Ordinance by reorganizing of some sections and subsections, and changed the content to include new sections, revisions to existing sections and deleting unnecessary sections.

A “mark-up” version of the proposed amended Section 16.280 is included in Exhibit A to this staff report.

In general, the amendments more closely match the language in the Code of Federal Regulations (CFR), Title 44, which contain the minimum requirements for the National Flood Insurance Program (NFIP). The amendments incorporate relevant standards in the State of Oregon Specialty Codes (the building code), and updates to those standards that have changed in the last 5 – 10 years. A list of the primary changes in the 2019 Model Code that are incorporated into the FPO follow.

1. Some definitions in Section 16.280.020 have been added, removed, or reworded to match the CFR definitions. Additional recommended definitions are included in accordance with the DLCD Model Code.
2. The amendments include a requirement for coordination with the State of Oregon Specialty Codes (Section 16.280.030, C, 2.) and incorporates relevant requirements to ensure consistency between the FPO and the Specialty Code language. For example, the amendments:
 - a. Directly address “Garages” (Section 16.280.070, B) and “Tanks” (Section 16.280.060, E) by incorporating the relevant NFIP and State of Oregon Specialty Code requirements into the FPO language.
 - b. Incorporate the Specialty Code’s standards for flood openings in residential structures that require a building permit (Section 16.280.070, A).
3. The amendments expand the overall permit review language (Section 16.280.030, G, Duties and Responsibilities of the Floodplain Administrator) and the Floodplain Development Permit application language (Section 16.280.030, H) to more more completely state the information the Floodplain Administrator (the City Manager) is required to obtain and review to ensure a Floodplain Development Permit complies with the minimum NFIP and State standards.

4. The amendments expand the requirements for “Information to be Obtained and Maintained” (Section 16.280.030, G) to reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The amendments include a new section, 16.280.030, G, 10, “Community Boundary Alterations” (City Limits), that reflects the NFIP minimum requirement for communities to notify FEMA when their City Limits change due to annexation of land in the 100-year floodplain into the City Limits.
6. The amendments add a new Section 16.280.030, G, 11, clarifying the Floodplain Administrator has a duty to conduct Substantial Improvement (SI) and Substantial Damage (SD) determinations. Both SI and SD are defined in Section 16.280.020, Definitions. The Sheridan Floodplain Administrator has been performing SI and SD determination, thus the issue isn’t whether the city has been discharging its duties, rather it is DLCD recommending the local Development Codes include more language setting forth the already required duties of the Floodplain Administrator.

Substantial Improvements are where an existing structure is remodeled/renovated and the cost of the work is 50% or more than the real market value of the structure before the improvement. The issue is, when the work is a SI, the structure needs to be brought up to the current standards. Typically, the major issue is raising the main floor to be at least 1-foot above the level of the water during a 100-year flood.

The new section will ensure each Floodplain Development Permit file includes SI calculations whenever appropriate and the Floodplain Administrator’s determination of whether the proposed development activity qualifies as SI.

Substantial Damage review is required whenever structures have been damaged due to any cause, natural or other, e.g., fire or a vehicle hitting a structure.

7. The amendments change the “Variance” section. For example, in the special flood hazard area a structure on the State or Federal list of historic places is not subject to the floodplain variance process.
8. The amendments update the variance procedures and approval criteria currently in Section 16.280.090 and 16.280.100.
9. The amendments address partitions, subdivisions and other development proposals, including manufactured dwelling parks, in Section 16.280.060.F. The language reflects the minimum NFIP requirements in 44 Code of Federal Regulations 60.3(a)(4), and 60.3(b)(3).
10. The amendments update and move Section 16.280.030, G, 5, “Use of Other Base Flood Data,” from the Administration Section (Section 16.280.030) to Section 16.280.060.G, and the language has been updated to reflect the Model Code.

11. Section 16.280.060 has been “Reserved” for future use with no language in it. Due to the Model Code, the amendments activate Section 16.280.060 as Provisions For Flood Hazard Reduction and place several sections that are currently in 16.280.070 into Section 16.280.060. New sections from the Model Code are also placed in 16.280.060. An example of a new provision added to the new 16.280.060 is Subsection 16.280.060, H, which adds “Structures Located in Multiple or Partial Flood Zones” to address how structures that fall within multiple flood zones or are partially within one or more flood zones.
12. Section 16.280.070 is renamed from Flood Protection Standards to Standards for Riverine (Including Non-Coastal) Flood Zones. Many of its sections are proposed to be in 16.280.060, some new sections are added from the Model Code and some sections are proposed to be deleted to be consistent with the Model Code. An example of new language added to Section 16.280.070 is at 16.280.070, B, “Garages,” which addresses the requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.
13. The most controversial amendment would have been to Section 16.280.070, L, which covers Floodways. It would have prohibited development in the Floodway. However, it has been withdrawn.

The Floodway is the portion of the 100-year floodplain which includes the channel of the S. Yamhill River and the narrow strips along the riverbank including several feet beyond the top of bank where, during a flood, the fastest moving currents occur with the greatest destructive forces. The Floodway is a very hazardous area due to the velocity of floodwaters which cause erosion, carry debris and potential projectiles (logs and other debris) and creates strong hydraulic pressure on foundations and building walls.

The current language that has reflected the National Flood Insurance Act’s regulations since it was enacted by Congress in 1968 is, development is allowed in the Floodway, but due to the additional flood risk in the Floodway an engineered report analyzing the hydrologic and hydraulic implications of placing a structure in the Floodway must be submitted to the city showing the development will not cause any rise in the height of the floodwaters during a 100-year flood.

FINDINGS AND APPROVAL CRITERIA

1. The proposed amendments to the FPO are legislative amendments and will be reviewed through the Type IV process in the Sheridan Development Code, Section 16.520, for compliance with the approval criteria in Section 16.542.040 and for consistency with the applicable goals and policies in the Sheridan Comprehensive Land Use Plan and the applicable Statewide Planning Goals.
2. In accordance with the City of Sheridan Charter, Chapter II, Section 5, 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. The proposed amendments to the FPO will promote the public health, safety, and general welfare of its citizenry.

3. The flood hazard areas in 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.
4. Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. The proposed amendments to the FPO will promote the reduction of flood losses.

Comprehensive Land Use Plan Goals and Policies for Flood Plains

Goals

Goal 1. To minimize danger to public safety and welfare from flooding to improve the general welfare by reducing economic loss due to interruption of business and industry, or damage to homes and other properties.

Findings: The proposed amendments, as summarized in the Summary of Proposed Amendments section of this staff report, will implement Goal 1 by updating the Floodplain Overlay District (FPO) to bring it into compliance with the current standards incorporated into the August 9, 2019 version of the DLCD Model Code. The proposed amendments are consistent with Goal 1.

Goal 2. To minimize damage to public facilities and utilities such as water, electric, telephone and sewer lines and streets and bridges located in areas of specific flood hazard.

Findings: Goal 2 is substantially advanced through Section 16.280.060, Provisions for Flood Hazard Reduction, and Section 16.280.070, Standards For Riverine Flood Zones, which include a number of provisions requiring development, including but not limited to residential and non-residential development, public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize or eliminate flood damage at the time of initial construction. Under the reorganized Sections 16.280.060 and 16.280.070, the proposed requirements apply in all special flood hazard areas. The proposed amendments are consistent with Goal 2.

Goal 3. To help maintain a stable tax base by providing for the sound use and development of areas of specific flood hazard so as to minimize future flood blight areas.

Findings: Provisions for the sound use and development of special flood hazard areas are provided through the floodplain development permit and permit review requirements in Section 16.280.030, H. The amendments include expanded requirements to more accurately capture the information the community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with the standards of the minimum National Flood Insurance Program and State standards. The proposed amendments are consistent with Goal 3.

Goal 4. To minimize expenditure of public money required for costly flood control and allotment programs.

Findings: Expenditure of public money required for costly flood control and allotment programs will be minimized through the successful application of the updated standards in the amended FPO. The proposed amendments are consistent with Goal 4

Policies

Policy 1. The City shall restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

Findings: The proposed amendments advance Policy 1 by continuing to implement the National Flood Insurance Program and State standards. The proposed amendments are consistent with Policy 1.

Policy 2. The City shall designate areas of recognized flood hazard on the plan map.

Findings: The proposed amendments do not propose changes to the existing Flood Insurance Rate Map or the Comprehensive Plan Map. The proposed amendments are consistent with Policy 2.

Policy 3. The City shall recognize and incorporate additional flood data as it becomes available.”

Findings: The proposed amendments will advance Policy 3 with amendments to Section 16.280.030, G, which update and expand the information the Floodplain Administrator is required to obtain, maintain, and make available to the public. These requirements are being updated to more accurately capture the information a community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with the standards of the minimum NFIP and state standards. The proposed amendments are consistent with Policy 3.

Policy 4. The City shall make information regarding flood hazards available for public access to ensure that those who consider occupying areas of potential or existing flood hazard have access to appropriate information and assume responsibility for their actions.

Findings: The proposed amendments will advance Policy 4 with amendments to Section 16.280.030, G, which update and expand the information the Floodplain Administrator is required to obtain, maintain, and make available to the public. Further, the amendments include a new section, 16.280.030, G, “Community Boundary Alterations”, that requires the City to notify FEMA when the City Limits Boundary changes due to an annexation of property. The proposed amendments are consistent with Policy 4.

Policy 5. The City shall require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Findings: The proposed amendments will advance Policy 5 with amendments that add the long standing process for the Floodplain Administrator to conduct Substantial Improvement (SI) and Substantial Damage (SD) determinations in a new Section 16.280.030, G. Both SI and SD are defined in Section 16.280.020. SI review is required for the remodeling/renovation of existing structures and other development activities associated with or attached to a structure. This section is designed to ensure each floodplain development file includes SI calculations when appropriate, as well as the Floodplain Administrator’s determination of whether the proposed development activity qualifies as SI. SD review is required whenever a structure in the special flood hazard area has been damaged due to any cause. The proposed amendments are consistent with Policy 5.

Policy 6. The City shall ensure that public utilities be protected from flood hazard at the time of initial construction (including sewer and water lines).

Findings: The proposed amendments will advance Policy 6 with Section 16.280.060, Provisions for Flood Hazard Reduction, and 16.280.070, Riverine Special Flood Hazard Areas, which include provisions requiring public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize or eliminate flood damage at the time of initial construction. Sections 16.280.060 and 16.280.070 apply in all special flood hazard areas. The proposed amendments are consistent with Policy 6.

Policy 7. The City shall control the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

Findings: The amendments include provisions addressing grading, fill and other alterations of the natural flood plain, stream channels and natural protective barriers. The proposed amendments are consistent with Policy 7.

Policy 8. The City shall control filling, grading, dredging and any other development which may increase flood damage.

Findings: The amendments include provisions addressing fill, grading, dredging and other development which may increase flood damage. The amendments include updates to

Section 16.280 which addresses excavation and placement of fill. The proposed amendments are consistent with Policy 8.

Policy 9. The City shall prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.

Findings: The existing language in Section 16.280 will continue to regulate the construction of flood barriers which may increase hazards in other areas. The existing requirements will continue to ensure that any potential flood barriers will not increase food levels in other areas of the city. The proposed amendments are consistent with Policy 9.

Policy 10. The City shall develop appropriate zoning and subdivision ordinances as a way to guide development within the flood plain. The City shall encourage expansion into areas not affected by the flood plain hazards.

Findings: The Floodplain Overlay District (FPO) is the zoning overlay district the City has adopted to implement this policy. The proposed amendments, as described in the Summary of Proposed Amendments section, will ensure the FPO is consistent with the Model Code. The proposed amendments are consistent with Policy 10.

Applicable Statewide Planning Goals.

Goal 1, Citizen Involvement.

Findings: A noticed Open House was conducted on June 1, 2023 at City Hall from 5 p.m. to 7 p.m. The Planning Commission held a public hearing on June 12, 2023 at City Hall at 6:30 p.m. The City Council will hold a public hearing on July 17, 2023 at City Hall at 7:00 p.m. The process is a Legislative process because the proposed amendments affect properties in a large area of the City Limits and 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.

Goal 2. Land Use Planning.

Findings: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Sheridan Development Code for processing legislative amendments to the Sheridan Development Code. Goal 2 supports clear and thorough local procedures. 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 DLCD and those parties on the DLCD notification list. A Measure 56 Notice was mailed to the owners of properties who properties were partially or wholly within the Floodway because, originally, an amendment to the Floodway provisions was proposed, but it has been withdrawn. Goal 2 is met.

Goal 3. Agricultural Lands.

Findings: Goal 3 does not apply because the proposed amendments do not involve or affect farm lands.

Goal 4. Forest Lands.

Findings: Goal 4 does not apply because the proposed amendments do not involve or affect forest lands.

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

Findings: Goal 5 does not apply because the proposed amendments do not address natural resources, scenic areas, historic areas or open space areas.

Goal 6. Air, Water and Land Resources Quality.

Findings: Goal 6 does not apply because the proposed amendments do not address air, water and land resources quality.

Goal 7. Areas Subject to Natural Hazards.

Findings: Goal 7 requires local governments to adopt comprehensive plan policies and implementation measures to reduce risk to people and property from natural hazards. These hazards include floods. The Flood Plain Overlay District (FPO) is the regulatory instrument that implements the Flood Plain Chapter of the City of Sheridan Comprehensive Land Use Plan. Updating the FPO to bring it up to the current standards in the August 9, 2019 DLCD Model Code will ensure the FPO continues to be consistent with Goal 7. The proposed amendments are consistent with Goal 7.

Goal 8, Recreation Needs.

Findings: Goal 8 does not apply because the proposed amendments do not address recreation resources.

Goal 9. Economic Development.

Findings: Goal 9 does not apply because the proposed amendments do not address Goal 9 issues.

Goal 10. Housing.

Findings: Goal 10 does not apply because the proposed amendments do not address Goal 10 issues.

Goal 11. Public Facilities and Services.

Findings: The proposed amendments will advance Goal 11 with Section 16.280.060, Provisions for Flood Hazard Reduction, which includes provisions requiring public utilities and facilities such as sewer and water systems to be located and constructed to minimize or eliminate flood damage at the time of initial construction. Under the reorganized Sections 16.280.060 and 16.280.070, the requirements apply in all special flood hazard areas. The proposed amendments are consistent with Goal 11.

Goal 12. Transportation.

Findings: Goal 12 does not apply because the proposed amendments do address Goal 12 issues.

Goal 13. Energy Conservation.

Findings: Goal 13 does not apply because the proposed amendments do not address Goal 13 issues.

Goal 14. Urbanization.

Findings: Goal 14 does not apply because the proposed amendments do not address Goal 14 issues.

Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.

Findings: Goals 15 – 19 do not apply because the city is not on the Willamette River or in a coastal area.

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.

Sheridan Development Code Criteria

The Sheridan Development Code, Section 16.542.040, sets forth approval criteria for legislative amendments to the text of the Sheridan Development Code. The proposed amendments constitute a legislative amendment to the text of the Sheridan Development Code.

16.542.040, Approval Criteria

Legislative amendments to the comprehensive plan text and map, and to the development code text and map may be approved if the applicant provides evidence substantiating the following:

- A. *Compliance with the statewide planning goals that apply to the requested changes;*

Findings: Findings in response to the applicable Statewide Planning Goals are provided above in the Section, Applicable Statewide Planning Goals. This criterion is met.

- B. *Compliance with the applicable policies in the comprehensive plan that apply to the requested changes;*

Findings: Findings in response to the applicable Comprehensive Plan policies are provided above in the Section, Comprehensive Land Use Plan Goals and Policies for Flood Plains. This criterion is met.

- C. *Uses allowed in the proposed comprehensive plan map designation and zoning district will not significantly affect existing or planned uses on adjacent lands nor destabilize the land use pattern in the vicinity;*

Findings: The proposed text amendments do not propose changes to the Comprehensive Plan Map, Map designations, or mapped zoning districts. The boundary of the Flood Plain Overlay District (FPO) is not proposed to be changed. As discussed under the Floodplain section of the Comprehensive Plan, approximately 40 percent of the Sheridan City Limits has been identified as being within the FPO. The amendments will not destabilize the land use pattern in the FPO or in its vicinity. This criterion is met.

- D. *Public facilities and services necessary to support uses allowed in the proposed comprehensive plan map designation and zoning district are available or are likely to be available in the near future; and*

Findings: The proposed amendments will have no impact on the availability of public facilities and services. Public infrastructure will continue to be allowed in the special flood hazard area in accordance with the regulations.

- E. *Compliance with the Oregon Administrative Rules that apply to the requested changes.*

Findings: A Post Acknowledgement Plan Amendment (PAPA) notice for the proposed amendments was entered into DLCD's electronic PAPA registration site on May 8, 2023 (35-days before the first evidentiary hearing). The proposed amendments will follow the applicable PAPA procedures through adoption as required by OAR 660-018-0025. This criterion is met.

Conclusory Finding

The proposed amendments to the Sheridan Development Code are consistent with Statewide Land Use Planning Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 7, Areas Subject to Natural Hazards, and Goal 11, Public Facilities and Services. The remaining Goals are

not applicable. The proposed amendments are consistent with the Development Code's criteria for legislative Development Code text amendments.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on June 12, opened the hearing, received the staff report and public testimony, closed the hearing and deliberated to a recommendation. The Planning Commission recommends the City Council adopt the proposed amendments to the Floodplain Overlay District, Section 16.280.

STAFF RECOMMENDATION

Staff recommends the City Council pass a motion adopting the staff report and directing staff to prepare an ordinance approving the proposed amendments to the Sheridan Development Code, Flood Plain Overlay District.

CITY COUNCIL OPTIONS

A City Councilor may make a motion to either:

1. Adopt the staff report and direct staff to prepare an ordinance approving the amendments.

A sample motion is: I move the City Council adopt the staff report and direct staff to prepare an ordinance approving the amendments.

2. Adopt a revised staff report with changes by the City Council and direct staff to prepare an ordinance approving the amendments as changed.

A sample motion is: I move the City Council adopt a revised staff report with changes by the City Council and direct staff to prepare an ordinance approving the amendments as changed.

3. Deny the proposed amendments.

A sample motion is: I move the City Council deny the proposed amendments for the following reasons...and state the reasons for the denial.

4. Continue the hearing to a date/time certain.

A sample motion is: I move the City Council continue the hearing to a date (state the date) and time (state the time) to obtain additional information, and state the information to be obtained.

Attachment 1: The “mark-up” copy of the proposed amendments to Section 16.280.

Attachment 2: The current Section 16.280.

Attachment 3: 7 Comments from the June 1, 2023 Open House.

Attachment 4: The “clean” copy of the proposed amendments as they would read if they are adopted.

ATTACHMENT 1

Attachment 1 is the “mark-up” version of the proposed amendments. Language to be deleted is in ~~strikeout~~ and language to be added is in ***bold italics***. The regulations are listed in their numerical order in the current Floodplain Overlay District.

SECTION 16.280 – ~~FLOOD PLAIN~~ ***FLOODPLAIN OVERLAY DISTRICT (FPO)***

16.280.010 - Purpose.

- A. The purpose of the ~~flood plain~~ ***Floodplain*** ~~Overlay~~ ~~District~~ (***FPO***) is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding ~~conditions~~ in ~~specific~~ ***special flood hazard*** areas by provisions designed *to*:
1. ~~To p~~ ***Protect*** human life and health;
 2. ~~To m~~ ***Minimize*** the expenditure of public money ~~and to minimize~~ ***for*** costly flood control projects;
 3. ~~To m~~ ***Minimize*** the need for rescue and relief efforts associated with flooding ~~which are~~ ***and*** generally undertaken at the expense of the general public;
 4. ~~To m~~ ***Minimize*** prolonged business interruptions;
 5. ~~To m~~ ***Minimize*** damage to public facilities and utilities such as water and gas mains, electric, ~~telephone~~ ***telecommunications*** and sewer lines, ***and*** streets, and bridges, located in ~~areas of~~ special flood hazard ***areas***;
 6. ~~To h~~ ***Help*** maintain a stable tax base by providing for the sound use and development of ~~areas of~~ special flood hazard ***areas*** ~~so as to minimize future flood blight areas~~ ***caused by flooding***;
 7. ~~To ensure that~~ ***Notify*** potential buyers ~~are notified that property is in an area of~~ special flood hazard ***area***;
 8. ~~To ensure~~ ***Notify*** those who occupy ~~the areas of~~ special flood hazard ***areas that they*** assume responsibility for their actions;
 9. ~~To minimize flood insurance premiums paid by the citizens of the city by reducing potential hazards due to flood damage~~ ***Participate in and maintain eligibility for flood insurance and disaster relief.***
 10. ~~To i~~ ***Implement*** the ~~flood plain~~ ***floodplain*** policies in the city comprehensive plan.

- B. To accomplish its purposes, the ~~Flood Plain~~ **Floodplain** Overlay District includes the following methods and provisions for reducing flood losses:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 2. Requiring that ~~uses~~ **development** vulnerable to floods, including facilities which serve ~~such uses~~ **development**, be protected against flood damage at the time of initial construction.
 3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
 4. Controlling filling, grading, dredging, and other development which may increase flood damage.
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
 6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

16.280.020 - Definitions.

For purposes of ~~this overlay district~~ **the Floodplain Overlay District**, the following terms shall mean:

"Accessory structure" means a structure which is less than two hundred (200) square feet in gross floor area, is less than ten (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.

"Appeal" means a request for a review of:

1. The interpretation of any provision of [Section 16.280](#), **or**
2. The decision for a flood plain development permit that includes the exercise of discretion, **or**
3. The decision for a variance to the standards of the ~~Flood Plain~~ **Floodplain** Overlay District.

“Area of shallow flooding” means a designated Zone AO, AH, AR/AO or AR/AH on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual

change of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on the flood insurance rate map (*FIRM*) always includes the letter A. *It is shown on the FIRM as Zone A, AO, AH, AI-30, AE, A99 or AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase area of special flood hazard.*

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means ~~the flood elevation having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."~~ Designation on the flood insurance rate map always includes the letter A. *the elevation to which floodwater is anticipated to rise during the base flood.*

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

~~"Conveyance" refers to the carrying capacity of all or a part of the floodplain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is thirty thousand (30,000) CFS at a cross section, this means that thirty thousand (30,000) cubic feet of water pass through the cross section each second.~~

"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.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, ~~or~~ drilling operations, or storage of equipment or materials ~~located within the area of special flood hazard.~~

"Elevated building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Encroachment" means any obstruction in the area of special flood hazard which affects flood flows.

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed before the effective date of the ordinance codified in this chapter.

"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).

"FEMA" means the Federal Emergency Management Agency, the federal organization responsible for administering the national flood insurance program.

"Fill" means the placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.

"Flood" or "flooding" means:

- A. ~~a~~ A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters or
 2. The unusual and rapid accumulation of runoff of surface waters from any source- *or*
 3. *Mudslides, i.e., mudflows, which are proximately caused by flooding as defined in Subsection A, 2, of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*
- B. *The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A, 1, of this definition.*

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide, i.e., mudflow, and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map *of a community* on which the Federal Insurance Administration ***Administrator*** has delineated both the areas of special flood hazards ***areas*** (floodplain) and the risk premium zones applicable to the community and is on file with the city. ***A FIRM that has been made available digitally is a Digital Flood Insurance Rate Map (DFIRM).***

"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. ***See “Flood elevation study.”***

“Floodplain or flood prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

“Floodplain management regulations” means zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations including, but not limited to, floodplain, grading and erosion control regulations, and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural ~~or~~ ***and*** nonstructural provisions ***additions***, changes, or adjustments to structures, land or waterways for the reduction or elimination ***which reduce or eliminate risk*** of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area ***real estate or improved real property, water and sanitary facilities, structures, and their contents.***

"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~~ ***a designated height. Also referred to as “Regulatory Floodway.”***

"Floodway fringe" means the area of the floodplain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one-foot during the occurrence of the base flood discharge.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Hazardous material" means a ~~combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment~~ the Oregon Department of Environmental Quality definition of hazardous materials to include any of the following:

- A. Hazardous waste as defined in ORS 466.005;***
- B. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy facility Siting council under ORS 469.605 and radioactive substances defined in ORS 453.005;***
- C. Communicable disease agents as regulated by the Oregon Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;***
- D. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;***
- E. Substances listed by the United States EPA in Section 40 of the Code of Federal Regulations, Part 302, Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;***
- F. Material regulated as a Chemical Agent under ORS 465.550;***
- G. Material used as a weapon of mass destruction, or biological weapon;***
- H. Pesticide residue;***
- I. Dry cleaning solvent as defined by ORS 465.200(9).***

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;***

- B.** *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;*
- C.** *Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or*
- D.** *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - 1.** *By an approved State program as determined by the Secretary of the Interior or*
 - 2.** *Directly by the Secretary of the Interior in States without approved programs.*

“Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- A.** *“Conditional Letter of Map Amendment (CLOMA)” means FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.*
- B.** *“Conditional Letter of Map Revision (CLOMR)” means FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.*
- C.** *“Conditional Letter of Map Revision based on Fill (CLOMR-F)” means FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.*
- D.** *“Letter of Map Amendment (LOMA)” means an official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, i.e., has not been elevated by fill, above the base flood, that was inadvertently included in the special flood hazard area.*

- E. ***“Letter of Map Revision (LOMR)” means FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.***

- F. ***“Letter of Map Revision based on Fill (LOMR-F)” means FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.***

- G. ***“PMR” means FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.***

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured ~~home~~ ***dwelling***" 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 dwelling" 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;"~~ ***and is synonymous with “manufactured home.”***

"Manufactured ~~home~~ ***dwelling*** park" means a parcel or lot (or contiguous parcels or lots) developed with manufactured ~~homes~~ ***dwellings*** placed on designated areas (typically referred to as a "space") and the manufactured ~~home~~ ***dwelling*** occupant rents the space.

"Manufactured ~~home~~ ***dwelling*** subdivision" means a subdivision wherein only manufactured ~~homes~~ ***dwellings*** may be placed on the lots created by the subdivision.

"Mean sea level" means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or the North American vertical datum of 1988

(NAVD88) to which base flood elevations shown on a community's flood insurance rate map are referenced.

~~"Mobile home~~ **Mobile home** " means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is thirty-two (32) feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined in this section.

"New construction" means ~~any~~ structure(s) for which the "start of construction" commenced on or after the ~~original~~ effective date of ~~the a~~ floodplain ~~overlay district management regulation adopted by the City of Sheridan.~~

"New manufactured home park or new manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is started on or after the effective date of the city's original flood plain regulations or amendments to the flood plain regulations.

~~"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.~~

"Recreational vehicle" means, as defined in ORS ~~446.003(33)~~ **174.101(3)**, a vehicle with or without motive power, that is designed for ~~human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and as further defined by rule, and is designed primarily not for use as a permanent dwelling but~~ **use** as a temporary living quarters for recreational, camping, travel, or seasonal use **and as further defined by rule by the Director of Transportation in OAR 735-022-0140(6)** as "Recreational Vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis and is any one of the following:

- (a) A vehicle that is eight and one-half feet wide or less and is certified by the manufacturer or builder as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture;
- (b) A vehicle that is eight and one-half feet wide or less and is certified by the applicant as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards if the vehicle is not new and no manufacturer or builder certification is available, depending on which standards apply to the year of

manufacture, for the construction of recreational vehicles that were in effect at the time of manufacture; or

- (c) A PMRV as defined in this rule.

“Regulatory floodway.” See “Floodway.”

“Sheet flow area.” See “Area of shallow flooding.”

“Special flood hazard area” means “Area of special flood hazard.”

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, **rehabilitation, addition**, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure ~~(other than a mobile/manufactured home)~~ on a site **including**, such as **but not limited to**, the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured ~~home~~ **dwelling** on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings **including**, such as **but not limited to**, garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether ~~or not~~ that alteration affects the external dimensions of the building.

- ~~1. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.~~
- ~~2. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site.~~
- ~~3. For mobile/manufactured homes within a mobile/manufactured home park or manufactured home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.~~

"State building code (SBC)" means the combined specialty codes adopted by the State of Oregon.

"Structure" means ***a walled and*** roofed buildings ~~that have two or more walls, including and a~~ gas or liquid storage tanks ~~that are~~ ***is*** principally above ground ***and a manufactured dwelling.***

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any ~~repair, reconstruction, addition, rehabilitation~~ or other improvements of a structure, the cost of which exceeds fifty (50) percent of the market value of the structure ***before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not include*** either:

~~1A. Before the improvement or repair is started; Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code regulations which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or~~

~~2B. 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: Any alteration of a "historic structure" provided the alteration will not preclude the structure's continued designation as a "historic structure."~~

~~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.~~

"Variance" means a grant of relief from the requirements of the ~~Flood Plain~~ ***Floodplain*** Overlay District which permits construction in a manner that would otherwise be prohibited by the ~~Flood Plain~~ ***Floodplain*** Overlay District.

"Violation" means the failure of a structure or other development to be fully compliant with the City of Sheridan floodplain management regulations. A structure or other development without an Elevation Certificate, other certifications, or other evidence of compliance required in the Flood Plain Overlay District is presumed to be in violation until such time as the documentation is provided.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Water surface elevation" means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, the North American vertical datum of 1988 (NAVD88), or other datum, of floodwaters of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a natural or artificial channel in which a flow of water occurs either continually or intermittently in *an* identified floodplain.

16.280.030 - Administration.

- A. Applicable Lands. ~~The flood plain~~ ***Floodplain Overlay District*** applies to all areas of special flood hazard ***areas*** within the city ***limits***.
- B. Basis ~~for~~ ***Establishing*** Special Flood Hazard Areas.
 - 1. ~~The areas of~~ special flood hazard ***areas*** are identified by the ~~the~~ ***Federal Insurance Administration*** in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010, with accompanying flood insurance rate maps. The study and maps are incorporated in the Floodplain Overlay District by this reference and are on file at ***the City of Sheridan*** city hall.
 - 2. ***When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.***
- C. Compliance, ***Coordination*** and Penalties ~~for~~ Noncompliance.
 - 1. ***Compliance.*** ~~No person shall make, cause, suffer, or permit any intensification, change of use, or development within any areas of special flood hazard without full compliance with the terms of this chapter and all other applicable provisions of the city zoning and development ordinance. Penalties shall be in accordance with [Section 16.105.010, Violations—Penalties.](#) ***All development within special flood hazard areas is subject to the Floodplain Overlay District and all other applicable regulations.***~~
 - 2. ***Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without compliance with the Floodplain Overlay District and all other applicable regulations. For***

violations of the provisions of the Floodplain Overlay District or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, the city may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the city, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Floodplain Overlay District, or who resists the enforcement of such provisions, shall be subject to civil penalties specified under the Sheridan Municipal Code. Each day that a violation is permitted to exist shall constitute a separate offense. Penalties shall be in accordance with Section 16.105.010, Violations – Penalties. Nothing contained herein shall prevent the City of Sheridan from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation, Greater Restrictions and Severability.

1. **Abrogation and Greater Restrictions.** The ~~Flood Plain~~ **Floodplain** ~~Overlay~~ ~~District~~ is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where a **the Floodplain** ~~Overlay~~ ~~District~~ or other ~~zoning and~~ **Sheridan** ~~Development~~ ~~Code~~ regulation, ~~State~~ building code regulation, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.
2. **Severability. The Floodplain Overlay District is hereby declared to be severable.** Where any section, clause, sentence, or phrase of the **Floodplain** ~~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 **Floodplain** ~~Overlay~~ ~~District~~.

E. Interpretation. In the interpretation and application of the ~~Flood Plain~~ **Floodplain** Overlay District, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including the ~~State~~ building codes.

F. Designation of Local **Floodplain** Administrator. The city manager, or designee, is hereby appointed as the local **Floodplain** ~~Administrator~~ to administer and implement the ~~Flood Plain~~ **Floodplain** Overlay District by granting or denying ~~Flood Plain~~ **Floodplain** Development Permit applications in accordance with the ~~Flood Plain~~ **Floodplain** Overlay District provisions.

- G. Duties and Responsibilities of ~~the City Manager, or Designee~~ **Local Floodplain Administrator**. Duties of the city manager, or designee **local Floodplain Administrator**, shall include, but are not limited to:
1. Review all development permits to determine ~~that~~ **whether** the permit requirements and provisions of the ~~Flood Plain~~ **Floodplain** Overlay District are met; .
 - a. **Determine whether the proposed development qualifies as a Substantial Improvement as defined in Section 16.280.020, Definitions.**
 - b. **Determine whether the proposed development is a watercourse alteration. Where the proposal is determined by be a watercourse alteration, ensure compliance with Section 16.280.060, A, Alteration of Watercourses.**
 - c. **Determine whether the proposed development includes the placement of fill or is an excavation.**
 2. Review all development permits to ensure all ~~necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required~~ **other required local, State, and Federal permits have been obtained and approved;** .
 3. Review all development permits to determine if the proposed development is ~~located~~ in the floodway. If located in the floodway, ensure the ~~encroachment provisions of Section 16.280.070L., Floodways,~~ **floodway provisions in Section 16.280.070, L, Floodways,** are met.
 4. Interpret the provisions of the ~~Flood Plain~~ **Floodplain** Overlay District consistent with Section 16.280.030, E, **Interpretation** .
 5. [The following deleted language is moved to 16.280.060, G , below, Use of Other Base Flood Data.]

~~Use of Other Base Flood Data (in A Zone).~~

~~When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030.B., Basis for Special Flood Hazard Areas, the city manager, or designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, to administer the provisions of the Flood Plain Overlay District. **Review all development permits to determine whether the proposed development is in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, ensure compliance with the provisions of Section 16.280,060, G, Use of Other Base Flood Data.**~~

6. Interpretation of Flood Insurance Rate Map (*FIRM*) Boundaries.

When base flood elevation data has not been provided, the ~~city manager, or designee,~~ **Floodplain Administrator** shall have the authority to ~~make an interpretation decision where needed, as to~~ *interpret* the location of the boundary of the ~~area of~~ special flood hazard *area*, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. A party may appeal the interpretation decision provided a letter appealing the decision is submitted within fifteen (15) calendar days of the date the *interpretation* decision was mailed to the parties. The appeal shall be reviewed and decided consistent with the standards of Section 60.6 of the rules and regulations of the ~~n~~National ~~f~~Flood ~~i~~nsurance ~~p~~rogram (44 CFR 59-76).

7. Information to be ~~o~~Obtained and ~~m~~Maintained: *The following information shall be obtained and maintained, and shall be made available for public inspection as needed.*

- a. ~~Where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section 16.280.030G.5., Use of Other Base Flood Data,~~ *Obtain, and record and maintain the actual elevation, in relation to mean sea level, of the lowest floor, including basements, and attendant utilities and below-grade crawlspaces, of all new or substantially improved structures where Base Flood Elevation data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and record whether the structure contains a basement; or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.*
- b. For new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section ~~16.48.030G.5.~~ 16.280.060, G, Use of Other Base Flood Data:
 - i. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and
 - ii. Maintain any floodproofing certifications required by the ~~Flood Plain~~ **Floodplain** Overlay District;
- c. [The following language is deleted here and is moved to 7, 1, below] ~~Maintain for public inspection all records pertaining to the provisions of the Flood Plain Overlay District.~~

Obtain, record and maintain the elevation, in relation to mean sea level, of the natural grade of the building site for a structure prior to

the start of construction and the placement of any fill, and ensure the requirements of Sections 16.280.030, G, 2, Other Local, State and Federal Permits, and 16.280.070, L, Floodways, are met.

[The following is added to 7, c]

Upon placement of a structure's lowest floor, including a basement, and prior to further vertical construction, obtain documentation prepared by a professional land surveyor certifying the elevation, in relation to mean sea level, of the lowest floor, including a basement.

- d. Where Base Flood Elevation data are used, obtain a "Finished Construction" Elevation Certificate (as-built certification), in relation to mean sea level, of the lowest floor, including a basement, prepared by a professional land surveyor prior to the final inspection.*
- e. Maintain Elevation Certificates submitted to the City of Sheridan.*
- f. Obtain, record, and maintain the elevation, in relation to mean sea level, to which the structure and attendant utilities were floodproofed for new or substantially improved floodproofed structures where allowed under the Floodplain Overlay District and where Base Flood Elevation data is provided through the Flood Insurance Study, Flood Insurance Rate Maps, or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.*
- g. Maintain Floodproofing Certificates required under the Floodplain Overlay District.*
- h. Record and maintain floodplain variance application approvals and denials.*
- i. Obtain and maintain Floodplain Development Permit decisions approving or denying development in the Floodway, including hydrologic and hydraulic analyses as required in Section 16.280.060, L, Floodway.*
- j. Record and maintain Substantial Improvement and Substantial Damage decisions, including the justification for the decisions as required in Section 16.280.030, G, 11, Duties and Responsibilities of the Floodplain Administrator.*
- k. Maintain records pertaining to floodplain variances and the insurance notification associated with approved floodplain variances.*
- l. Maintain for public inspection all records pertaining to the Floodplain Overlay District.*

8. ~~Alteration of Water Courses~~ ***Watercourse Alterations.***

- a. Notify adjacent communities, the ~~d~~Department of ~~H~~Land ~~e~~Conservation and ~~d~~Development and other appropriate ~~s~~State and ~~f~~Federal agencies, prior to any alteration or relocation of a watercourse, ~~and~~. ***The Floodplain Development Permit applicant shall submit evidence of such notification to the ~~f~~Federal ~~i~~nsurance ~~a~~Administration as a Letter of Map Revision (LOMR) including-:***
- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or***
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.***
- b. ~~Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure the flood carrying capacity is not diminished.~~ ***The Floodplain Development Permit applicant shall submit a Conditional Letter of Map Revision (CLOMR) when required under Section 16.280.030, G, 9, Requirement To Submit New Technical Data, or 16.280.060, A, Watercourse Alterations.***

9. ***Requirement to Submit New Technical Data.***

- a. [The following is moved to 9, c, below]

~~Notify FEMA within six 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).~~

[The following is added to 9, a]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Subsection 65.3. The community may require the applicant to submit such data and review fees required for compliance

with this section through the applicable FEMA Letter of Map Change (LOMC) process.

- b. [The following is moved to 9, d, below]
~~The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.~~

[The following is added to 9, b]

The Floodplain Administrator shall require a Conditional Letter of Map Revision (CLOMR) prior to the issuance of a Floodplain Development Permit for:

- i. Proposed floodway encroachments that increase the Base Flood Elevation; and*
- ii. Proposed development outside the floodway which increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations.*

- c. [The language deleted here is moved to 9, e, below]

~~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.~~

[The following from 9, a, above, is added to 9, c, with amendments from the DLCDD Model.]

An applicant shall ~~Notify~~ FEMA within six months of project completion when an applicant *has* 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 *to FEMA* shall be provided as a letter of map revision (LOMR).

- [The following from 9, b, above is added as a new 9, d, with amendments.]

- d. The ~~property owner~~ *applicant* shall be responsible for preparing *the* technical data to support the *CLOMR/LOMR* applications and paying any processing or application fees ~~to FEMA~~ *associated with the CLOMR/LOMR.*

[The following from 9, c, above is added as a new 9, e, with amendments.]

- e. The Floodplain Administrator 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 Floodplain Overlay District and applicable State and Federal laws.*

~~The city manager~~ *Floodplain Administrator*, or designee, shall be under no obligation to sign the ~~e~~Community ~~a~~Acknowledgement form, which is part of the CLOMR/LOMR application, until the applicant demonstrates ~~that~~ the project will *meet*, or has met, the requirements of the ~~flood plain~~ *Floodplain* ~~e~~Overlay ~~d~~District and all applicable ~~s~~State and ~~f~~Federal laws.

10. Community Boundary Alterations.

The Floodplain Administrator, or designee, shall notify the Federal Insurance Administrator in writing whenever the City of Sheridan city limits have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

11. Substantial Improvement and Substantial Damage Determinations.

- a. Conduct a Substantial Improvement (SI) determination for development which meets the definition of Substantial Improvement as set forth in Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.*
- b. Conduct a Substantial Damage (SD) determination when ~~a~~ structures ~~are~~ is damaged *consistent with the definition of Substantial Damage as set forth in Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.* ~~due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Section 16.280.030.B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~*

12. Floodplain Variance Notification.

An applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification and a record of the variance actions, including justification for their issuance shall be maintained in accordance with Section 16.280.030, G, 7, k.

H. Establishment of ~~Flood Plain~~ **Floodplain** Development Permit (**FDP**).

1. Except as set forth in [Section 16.280.040](#) for exempt uses, a ~~flood plain~~ **Floodplain** ~~Development~~ **Permit** application approval 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 *obtained before construction or development, including a manufactured home placement, begins within any area horizontally within the special flood hazard area.* 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~~ **Floodplain** ~~Development~~ **Permit** application shall be reviewed and decided by the ~~city manager, or designee~~ **Floodplain Administrator**, as a type I-A action in accordance with [Section 16.504](#) or, *as appropriate*, a type I-B action in accordance with [Section 16.506](#).
3. A ~~flood plain~~ **Floodplain** ~~Development~~ **Permit** application shall be submitted in accordance with [Section 16.548.030](#), Application Submittal Requirements.
4. *In riverine flood zones, the application shall show or include:*
 - a. *The proposed elevation, in relation to mean sea level, of the lowest floor, including basement, and attendant utilities of new and substantially improved structures, in accordance with the requirements of Section 16.280.030, G, 7, Information to be Obtained and Maintained.*
 - b. *The proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.*
 - c. *A certification by a registered professional engineer or architect licensed in the State of Oregon showing the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 16.280.070, C, 4, Non-residential Construction.*

- d. *A description of the extent to which any watercourse will be altered or relocated.*
- e. *Base Flood Elevation data for subdivision proposals or other development when required in accordance with Section 16.280.060, F, Subdivisions and Other Proposed Developments.*
- f. *Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.*
- g. *The amount and location of proposed fill or excavation.*

I. *Pursuant to the requirement established in ORS 455 where the City administers and enforces the State of Oregon Specialty codes, or contracts with another agency to administer and enforce the State of Oregon Specialty codes, the City of Sheridan does hereby acknowledge the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, the Floodplain Overlay District is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.*

16.280.040 - General requirements and exemptions.

Within the ~~Flood Plain~~ **Floodplain** 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 Floodplain Overlay District**. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public;
- B. Driveways, ~~parking lots~~ and other open space use areas where no alteration of topography will occur;
- C. Routine maintenance and repairs to existing structures provided the maintenance and repairs do not increase the ~~size or intensify the use~~ **footprint** of the structure, and do not constitute "substantial improvement" as defined in [Section 16.280.020](#);
- D. Replacement of utility facilities necessary to serve established and permitted uses within ~~areas of~~ special flood hazard **areas**, 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 **areas**.

16.280.050 - Permitted uses

Except for accessory structures as set forth in Section 16.280.070, D-, if otherwise allowed as a permitted use or a conditional use in the underlying zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, structures and the placement of fill to elevate a structure, may be allowed subject to an approved flood plain development permit showing the following requirements are met or will be met as construction occurs:

- A. The structure or fill is not located within a floodway;
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the flood insurance study, flood insurance rate map, or consistent with Section 16.280.030G.5, Use of Other Base Flood Data;
- C. The structures will be located on natural grade or compacted fill;
- D. The lowest floor will be elevated to at least one foot above the base flood elevation and the requirements in [Section 16.280.070](#), Flood Protection Standards, will be met;
- E. Any construction and substantial improvements below the base flood elevation shall meet the requirements of [Section 16.280.070](#), Flood Protection Standards;
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements, any foundation venting requirements and provides the certification required for floodproofing under Section 16.280.070C.1.c., Flood Protection Standards, prior to occupancy;
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at least one foot above the base flood elevation, is submitted to the city manager, or designee, prior to use of the structure;
- H. No alteration of topography beyond the perimeter of the structure is proposed;

[The recreational vehicle provisions are deleted here and the existing provisions in 16.280.070, M, are retained with amendments.]

~~I. Recreational Vehicles.~~

~~1. A recreational vehicle may be temporarily located in a recreational vehicle park in an area of special flood hazard, provided it is not used for continuing human habitation and it complies with the requirements in Section 16.280.070M.1., Recreational Vehicles.~~

~~2. A recreational vehicle not in a recreational vehicle park may be parked or stored in an area of special flood hazard, provided it is not used for human habitation and it complies with the requirements in Section 16.280.070M.2., Recreational Vehicles.~~

~~J. Customary dredging associated with channel maintenance consistent with applicable state or federal law.~~

[The following numbered section that has been waiting in “Reserve” to be used, is now to become the location of the “Provisions For Flood Hazard Reduction.” Many of the sections in the new 16.280.060 are moved into 16.280.060 from 16.280.070, below.]

16.280.060 –~~Reserved.~~ Provisions For Flood Hazard Reduction.

In special flood hazard areas, the following requirements apply.

[The following heading for 16.280.070 is moved to 16.280.070, below, with amendments.]

16.280.070 –~~Flood protection standards.~~

[The following lead-in sentence for 16.280.070, is not included in the new 16.280.060, but it is retained in 16.280.070, below, with amendments.]

~~In all areas of special flood hazards where base flood elevation data has been provided (Zones A1–30, AH, and AE) as set forth in Section 16.280.030B., Basis For Special Flood Hazard Areas, or Section 16.280.030G.5., Use of Other Base Flood Data (in A Zone), the following requirements apply:~~

[The following 16.280.070, A, is not included in the new 16.280.060 and is retained in 16.280.070, C, 2, below with amendments.]

~~A. Residential Development, Except Manufacture Homes.~~

- ~~1. New construction and substantial improvement of any residential structure, except a manufactured home, shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.~~
- ~~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.~~~~

[The following is the new 16.280.060, A, from the DLCDC Model Code.]

A. *Alteration of Watercourses.*

The flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained. Maintenance shall be provided within the altered or relocated

portion of said watercourse to ensure the flood carrying capacity is not diminished. The alteration shall comply with Sections 16.280.030, G, 8, Watercourse Alterations, and 16.280.030, G, 9, Requirement to Submit New Technical Data.

[The following 16.280.070, B, is not included in the new 16.280.060 and is moved to 16.280.070, C, 3, below.]

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).~~
- ~~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 twelve (12) inches above the base flood elevation.~~

[The following is the new 16.280.060, B. It comes from the current 16.280.070, F, with amendments from the DLCDC Model Code.]

FB. Anchoring.

1. ~~All~~ ~~n~~ New construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure **resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
2. All manufactured homes shall be anchored to prevent floatation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors (Reference FEMA's

~~"Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques) in accordance with Section 16.280.070, C, 3, *Manufactured Dwellings*.~~

[The following 16.280.070, C, is not included in the new 16.280.060 and is moved to 16.280.070, C, 4, below.]

~~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 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. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 16.280.070A.2.~~
- ~~3. Applicants floodproofing nonresidential buildings shall be notified by the city that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood elevation will be rated as one foot below that elevation).~~
- ~~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;~~~~

~~e. 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.~~

[The following is the new 16.280.060, C. It comes from the current 16.280.070, G, with amendments.]

~~C.~~ Construction Materials and Methods.

1. ~~All n~~New construction and substantial improvements below the level that is one-foot above the Base Flood Elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least one foot above the Base Flood Elevation.

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

[The following 16.280.070, G, 3, is deleted from the new 16.280.060, C, and is covered in the new 16.280.060, D, 2, below.]

~~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 one foot above the base flood elevation.~~

[The following 16.280.070, D, is not included in the new 16.280.060 and is moved to 16.280.070, D, below, with amendments.]

~~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,~~

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;~~
- ~~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;~~
- ~~5. Electrical systems, equipment and components, ventilation, plumbing appliances and fixtures and other similar types of service equipment are elevated at least one 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 one foot above the base flood elevation; and~~
- ~~7. It is located and constructed to have low damage potential.~~

[The following is the new 16.280.060, D. It comes from Section 16.280.070, H, below with minor changes.]

HD. Utilities *And Equipment*.

- 1. *Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.***
 - ~~a.~~ ***All n***New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ~~2b.~~ ***All n***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.
 - ~~3c.~~ ***On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the eOregon dDepartment of eEnvironmental qQuality standards.***
- 2. *Electrical, Mechanical, Plumbing, And Other Equipment***
 - a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities for new construction shall be elevated at least one foot above the Base Flood Elevation.***

- b. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a Substantial Improvement shall be elevated at least one foot above the Base Flood Elevation.**

[The following 16.280.070, E, is deleted from 16.280.070, E, and is not retained because the DLCDC Model Code does not include requirements for fill.]

~~E. Fill.~~

- ~~1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.~~
- ~~2. Such fill or other materials shall be protected against erosion by rip rap, vegetation cover, or bulk heading.~~

[The following is the new 16.280.060, E. It comes from the DLCDC Model Code, 5.1.5.]

E. Tanks.

- 1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the Base Flood.**
- 2. Above-ground tanks shall be installed at least one-foot above the Base Flood Elevation and shall be anchored to prevent flotation, collapse, and lateral movement. Above-ground tanks installed more than one-foot above the Base Flood Elevation are exempt from the anchoring requirement.**

[The following 16.280.070, F, is deleted from 16.280.070, and is moved to 16.280.060, B, above, with amendments from the DLCDC Model Code.]

~~F. Anchoring.~~

- ~~1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~
- ~~2. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

[The following is the new 16.280.060, F. It comes from the DLCDC Model Code, 5.1.6.]

F. Subdivisions and Other Developments.

1. *New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, greater than 50 lots or 5 acres, whichever is less, shall include Base Flood Elevation data.*
2. *New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, shall:*
 - a. *Be consistent with the need to minimize flood damage.*
 - b. *Install public utilities and facilities including, but not limited to, sewer, gas, electrical, telecommunications, and water systems to minimize or eliminate flood damage.*
 - c. *Provide adequate drainage to reduce exposure to flood hazards.*

[The following 16.280.070, G, is deleted here and is moved to 16.280.060, C, above, with minor amendments.]

~~G. Construction Materials and Methods.~~

- ~~1. All new construction and substantial improvements below the level that is one-foot above the base flood elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least one 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, ventilating, and air conditioning equipment; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be at least one foot above the base flood elevation.~~

[The following is the new 16.280.060, G. It comes from the DLCDC Model Code, 5.1.7.]

G. Use of Other Base Flood Data.

1. *Base Flood Elevations (BFE) shall be determined for development proposals that are 5 or more acres, or are 50 lots or more, whichever is less, in any A Zone that does not have an established BFE.*
2. *Development proposals located within a riverine unnumbered A Zone shall be constructed to be reasonably safe from flooding. As determined by the local Floodplain Administrator, information including, but not limited to, the use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, may be used to achieve the*

“reasonably safe” criterion in an A Zone that does not have an established BFE.

3. ***When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator may obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.***
4. ***Within a riverine unnumbered A Zone, structures shall be elevated a minimum of 2-feet above the Highest Adjacent Grade.***

[The following 16.280.070, H, is deleted here and is moved to 16.280.060, C, above, with minor amendments from the DLCDC Model Code, 5.1.4.1.]

~~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 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 state department of environmental quality regulations.~~

[The following is the new 16.280.060, H. It comes from the DLCDC Model Code, 5.1.8.]

H. Structures Located in Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

1. ***When a structure is in multiple flood zones on the community’s Flood Insurance Rate Maps (FIRM), the provisions for the more restrictive flood zone shall apply.***
2. ***When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and Substantial Improvements.***

[The following 16.280.070 is the existing Section, but some of its sections have been moved to the new 16.280.060, above, and some of its sections are moved within 16.2880.070 and some sections that have not been moved include proposed amendments.]

16.280.070 –~~Flood protection standards. Standards For Riverine, Including Non-Coastal, Flood Zones~~

In ~~all areas of special flood hazards areas where base flood elevation data has been provided (Zones A1–30, AH, and AE) as set forth in Section 16.280.030B., Basis For Special Flood Hazard Areas, or Section 16.280.030G.5., Use of Other Base Flood Data (in A Zone), the following requirements apply:~~

[The following 16.280.070, A, is moved to 16.280.070, C, 2, below.]

~~A. Residential Development, Except Manufacture Homes.~~

- ~~1. New construction and substantial improvement of any residential structure, except a manufactured home, shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.~~
- ~~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.~~~~

[The following is the new 16.280.070, A, from the DLCDC Model Code, 5.2.1.]

A. Flood Openings (Flood Vents)

New construction and Substantial Improvements with fully enclosed areas below the lowest floor, excluding basements, and enclosed areas below the Base Flood Elevation, including crawl spaces, shall install flood openings subject to the following requirements.

- 1. Flood openings (flood vents) shall be designed and constructed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;**
- 2. Be used solely for parking, storage, or building access;**
- 3. Be certified by a registered professional engineer or architect to meet or exceed the following standards:
 - a. A minimum of two openings;****

- b. The total net area of non-engineered openings shall be not less than 1 square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;*
- c. The bottom of all openings shall be no higher than 1-foot above grade.*
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic flow of floodwater into and out of the enclosed areas, and they are accounted for in the determination of the net open area.*
- e. When applicable, comply with the additional higher standards for flood openings in the State of Oregon Residential Specialty Code, Section R322.2.2.*

[The following 16.280.070, B, is Moved to 16.280.070, C, 3, below.]

~~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).~~
- ~~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 twelve (12) inches above the base flood elevation.~~

[The following is the new 16.280.070, B, from the DLCDC Model Code, 5.2.2.]

B. Garages

1. *Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, provided the following requirements are met:*
 - a. *When located partially or wholly in a Floodway, the proposed garage must comply with Section 16.280.070, K or L?????????, Floodways;*
 - b. *The floor is at or above grade on not less than one side;*
 - c. *The garage is used solely for parking, building access, and/or storage;*
 - d. *The garage is constructed with flood openings in compliance with Section 16.280.070, A, to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.*
 - e. *The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;*
 - f. *The garage is constructed in compliance with the standards in Section 16.280.060; and*
 - g. *The garage is constructed with electrical and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.*
2. *Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 16.280.070, D, Appurtenant (Accessory) Structures, or non-residential development in Section 16.280.070, C, 4, Non-Residential Development, depending on the square footage of the garage.*

[The existing 16.280.070, C, Non-Residential Development, is moved to 16.280.070, C, 4, below. The new 16.280.070, C, is from the DLCDC Model Code, 5.2.3.]

C. *Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations*

In addition to the standards in Section 16.280.060 the following standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

1. *Before a Regulatory Floodway is Designated.*

In areas where a regulatory Floodway has not been designated, no new construction, substantial improvement, or other development, including fill, shall be permitted within Zones A1-30 and AE on the City of Sheridan's Flood Insurance Rate Maps (FIRM), unless it is demonstrated 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 1-foot at any point within the community.

[The following 16.280.070, A, is moved here to be the new 16.280.070, C, 2, with amendments from the DLCDC Model Code, 5.2.3.2.]

A2. Residential Development, Except Manufacture Homes.

- ~~1a.~~ New construction and substantial improvement of any residential structure, except a manufactured ~~home~~**dwelling**, shall have the lowest floor, including basement, elevated to a minimum of one-foot above the ~~Base~~**Flood** ~~e~~**Elevation**.
- ~~2b.~~ Fully ~~e~~**Enclosed** areas below the lowest floor that are subject to flooding are prohibited, or shall **comply with the flood opening requirements in Section 16.280.070, A**, 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.

[The following 16.280.070, B, is moved here to be the new 16.280.070, C, 3, with amendments from the DLCDC Model Code, 5.2.3.4.]

B3. Manufactured homes *Dwellings* shall be:

- ~~1a.~~ Elevated on a permanent foundation with ~~t~~**The bottom of the longitudinal chassis (I-beam) frame beam shall be at or** above the ~~Base~~**Flood** ~~e~~**Elevation**.
- ~~2b.~~ ***New or substantially improved manufactured dwellings supported on solid foundation walls, shall comply with Section 16.280.070, A, Flood Openings.***
- ~~c.~~ ***New or substantially improved manufactured dwellings shall be*** Securely anchored to an adequately anchored foundation system to prevent floatation, collapse and lateral movement ***during the Base Flood. Anchoring methods may include, including but are*** 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).
- ~~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.~~

~~4d.~~ ~~Cross over ducts and~~ Electrical *crossover* connections shall be a minimum of ~~12 inches~~ **one-foot** above the ~~Base~~ **Flood Elevation**.

~~C4.~~ Non-residential Development.

~~4a.~~ New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:

- ~~i.~~ ~~Have~~ **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 **up to a level that is one foot above the Base Flood Elevation**;
- ~~ii.~~ Have structural components capable of resisting hydrostatic and hydrodynamic loads and **the** effects of buoyancy.
- ~~iii.~~ Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting **the** provisions of Section ~~16.280.070.C~~ **16.280.070, C, 4**, 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~~ **the** structures ~~are~~ **is** floodproofed. ~~Such~~ **The** certifications shall be submitted with the ~~Floodplain~~ **Development** ~~Permit~~ application as ~~required in~~ Section ~~16.280.030.K~~.

- 2b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for ~~space~~ **enclosed areas** below the lowest floor in Section 16.280.070, A, **Flood Openings**.
- 3c. Applicants floodproofing non-residential buildings shall be notified by the city that flood insurance premiums will be based on rates that are one-foot below the floodproofed level ~~(e.g., for example, a building constructed floodproofed to the Base Flood Elevation will be rated as one-foot below that elevation.~~
- 4d. Applicants for a flood plain development permit that proposes floodproofing a nonresidential building shall ~~supply~~ **submit** a comprehensive maintenance plan for the entire structure, including but not limited to:
 - ai. The exterior envelope of the structure;
 - aii. All penetrations to the exterior of the structure;
 - eiii. All shields, gates, barriers, or components designed to provide floodproofing protection to the structure;
 - div. All seals and gaskets for shields, gates, barriers, or components; and
 - ev. 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.
- 5e. Applicants for a flood plain development permit that proposes floodproofing a non-residential building shall ~~supply~~ **submit** an ~~e~~**Emergency a**~~A~~**ction p**~~P~~**lan (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. **Appurtenant** (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:~~ Relief from elevation or floodproofing requirements for residential and non-residential **appurtenant** structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following:

- 1. It is used only for the parking of vehicles, **access** and/or 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 **appurtenant** (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.~~ **Section 16.280.060, B**, 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;
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;~~ ***The portions of the appurtenant structure located below the level that is 1-foot above the Base Flood Elevation must be constructed using flood resistant materials;***
4. ~~It is vented consistent with Section 16.280.070 A.2., Residential Development;~~ ***The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the flood opening requirement in Section 16.280.070, A, Flood Openings;***
5. ~~It is constructed with the Electrical, mechanical systems, equipment and components, ventilation, plumbing appliances and fixtures and other similar types of service equipment located and installed are elevated at least one 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 one foot above the base flood elevation; and used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality, unless confined in a tank installed in compliance with Section 16.280.060, E, Tanks;~~
7. It is located and constructed to have low damage potential-;
8. ***In compliance with the State of Oregon Specialty Codes, appurtenant structures on properties zoned residential (R-1, R-2, R-3 and UT) are limited to 1-story structures less than 200 square feet, or 400 square feet if the property is greater than 2-acres and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties zoned non-residential (Commercial, Industrial, Public Facilities) are limited to 120 square feet.***
9. ***Appurtenant structures located partially or wholly within the Floodway must comply with the requirements for development within the Floodway in Section 16.280.070, L.***

[As above under 16.280.060, 16.280.070, E, is to be deleted as the DLCDC Model does not include fill standards, however, the letter “E” is reserved for future use.]

E. ~~Fill.~~ **Reserved.**

~~1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.~~

~~2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.~~

[As above under 16.280.060, 16.280.070, F, is to be deleted here and moved to 16.280.060, B, to be consistent with the DLCDC Model, 5.1.2, however, the letter “F” is reserved for future use.]

F. ~~Anchoring.~~ **Reserved.**

~~1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.~~

~~2. All manufactured homes shall be anchored to prevent floatation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

[As above under 16.280.060, 16.280.070, G, is to be included, above, at 16.280.060, C to be consistent with the DLCDC Model, 5.1.3, however, the letter “G” is reserved for future use.]

G. ~~Construction Materials and Methods.~~ **Reserved.**

~~1. All new construction and substantial improvements below the level that is one-foot above the Base Flood Elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least one 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, ventilating, and air-conditioning equipment; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be at least one foot above the base flood elevation.~~

[As above under 16.280.060, 16.280.070, H, is to be included, above, at 16.280.060, D to be consistent with the DLCDC Model, 5.1.4, however, the letter “H” is reserved for future use.]

H. ~~Utilities.~~ **Reserved.**

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

[16.280.070, I, is to be deleted and replaced with 16.280.070, C, 2, above to be consistent with the DLCDC Model, 5.2.3.2, however, the letter “I” is reserved for future use.]

I. ~~Residential Developments Generally.~~ **Reserved.**

~~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.~~

[16.280.070, J, is to be deleted and similar language is added above at 16.280.070, D, 6, Appurtenant (Accessory) Structures, to be consistent with the DLCDC Model, 5.2.3.6.H, however, the letter “J” is reserved for future use.]

J. ~~Storage of Materials and Equipment.~~ **Reserved.**

~~Materials that are buoyant, flammable, toxic or otherwise injurious to persons or property, and can be transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and~~

equipment have low damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

- 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](#) 16.280.060, 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.
- L. Floodways. ~~The floodway is designated~~ **Located** within the areas of special flood hazard **areas** established in [Section 16.280.030](#) B., Basis for Special Flood Hazard Areas, **are areas designated as Floodways**. 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 **within the regulatory Floodway** are prohibited, ~~except as set forth in subsection L.2~~ **unless**:
 - ~~2. a. 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, the 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 proposed~~ encroachments shall not result in an increase in flood levels ~~of more than one foot~~ during the occurrence of the base flood discharge; ~~or This evaluation may be submitted to the Federal Emergency Management Agency for technical review.~~
 - b. **An encroachment may be permitted within the regulatory Floodway that would result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision (CLOMR) is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44, Code of Federal Regulations, Section 65.12 are fulfilled.**
 2. **Where the requirements of Section 16.280.070, L, 1, are met, new construction, substantial improvements, and other development shall comply**

with all other applicable provisions of Sections 16.280.060, Provisions For Flood Hazard Reduction, and 16.280.070, Standards For Riverine Flood Zones.

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 *the project*:
 - a. ~~The project qualifies for a Department of the Army, Portland District "Regional General Permit for Stream Habitat Restoration" (NWP 2007-1023)~~ *Is for the purpose of fish enhancement;*
 - b. ~~A qualified professional (a registered professional engineer; or staff of the natural resources conservation service; the 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~~ *Does not involve the placement of any structures, as defined in Section 18.280.020, within the Floodway;*
 - c. ~~No structures would be impacted by a potential rise in flood elevation~~ *Has a feasibility analysis completed documenting the fish enhancement will be achieved through the proposed project; 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.~~ *Has a maintenance plan in place to ensure the stream carrying capacity is not impacted by the fish enhancement project;*
 - e. *Has approval by the National Marine Fisheries Service, the State of Oregon department of Fish and Wildlife, or the equivalent Federal or State agency; and*
 - f. *Has evidence to support that no existing structures will be negatively impacted by the proposed activity.*
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.~~

- ~~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~~ ***the special flood hazard area (100-year floodplain)*** shall comply with ~~subsections M.1.a., or M.1.b., or M.1.c of this section;~~ ***the Sheridan Municipal Code requirements for recreational vehicles and the following, whichever are more stringent:***
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - ~~ib.~~ ***Be*** fully licensed and ready for highway use;
 - ~~ic.~~ ***Be*** on its wheels or jacking system;
 - ~~iid.~~ Have no permanently attached additions; ~~and~~
 - ~~ive.~~ Be attached to the site only by quick disconnect type ***utilities and security*** devices ~~for utilities and security systems; or~~
- e2. Meet the requirements of Section 16.280.070~~B-, C, 3~~, Manufactured Homes.
- ~~2. A recreational vehicle not in a recreational vehicle park shall:~~
 - ~~a. Be fully licensed and ready for highway use;~~
 - ~~b. Be on its wheels or jacking system;~~
 - ~~c. Have no permanently attached additions; and~~
 - ~~d. Be attached to the site only by quick disconnect type devices for electricity.~~

N. Below Grade Crawl Space.

1. A below-grade crawlspace is allowed subject to the following standards as found in FEMA technical bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas." For structures with a below grade crawlspace ~~the national flood insurance program requires increased insurance premium costs due to a charge that is added to the basic policy~~

~~premium for the below-grade crawlspace.~~ ~~C~~contact an insurance agent for more *insurance* information.

- 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 ~~subsection B~~ **Section 16.280.070, A, Flood Openings**. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five 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 ~~b~~**Base f**~~Flood e~~**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 one foot above the lowest adjacent exterior grade.
- c. Portions of the building below the level that is one-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 one-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 one-foot above the base flood elevation.
- e. The interior grade of a crawlspace below the base flood elevation shall not be more than two 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 four 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.

- h. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
 - 2. For more detailed information refer to FEMA technical bulletin 11-01, including the diagrams that illustrate the two-foot and four-foot rules, and note the state building code requirements require the lowest floor to be at least one-foot above the ~~Base~~ ~~Flood~~ ~~Elevation~~ for residential structures.
- O. Critical Facilities.
- 1. Construction of new critical facilities shall be, to the extent possible, located outside the ~~area of~~ special flood hazard *area* (100-year floodplain).
 - 2. Construction of new critical facilities shall be permissible within the ~~area of~~ special flood hazard *area* if no feasible alternative site is available.
 - 3. Critical facilities constructed within the ~~area of~~ special flood hazard *area* shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.
 - 4. 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 three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.
 - 5. 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, 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~~ *local Floodplain Administrator*, or designee.

16.280.090 - Flood plain ~~Floodplain~~ variances Issuance, notification and records.

- A. ~~The city manager shall decide requests for variances from the requirements of the flood plain overlay district consistent with the type I 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 one-half 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 acre the technical justification required for approving the variance increases. *The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by Federal statute according to actuarial risk and will not be modified by the granting of a variance.*~~
- B. ~~Prior to, or after, the application has been submitted 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 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 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.~~

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, in conformance with the provisions of Sections 16.280.090, B, 3 and 5, and 16.280.030, I, 12, Variance Notification. As the lot size increases greater than one-half acre, the technical justification required for issuing a variance increases.

1. *Floodplain Variance Approval Criteria. An application for a Floodplain Variance may be approved when the following approval criteria are shown by the application materials to be met:*
- a. *The variance is the minimum necessary, considering the flood hazard, to afford relief;*
 - b. *A showing of good and sufficient cause;*
 - c. *A determination that failure to grant the variance would result in exceptional hardship to the applicant;*
 - d. *A determination that 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 laws or ordinances; and*

e. *In accordance with Section 16.280.070, L, 1, a, Floodways, a variance for a structure or other development partially or wholly within the Floodway will not result in any increase in flood levels during the base flood discharge.*

2. *Functionally Dependent Uses. Variances may be approved for new construction, substantial improvements and other development necessary for a functionally dependent use provided the criteria of Section 16.280.090, B, 1, a – e, are met, and the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.*

C. ~~The city manager, or designee, shall:~~ *Variance Notification.*

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.~~

An applicant to whom a variance is granted shall be given written notice in accordance with Section 16.280.030, G, 12, Floodplain Variance Notification. The notification and a record of all variance actions, including justification for variance decisions, shall be maintained in accordance with Section 16.280.030, G, 7, k, Information to be Obtained and Maintained.

D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the statewide inventory of historic properties, *in accordance with Section 16.576, Major Variance, and Section 16.578, Minor Variance*, without regard to the procedures set forth in Sections [16.280.090](#), *Floodplain* Variances, and [16.280.100](#), *Variance Criteria*.

E. ~~Upon consideration of the factors in [Section 16.280.100](#), the application may be approved, approved with conditions or denied as deemed necessary to implement the flood plain overlay district.~~

~~16.280.100 –Variance criteria. Reserved.~~

~~In deciding variance applications, the decision authority shall consider all technical evaluations, all relevant factors, standards specified in other relevant sections of the zoning and development ordinance, 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;~~
- 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;~~
- 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. ~~Variiances 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, variiances from the flood elevations should be quite rare; and~~
- T. ~~Variiances 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.

- A. **Warning.** The degree of flood protection required by the ~~Flood Plain~~ **Floodplain** Overlay District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. The ~~Flood Plain~~ **Floodplain** Overlay District does not imply that land outside the ~~areas~~ of special flood hazards **areas** or uses permitted within such areas will be free from flooding or flood damages.
- B. **Disclaimer of Liability.** The ~~Flood Plain~~ **Floodplain** Overlay District ~~will~~ **shall** not create liability on the part of the ~~e~~City, any officer or employee thereof, or the ~~f~~Federal ~~i~~nsurance ~~a~~ddministration **Administrator** for any flood damages that result from reliance on ~~this chapter~~ **the Floodplain Overlay District** or any **administrative** decision lawfully made thereunder.

ATTACHMENT 2

CURRENT LANGUAGE: SECTION 16.280 - FLOOD PLAIN OVERLAY DISTRICT (FPO)

16.280.010 - Purpose.

- 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:
1. To protect human life and health;
 2. To minimize the expenditure of public money and to minimize costly flood control projects;
 3. 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 by reducing potential hazards due to flood damage;
 10. To implement the flood plain policies in the city comprehensive plan.
- B. To accomplish its purposes, the Flood Plain Overlay District includes the following methods and provisions for reducing flood losses:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

16.280.020 - Definitions.

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

"Accessory structure" means a structure which is less than two hundred (200) square feet in gross floor area, is less than ten (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.

"Appeal" means a request for a review of:

1. The interpretation of any provision of [Section 16.280](#),
2. The decision for a flood plain development permit that includes the exercise of discretion, or
3. The decision for a variance to the standards of the Flood Plain Overlay District.

"Area of special flood hazard" means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on the flood insurance rate map always includes the letter A.

"Base flood elevation (BFE)" means the flood elevation having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood." Designation on the flood insurance rate map always includes the letter A.

"Basement" means any area of a building having its floor subgrade below ground level on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

"Conveyance" refers to the carrying capacity of all or a part of the floodplain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is thirty thousand (30,000) CFS at a cross section, this means that thirty thousand (30,000) cubic feet of water pass through the cross section each second.

"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.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Encroachment" means any obstruction in the area of special flood hazard which affects flood flows.

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed before the effective date of the ordinance codified in this chapter.

"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).

"FEMA" means the Federal Emergency Management Agency, the federal organization responsible for administering the national flood insurance program.

"Fill" means the placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"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.

"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.

"Floodproofing" means a combination of structural or nonstructural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

"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.

"Floodway fringe" means the area of the floodplain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one-foot during the occurrence of the base flood discharge.

"Hazardous material" means a combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

"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."

"Manufactured home park" means a parcel or lot (or contiguous parcels or lots) developed with manufactured homes placed on designated areas (typically referred to as a "space") and the manufactured home occupant rents the space.

"Manufactured home subdivision" means a subdivision wherein only manufactured homes may be placed on the lots created by the subdivision.

"Mean sea level" means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or the North American vertical datum of 1988 (NAVD88) to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Mobilehome" means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is thirty-two (32) feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined in this section.

"New construction" means any structure(s) for which the start of construction commenced on or after the original effective date of the floodplain overlay district.

"New manufactured home park or new manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is started on or after the effective date of the city's original flood plain regulations or amendments to the flood plain regulations.

"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

"Recreational vehicle" means as defined in ORS 446.003(33), a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and as further defined by rule, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings, the installation

of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

1. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
2. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site.
3. For mobile/manufactured homes within a mobile/manufactured home park or manufactured home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including, at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"State building code (SBC)" means the combined specialty codes adopted by the State of Oregon.

"Structure" means roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds fifty (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.

"Variance" means a grant of relief from the requirements of the Flood Plain Overlay District which permits construction in a manner that would otherwise be prohibited by the Flood Plain Overlay District.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Watercourse" means a natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain.

16.280.030 - Administration.

- A. **Applicable Lands.** The flood plain overlay district applies to all areas of special flood hazard within the city.
- B. **Basis for Special Flood Hazard Areas.** The areas of special flood hazard are identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010, with accompanying flood insurance rate maps. The study and maps are incorporated in the Floodplain Overlay District by this reference and are on file at city hall.
- 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 city zoning and development ordinance. Penalties shall be in accordance with [Section 16.105.010](#), Violations—Penalties.
- 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.
- E. Interpretation. In the interpretation and application of the Flood Plain Overlay District, all provisions shall be:
1. Considered as minimum requirements.
 2. Liberally construed in favor of the governing body.
 3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including the state building code.
- F. Designation of Local Administrator. The city manager, or designee, is hereby appointed as the local administrator to administer and implement the Flood Plain Overlay District by granting or denying Flood Plain Development Permit applications in accordance with the Flood Plain Overlay District provisions.
- G. Duties and Responsibilities of the City Manager, or Designee. Duties of the city manager, or designee, shall include, but are not limited to:
1. Review all development permits to determine that the permit requirements and provisions of the Flood Plain Overlay District are met;
 2. Review all development permits to ensure all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure the encroachment provisions of Section 16.280.070L., Floodways, are met.
 4. Interpret the provisions of the Flood Plain Overlay District consistent with Section 16.280.030E.
 5. Use of Other Base Flood Data (in A Zone).
When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030B., Basis for Special Flood Hazard Areas, the city manager, or designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, to administer the provisions of the Flood Plain Overlay District.
 6. Interpretation of Flood Insurance Rate Map Boundaries.

When base flood elevation data has not been provided, the city manager, or designee, shall have the authority to make an interpretation decision where needed, as to the location of the boundary of the area of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. A party may appeal the interpretation decision provided a letter appealing the decision is submitted within fifteen (15) calendar days of the date the decision was mailed to the parties. The appeal shall be reviewed and decided consistent with the standards of Section 60.6 of the rules and regulations of the national flood insurance program (44 CFR 59-76).

7. Information to be obtained and maintained:
 - a. Where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section 16.280.030G.5., Use of Other Base Flood Data, obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basements and below-grade crawlspaces, of all new or substantially improved structures, and record whether the structure contains a basement;
 - b. For new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section 16.48.030G.5., Use of Other Base Flood Data:
 - i. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and
 - ii. Maintain any floodproofing certifications required by the Flood Plain Overlay District;
 - c. Maintain for public inspection all records pertaining to the provisions of the Flood Plain Overlay District.
8. Alteration of Water Courses.
 - a. Notify adjacent communities, the department of land conservation and development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure the flood carrying capacity is not diminished.
9. Submit New Technical Data.

- a. Notify FEMA within six 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, 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.

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. Signs, markers, aids, etc., placed by a public agency to serve the public;
- B. Driveways, parking lots and other open space use areas where no alteration of topography will occur;

- C. Routine maintenance and repairs to existing structures provided the maintenance and repairs do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in [Section 16.280.020](#);
- 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.

16.280.050 - Permitted uses.

Except for accessory structures as set forth in Section 16.280.070D., if otherwise allowed as a permitted use or a conditional use in the underlying zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, structures and the placement of fill to elevate a structure, may be allowed subject to an approved flood plain development permit showing the following requirements are met or will be met as construction occurs:

- A. The structure or fill is not located within a floodway;
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the flood insurance study, flood insurance rate map, or consistent with Section 16.280.030G.5., Use of Other Base Flood Data;
- C. The structures will be located on natural grade or compacted fill;
- D. The lowest floor will be elevated to at least one foot above the base flood elevation and the requirements in [Section 16.280.070](#), Flood Protection Standards, will be met;
- E. Any construction and substantial improvements below the base flood elevation shall meet the requirements of [Section 16.280.070](#), Flood Protection Standards;
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements, any foundation venting requirements and provides the certification required for floodproofing under Section 16.280.070C.1.c., Flood Protection Standards, prior to occupancy;
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at least one foot above the base flood elevation, is submitted to the city manager, or designee, prior to use of the structure;
- H. No alteration of topography beyond the perimeter of the structure is proposed;
- I. Recreational Vehicles.

1. A recreational vehicle may be temporarily located in a recreational vehicle park in an area of special flood hazard, provided it is not used for continuing human habitation and it complies with the requirements in Section 16.280.070M.1., Recreational Vehicles.
 2. A recreational vehicle not in a recreational vehicle park may be parked or stored in an area of special flood hazard, provided it is not used for human habitation and it complies with the requirements in Section 16.280.070M.2., Recreational Vehicles.
- J. Customary dredging associated with channel maintenance consistent with applicable state or federal law.

16.280.060 - Reserved.

16.280.070 - Flood protection standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1—30, AH, and AE) as set forth in Section 16.280.030B., Basis For Special Flood Hazard Areas, or Section 16.280.030G.5., Use of Other Base Flood Data (in A Zone), the following requirements apply:

- A. Residential Development, Except Manufacture Homes.
1. New construction and substantial improvement of any residential structure, except a manufactured home, shall have the lowest floor, including basement, elevated to a minimum of one-foot above the base flood elevation.
 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.
- 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).
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 twelve (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 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. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 16.280.070A.2.
 3. Applicants floodproofing nonresidential buildings shall be notified by the city that flood insurance premiums will be based on rates that are one-foot below the floodproofed level (e.g., a building constructed to the base flood elevation will be rated as one-foot below that elevation).
 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, 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;

3. It is resistant to flood damage and is constructed to minimize flood damage consistent with Section 16.280.070G., Construction Materials and Methods;
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 one 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 one foot above the base flood elevation; and
7. It is located and constructed to have low damage potential.

E. Fill.

1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.

F. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to prevent floatation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

G. Construction Materials and Methods.

1. All new construction and substantial improvements below the level that is one-foot above the base flood elevation shall be constructed with materials resistant

to flood damage. Utility equipment shall be at least one 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, ventilating, and air-conditioning equipment; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be at least one-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 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 state 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:

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.

J. Storage of Materials and Equipment. Materials that are buoyant, flammable, toxic or otherwise injurious to persons or property, and can be transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low damage potential and are

anchored or are readily removable from the area within the time available after forecasting and warning.

- 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.
- 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 subsection L.2.
 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, the 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 one-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; the 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.
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 subsections M.1.a., or M.1.b., or M.1.c of this section:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be:
 - i. Fully licensed and ready for highway use;

- ii. On its wheels or jacking system;
 - 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 16.280.070B., Manufactured Homes.
2. A recreational vehicle not in a recreational vehicle park shall:
- a. Be fully licensed and ready for highway use;
 - b. Be on its wheels or jacking system;
 - c. Have no permanently attached additions; and
 - d. Be attached to the site only by quick disconnect type devices for electricity.

N. Below Grade Crawl Space.

1. A below-grade crawlspace is allowed subject to the following standards as found in FEMA technical bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas." For structures with a below grade crawlspace the national flood insurance program requires increased insurance premium costs due to a charge that is added to the basic policy premium for the below-grade crawlspace. Contact an insurance agent for more information.
- 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 subsection B. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five 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 one foot above the lowest adjacent exterior grade.

- c. Portions of the building below the level that is one-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 one-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 one-foot above the base flood elevation.
 - e. The interior grade of a crawlspace below the base flood elevation shall not be more than two 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 four 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.
 - h. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
2. For more detailed information refer to FEMA technical bulletin 11-01, including the diagrams that illustrate the two-foot and four-foot rules, and note the state building code requirements require the lowest floor to be at least one-foot above the base flood elevation for residential structures.
- O. Critical Facilities.
1. Construction of new critical facilities shall be, to the extent possible, located outside the area of special flood hazard (100-year floodplain).
 2. Construction of new critical facilities shall be permissible within the area of special flood hazard if no feasible alternative site is available.

3. Critical facilities constructed within the area of special flood hazard shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.
 4. 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 three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher.
 5. 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, 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 - Flood plain variances—Issuance, notification and records.

- A. The city manager shall decide requests for variances from the requirements of the flood plain overlay district consistent with the type I 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 one-half 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 acre the technical justification required for approving the variance increases.
- B. Prior to, or after, the application has been submitted 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 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 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.

- 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.
- D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the statewide inventory of historic properties, without regard to the procedures set forth in Sections [16.280.090](#), Variances, and [16.280.100](#), Variance Criteria.
- E. Upon consideration of the factors in [Section 16.280.100](#), the application may be approved, approved with conditions or denied as deemed necessary to implement the flood plain overlay district.

16.280.100 - Variance criteria.

In deciding variance applications, the decision authority shall consider all technical evaluations, all relevant factors, standards specified in other relevant sections of the zoning and development ordinance, and the following factors:

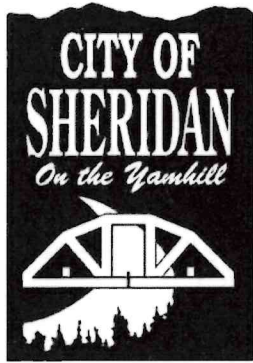
- A. There is a good and sufficient cause;
- B. Failure to grant the variance would result in exceptional hardship to the applicant;
- C. Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws;
- 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;
- 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.

The degree of flood protection required by the Flood Plain Overlay District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. The Flood Plain Overlay District does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood

damages. The Flood Plain Overlay District will not create liability on the part of the city, any officer or employee thereof or the federal insurance administration for any flood damages that result from reliance on this chapter or any decision lawfully made thereunder.



FLOODWAY OPEN HOUSE

City Hall * 120 SW Mill St * Sheridan, OR 97378

Phone 503-843-2347 * Fax 503-843-3661

www.cityofsheridanor.com

June 1, 2023 5:00 pm – 7:00 pm

COMMENT FORM

Comments can also be submitted by email (jjacks@cityofsheridanor.com), dropped off to City Hall, or Mailed/Faxed to City Hall. **Deadline: Friday, June 9, 2023, at 11:00 am.**

This Comment card will be provided to the Planning Commission and City Council. You are welcome to attend and comment in person at the next meetings. Planning Commission June 12, 2023, at 6:30 pm and City Council June 19, 2023, at 7:00 pm.

Name: <u>Timothy P Rawlings</u>
Address of Property in Sheridan: <u>782 W main ST</u>
Phone: <u>503-830-5835</u> Email: <u>trdr782@wavecable.com</u>

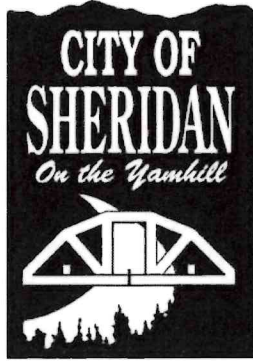
To get updates visit the City's website under the Department Planning Tab or email the City Planner at jjacks@cityofsheridanor.com to request information.

You Have no Right To Tell me what or where I Build on my property.

I am NOT saying I can just Build a new Home on my Land without permits.

But If I want To Build a Gazebo in my Back yard THAT is my Right

and no Right of you To Tell me otherwise.



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Name: <u>Justin Mickey</u>
Address of Property in Sheridan: <u>109 SW Water St. Sheridan OR</u>
Phone: <u>503-522-0097</u> Email: _____

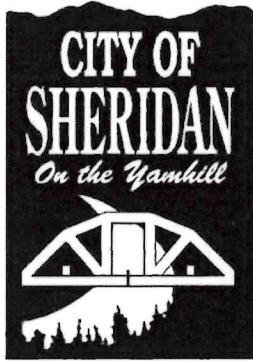
To get updates visit the City's website under the Department Planning Tab or email the City Planner at jjacks@cityofsheridanor.com to request information.

I bought my house ~~in~~ less than a year ago. I bought it for the reasons that I bought it. It is mine and I bought it with the rules as I understood them.

To do this without a vote or to care for the good people who contribute to the city.

Why control the people who have the most to give to this city. It needs to be asked not forced.

Also our property values should go up for the benefit of the city.



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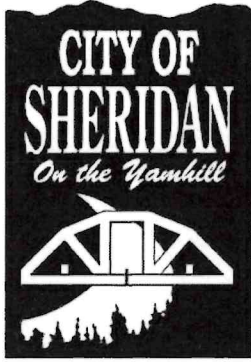
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Name: <u>Matthew Olemun</u>
Address of Property in Sheridan: <u>114 SW Water St Sheridan, OR 97378</u>
Phone: <u>971-303-2373</u> Email: <u>matthew.olemun@gmail.com</u>

To get updates visit the City's website under the Department Planning Tab or email the City Planner at jjacks@cityofsheridanor.com to request information.

I Bought my house here in Sheridan, in August of last year with hopes of investing into my family's future & this community. with the proposed Ammendments, over 50% of my property will be affected. with this proposal, I would be limited to utilize my own Property, if this amendment Passes, It would potentially decrease my property, ~~Significantly~~ Value, Significantly. I have hopes to build/develop on my property in the future, to increase the value of my property. I am afraid that I will become "Upside down" on my investment, if this passes. I am not alone in this thinking. & believe that this is an injustice against tax payers throughout. It is my duty, as a tax paying citizen of this community, to plead for a NO PASS! -Sincerely, Matthew Olemun



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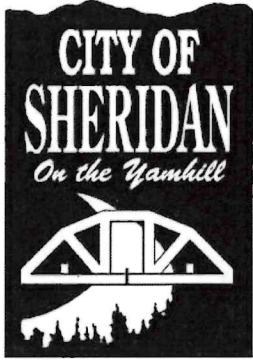
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Name:	Chris Ehny		
Address of Property in Sheridan:	516 W. Main / 248 Florence St		
Phone:	503 843-2965	Email:	

To get updates visit the City's website under the Department Planning Tab or email the City Planner at jjacks@cityofsheridanor.com to request information.

WE the people will not be dictated to by the city of Communism or dictatorship ~~and~~ in any way shape or form. I have been here in Sheridan for 35 years and seen the worst of the Floods. I have property on 516 W Main and 545 W Main since 89. My building is commercial / R-3. I have used it for my business since 99. It can have up to 3 dwellings according to Zoning. I plan on building in the next 5 years in the area where there is room. It has never seen the river over the area in 35 years. In 96, 99, 2006, 2009 were the worst flooding. And if a structure is built 1 Foot above the 100 year flood plain there shouldn't be a issue. The (Flood way) is no different than the 75% of Sheridan that is in the (Flood Plain) Absolutely ~~no~~ difference. Code and Zoning is no different either. To single out Properties on the river is ridiculous. None of the cities business.



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Name: <u>Val Slade</u>
Address of Property in Sheridan: <u>214 E Main st.</u>
Phone: <u>503-550-7075</u> Email: <u>Val.Slade@gmail.com</u>

To get updates visit the City's website under the Department Planning Tab or email the City Planner at jjacks@cityofsheridanor.com to request information.

This is going to de-value Properties. Property Taxes should reflect the loss in Value on these effected Properties, All properties should be re appraised at the cities expense. Flood insurance should reflect as well.

ATTACHMENT 4

Exhibit D is the “clean copy” version of the proposed amendments, i.e., the language as it would read if the proposed amendments are adopted.

SECTION 16.280 – FLOODPLAIN OVERLAY DISTRICT (FPO)

16.280.010 - Purpose.

- A. The purpose of the Floodplain Overlay District (FPO) is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:
1. Protect human life and health;
 2. Minimize the expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telecommunications and sewer lines, and streets and bridges, located in special flood hazard areas;
 6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard to minimize blight caused by flooding;
 7. Notify potential buyers that property is in a special flood hazard area;
 8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
 9. Participate in and maintain eligibility for flood insurance and disaster relief.
 10. Implement the floodplain policies in the city comprehensive plan.
- B. To accomplish its purposes, the Floodplain Overlay District includes the following methods and provisions for reducing flood losses:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

2. Requiring that development vulnerable to floods, including facilities which serve development, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

16.280.020 - Definitions.

For purposes of the Floodplain Overlay District, the following terms shall mean:

"Accessory structure" means a structure which is less than two hundred (200) square feet in gross floor area, is less than ten (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.

"Appeal" means a request for a review of:

1. The interpretation of any provision of [Section 16.280](#), or
2. The decision for a flood plain development permit that includes the exercise of discretion, or
3. The decision for a variance to the standards of the Floodplain Overlay District.

“Area of shallow flooding” means a designated Zone AO, AH, AR/AO or AR/AH on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual change of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on the flood insurance rate map (FIRM) always includes the letter A. It is shown on the FIRM as Zone A, AO, AH, A1-30, AE, A99 or AR. “Special flood hazard area” is synonymous in meaning and definition with the phrase area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

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

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

"Elevated building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Encroachment" means any obstruction in the area of special flood hazard which affects flood flows.

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed before the effective date of the ordinance codified in this chapter.

"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).

"FEMA" means the Federal Emergency Management Agency, the federal organization responsible for administering the national flood insurance program.

"Fill" means the placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.

"Flood" or "flooding" means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters or
 - 2. The unusual and rapid accumulation of runoff of surface waters from any source, or
 - 3. Mudslides, i.e., mudflows, which are proximately caused by flooding as defined in Subsection A, 2, of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A, 1, of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide, i.e., mudflow, and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazards areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study (FIS)" See "Flood elevation study."

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

“Floodplain management regulations” means zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations including, but not limited to, floodplain, grading and erosion control regulations, and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"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 a designated height. Also referred to as “Regulatory Floodway.”

"Flood fringe" means the area of the floodplain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one-foot during the occurrence of the base flood discharge.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Hazardous material" means the Oregon Department of Environmental Quality definition of hazardous materials to include any of the following:

- A. Hazardous waste as defined in ORS 466.005;
- B. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy facility Siting council under ORS 469.605 and radioactive substances defined in ORS 453.005;
- C. Communicable disease agents as regulated by the Oregon Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- D. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;

- E. Substances listed by the United States EPA in Section 40 of the Code of Federal Regulations, Part 302, Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- F. Material regulated as a Chemical Agent under ORS 465.550;
- G. Material used as a weapon of mass destruction, or biological weapon;
- H. Pesticide residue;
- I. Dry cleaning solvent as defined by ORS 465.200(9).

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior in States without approved programs.

“Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- A. “Conditional Letter of Map Amendment (CLOMA)” means FEMA’s comment on a proposed structure or group of structures that would, upon construction, be

located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

- B. “Conditional Letter of Map Revision (CLOMR)” means FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- C. “Conditional Letter of Map Revision based on Fill (CLOMR-F)” means FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- D. “Letter of Map Amendment (LOMA)” means an official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, i.e., has not been elevated by fill, above the base flood, that was inadvertently included in the special flood hazard area.
- E. “Letter of Map Revision (LOMR)” means FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- F. “Letter of Map Revision based on Fill (LOMR-F)” means FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- G. “PMR” means FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor,

provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured dwelling" 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. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

"Manufactured dwelling park" means a parcel or lot (or contiguous parcels or lots) developed with manufactured dwellings placed on designated areas (typically referred to as a "space") and the manufactured dwelling occupant rents the space.

"Manufactured dwelling subdivision" means a subdivision wherein only manufactured dwellings may be placed on the lots created by the subdivision.

"Mean sea level" means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or the North American vertical datum of 1988 (NAVD88) to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Mobile home" means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is thirty-two (32) feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined in this section.

"New construction" means a structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Sheridan.

"New manufactured home park or new manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is started on or after the effective date of the city's original flood plain regulations or amendments to the flood plain regulations.

"Recreational vehicle" means, as defined in ORS 174.101(3), a vehicle with or without motive power, that is designed for use as a temporary living quarters and as further defined by rule by the Director of Transportation in OAR 735-022-0140(6) as "Recreational Vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis and is any one of the following:

- (a) A vehicle that is eight and one-half feet wide or less and is certified by the manufacturer or builder as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards, depending on which standards apply to

the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture;

- (b) A vehicle that is eight and one-half feet wide or less and is certified by the applicant as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards if the vehicle is not new and no manufacturer or builder certification is available, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that were in effect at the time of manufacture; or
- (c) A PMRV as defined in this rule.

“Regulatory floodway.” See “Floodway.”

“Sheet flow area.” See “Area of shallow flooding.”

“Special flood hazard area” means “Area of special flood hazard.”

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site including, but not limited to, the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings including, but not limited to, garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

"State building code (SBC)" means the combined specialty codes adopted by the State of Oregon.

"Structure" means a walled and roofed buildings, including a gas or liquid storage tank that is principally above ground and a manufactured dwelling.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, addition, or other improvements of a structure, the cost of which exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code regulations which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- B. Any alteration of a "historic structure" provided the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of the Floodplain Overlay District which permits construction in a manner that would otherwise be prohibited by the Floodplain Overlay District.

"Violation" means the failure of a structure or other development to be fully compliant with the City of Sheridan floodplain management regulations. A structure or other development without an Elevation Certificate, other certifications, or other evidence of compliance required in the Flood Plain Overlay District is presumed to be in violation until such time as the documentation is provided.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Water surface elevation" means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, the North American vertical datum of 1988 (NAVD88), or other datum, of floodwaters of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a natural or artificial channel in which a flow of water occurs either continually or intermittently in *an* identified floodplain.

16.280.030 - Administration.

- A. Applicable Lands. The Floodplain Overlay District applies to special flood hazard areas within the city limits.
- B. Basis For Establishing Special Flood Hazard Areas.
 - 1. The special flood hazard areas are identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated

March 2, 2010, with accompanying flood insurance rate maps. The study and maps are incorporated in the Floodplain Overlay District by this reference and are on file at the City of Sheridan city hall.

2. When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.

C. Compliance, Coordination and Penalties For Noncompliance.

1. Compliance. All development within special flood hazard areas is subject to the Floodplain Overlay District and all other applicable regulations.
2. Coordination With Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City of Sheridan does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, the FPO is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
3. Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without compliance with the Floodplain Overlay District and all other applicable regulations. For violations of the provisions of the Floodplain Overlay District or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, the city may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the city, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Floodplain Overlay District, or who resists the enforcement of such provisions, shall be subject to civil penalties specified under the Sheridan Municipal Code. Each day that a violation is permitted to exist shall constitute a separate offense. Penalties shall be in accordance with Section 16.105.010, Violations – Penalties. Nothing contained herein shall prevent the City of Sheridan from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation, Greater Restrictions and Severability.

1. Abrogation and Greater Restrictions. The Floodplain Overlay District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the Floodplain Overlay District or other

Sheridan Development Code regulation, State building code regulation, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.

2. Severability. The Floodplain Overlay District is hereby declared to be severable. Where any section, clause, sentence, or phrase of the Floodplain 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 Floodplain Overlay District.
- E. Interpretation. In the interpretation and application of the Floodplain Overlay District, all provisions shall be:
1. Considered as minimum requirements.
 2. Liberally construed in favor of the governing body.
 3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including the State building codes.
- F. Designation of Local Floodplain Administrator. The city manager, or designee, is hereby appointed as the local Floodplain Administrator to administer and implement the Floodplain Overlay District by granting or denying Floodplain Development Permit applications in accordance with the Floodplain Overlay District provisions.
- G. Duties and Responsibilities of The Local Floodplain Administrator. Duties of the local Floodplain Administrator, shall include, but are not limited to:
1. Review all development permits to determine whether the permit requirements and provisions of the Floodplain Overlay District are met.
 - a. Determine whether the proposed development qualifies as a Substantial Improvement as defined in Section 16.280.020, Definitions.
 - b. Determine whether the proposed development is a watercourse alteration. Where the proposal is determined by be a watercourse alteration, ensure compliance with Section 16.280.060, A, Alteration of Watercourses.
 - c. Determine whether the proposed development includes the placement of fill or is an excavation.
 2. Review all development permits to ensure all other required local, State, and Federal permits have been obtained and approved.

3. Review all development permits to determine if the proposed development is in the floodway. If located in the floodway, ensure the floodway provisions in Section 16.280.070, L, Floodways, are met.
4. Interpret the provisions of the Floodplain Overlay District consistent with Section 16.280.030, E, Interpretation.
5. Review all development permits to determine whether the proposed development is in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, ensure compliance with the provisions of Section 16.280.060, G, Use of Other Base Flood Data.
6. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries.

When base flood elevation data has not been provided, the Floodplain Administrator shall have the authority to interpret the location of the boundary of the special flood hazard area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. A party may appeal the interpretation decision provided a letter appealing the decision is submitted within fifteen (15) calendar days of the date the interpretation decision was mailed to the parties. The appeal shall be reviewed and decided consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

7. Information to be Obtained and Maintained. The following information shall be obtained and maintained, and shall be made available for public inspection as needed.
 - a. Obtain, record and maintain the elevation, in relation to mean sea level, of the lowest floor, including basements, and attendant utilities of new or substantially improved structures where Base Flood Elevation data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.
 - b. For new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section 16.280.060, G, Use of Other Base Flood Data:
 - i. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and
 - ii. Maintain any floodproofing certifications required by the Floodplain Overlay District;

- c. Obtain, record and maintain the elevation, in relation to mean sea level, of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill, and ensure the requirements of Sections 16.280.030, G, 2, Other Local, State and Federal Permits, and 16.280.070, L, Floodways, are met.

Upon placement of a structure's lowest floor, including a basement, and prior to further vertical construction, obtain documentation prepared by a professional land surveyor certifying the elevation, in relation to mean sea level, of the lowest floor, including a basement.

- d. Where Base Flood Elevation data are used, obtain a "Finished Construction" Elevation Certificate (as-built certification), in relation to mean sea level, of the lowest floor, including a basement, prepared by a professional land surveyor prior to the final inspection.
- e. Maintain Elevation Certificates submitted to the City of Sheridan.
- f. Obtain, record, and maintain the elevation, in relation to mean sea level, to which the structure and attendant utilities were floodproofed for new or substantially improved floodproofed structures where allowed under the Floodplain Overlay District and where Base Flood Elevation data is provided through the Flood Insurance Study, Flood Insurance Rate Maps, or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.
- g. Maintain Floodproofing Certificates required under the Floodplain Overlay District.
- h. Record and maintain floodplain variance application approvals and denials.
- i. Obtain and maintain Floodplain Development Permit decisions approving or denying development in the Floodway, including hydrologic and hydraulic analyses as required in Section 16.280.060, L, Floodway.
- j. Record and maintain Substantial Improvement and Substantial Damage decisions, including the justification for the decisions as required in Section 16.280.030, G, 11, Duties and Responsibilities of the Floodplain Administrator.
- k. Maintain records pertaining to floodplain variances and the insurance notification associated with approved floodplain variances.

1. Maintain for public inspection all records pertaining to the Floodplain Overlay District.
8. Watercourse Alterations.
 - a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate State and Federal agencies, prior to any alteration or relocation of a watercourse. The Floodplain Development Permit applicant shall submit evidence of such notification to the Federal Insurance Administration as a Letter of Map Revision (LOMR) including:
 - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
 - b. The Floodplain Development Permit applicant shall submit a Conditional Letter of Map Revision (CLOMR) when required under Section 16.280.030, G, 9, Requirement To Submit New Technical Data, or 16.280.060, A, Watercourse Alterations.
9. Requirement to Submit New Technical Data.
 - a. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Subsection 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.
 - b. The Floodplain Administrator shall require a Conditional Letter of Map Revision (CLOMR) prior to the issuance of a Floodplain Development Permit for:
 - i. Proposed floodway encroachments that increase the Base Flood Elevation; and

- ii. Proposed development outside the floodway which increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations.
- c. An applicant shall notify FEMA within six months of project completion when an applicant has 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 to FEMA shall be provided as a letter of map revision (LOMR).
- d. The applicant shall be responsible for preparing the technical data to support the CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.
- e. The Floodplain Administrator 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 Floodplain Overlay District and applicable State and Federal laws.

The Floodplain Administrator, 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 Floodplain Overlay District and all applicable State and Federal laws.

10. Community Boundary Alterations.

The Floodplain Administrator, or designee, shall notify the Federal Insurance Administrator in writing whenever the City of Sheridan city limits have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

11. Substantial Improvement and Substantial Damage Determinations.

- a. Conduct a Substantial Improvement (SI) determination for development which meets the definition of Substantial Improvement as set forth in Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.

- b. Conduct a Substantial Damage (SD) determination when a structure is damaged consistent with the definition of Substantial Damage as set forth in Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.

12. Floodplain Variance Notification.

An applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification and a record of the variance actions, including justification for their issuance shall be maintained in accordance with Section 16.280.030, G, 7, k.

H. Establishment of Floodplain Development Permit (FDP).

1. Except as set forth in [Section 16.280.040](#) for exempt uses, a Floodplain Development Permit approval shall be obtained before construction or development, including a manufactured home placement, begins within any area horizontally within the special flood hazard area.
2. A Floodplain Development Permit application shall be reviewed and decided by the Floodplain Administrator, as a type I-A action in accordance with [Section 16.504](#) or, as appropriate, a type I-B action in accordance with [Section 16.506](#).
3. A Floodplain Development Permit application shall be submitted in accordance with [Section 16.548.030](#), Application Submittal Requirements.
4. In riverine flood zones, the application shall show or include:
 - a. The proposed elevation, in relation to mean sea level, of the lowest floor, including basement, and attendant utilities of new and substantially improved structures, in accordance with the requirements of Section 16.280.030, G, 7, Information to be Obtained and Maintained.
 - b. The proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 - c. A certification by a registered professional engineer or architect licensed in the State of Oregon showing the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 16.280.070, C, 4, Non-residential Construction.

- d. A description of the extent to which any watercourse will be altered or relocated.
 - e. Base Flood Elevation data for subdivision proposals or other development when required in accordance with Section 16.280.060, F, Subdivisions and Other Proposed Developments.
 - f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 - g. The amount and location of proposed fill or excavation.
- I. Pursuant to the requirement established in ORS 455 where the City administers and enforces the State of Oregon Specialty codes, or contracts with another agency to administer and enforce the State of Oregon Specialty codes, the City of Sheridan does hereby acknowledge the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, the Floodplain Overlay District is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

16.280.040 - General requirements and exemptions.

Within the Floodplain 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 the Floodplain Overlay District. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public;
- B. Driveways, and open space use areas where no alteration of topography will occur;
- C. Routine maintenance and repairs to existing structures provided the maintenance and repairs do not increase the footprint of the structure, and do not constitute "substantial improvement" as defined in [Section 16.280.020](#);
- D. Replacement of utility facilities necessary to serve established and permitted uses within 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 special flood hazard areas.

16.280.050 - Permitted uses

Except for accessory structures as set forth in Section 16.280.070, D, if otherwise allowed as a permitted use or a conditional use in the underlying zone, dwellings, a manufactured home on

a lot, a manufactured home in a manufactured home park, structures and the placement of fill to elevate a structure, may be allowed subject to an approved flood plain development permit showing the following requirements are met or will be met as construction occurs:

- A. The structure or fill is not located within a floodway;
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the flood insurance study, flood insurance rate map, or consistent with Section 16.280.030G.5, Use of Other Base Flood Data;
- C. The structures will be located on natural grade or compacted fill;
- D. The lowest floor will be elevated to at least one foot above the base flood elevation and the requirements in [Section 16.280.070](#), Flood Protection Standards, will be met;
- E. Any construction and substantial improvements below the base flood elevation shall meet the requirements of [Section 16.280.070](#), Flood Protection Standards;
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements, any foundation venting requirements and provides the certification required for floodproofing under Section 16.280.070C.1.c., Flood Protection Standards, prior to occupancy;
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at least one foot above the base flood elevation, is submitted to the city manager, or designee, prior to use of the structure;
- H. No alteration of topography beyond the perimeter of the structure is proposed;

16.280.060 - Provisions For Flood Hazard Reduction.

In special flood hazard areas, the following requirements apply.

- A. Alteration of Watercourses.

The flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained. Maintenance shall be provided within the altered or relocated portion of said watercourse to ensure the flood carrying capacity is not diminished. The alteration shall comply with Sections 16.280.030, G, 8, Watercourse Alterations, and 16.280.030, G, 9, Requirement to Submit New Technical Data.

- B. Anchoring.

1. New construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall be anchored in accordance with Section 16.280.070, C, 3, Manufactured Dwellings.

C. Construction Materials and Methods.

1. New construction and substantial improvements below the level that is one-foot above the Base Flood Elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least one foot above the Base Flood Elevation.
2. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

D. Utilities And Equipment.

1. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.
 - a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. 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 standards.
2. Electrical, Mechanical, Plumbing, And Other Equipment
 - a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities for new construction shall be elevated at least one foot above the Base Flood Elevation.
 - b. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a Substantial Improvement shall be elevated at least one foot above the Base Flood Elevation.

E. Tanks.

1. Underground tanks shall be anchored to prevent floatation, collapse and lateral movement under conditions of the Base Flood.

2. Above-ground tanks shall be installed at least one-foot above the Base Flood Elevation and shall be anchored to prevent flotation, collapse, and lateral movement. Above-ground tanks installed more than one-foot above the Base Flood Elevation are exempt from the anchoring requirement.

F. Subdivisions and Other Developments.

1. New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, greater than 50 lots or 5 acres, whichever is less, shall include Base Flood Elevation data.
2. New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Install public utilities and facilities including, but not limited to, sewer, gas, electrical, telecommunications, and water systems to minimize or eliminate flood damage.
 - c. Provide adequate drainage to reduce exposure to flood hazards.

G. Use of Other Base Flood Data.

1. Base Flood Elevations (BFE) shall be determined for development proposals that are 5 or more acres, or are 50 lots or more, whichever is less, in any A Zone that does not have an established BFE.
2. Development proposals located within a riverine unnumbered A Zone shall be constructed to be reasonably safe from flooding. As determined by the local Floodplain Administrator, information including, but not limited to, the use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, may be used to achieve the “reasonably safe” criterion in an A Zone that does not have an established BFE.
3. When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator may obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.
4. Within a riverine unnumbered A Zone, structures shall be elevated a minimum of 2-feet above the Highest Adjacent Grade.

H. Structures Located in Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

1. When a structure is in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM), the provisions for the more restrictive flood zone shall apply.
2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and Substantial Improvements.

16.280.070 - Standards For Riverine, Including Non-Coastal, Flood Zones

In special flood hazards areas the following requirements apply:

A. Flood Openings (Flood Vents)

New construction and Substantial Improvements with fully enclosed areas below the lowest floor, excluding basements, and enclosed areas below the Base Flood Elevation, including crawl spaces, shall install flood openings subject to the following requirements.

1. Flood openings (flood vents) shall be designed and constructed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect to meet or exceed the following standards:
 - a. A minimum of two openings;
 - b. The total net area of non-engineered openings shall be not less than 1 square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - c. The bottom of all openings shall be no higher than 1-foot above grade.
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic flow of floodwater into and out of the enclosed areas, and they are accounted for in the determination of the net open area.

- e. When applicable, comply with the additional higher standards for flood openings in the State of Oregon Residential Specialty Code, Section R322.2.2.

B. Garages

1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, provided the following requirements are met:
 - a. When located partially or wholly in a Floodway, the proposed garage must comply with Section 16.280.070, L, Floodways;
 - b. The floor is at or above grade on not less than one side;
 - c. The garage is used solely for parking, building access, and/or storage;
 - d. The garage is constructed with flood openings in compliance with Section 16.280.070, A, to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f. The garage is constructed in compliance with the standards in Section 16.280.060; and
 - g. The garage is constructed with electrical and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 16.280.070, D, Appurtenant (Accessory) Structures, or non-residential development in Section 16.280.070, C, 4, Non-Residential Development, depending on the square footage of the garage.

C. Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the standards in Section 16.280.060 the following standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

1. Before a Regulatory Floodway is Designated.

In areas where a regulatory Floodway has not been designated, no new construction, substantial improvement, or other development, including fill, shall be permitted within Zones A1-30 and AE on the City of Sheridan's Flood

Insurance Rate Maps (FIRM), unless it is demonstrated 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 1-foot at any point within the community.

2. Residential Development.

- a. New construction and substantial improvement of any residential structure, except a manufactured dwelling, shall have the lowest floor, including basement, elevated to a minimum of one-foot above the Base Flood Elevation.
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 16.280.070, A.

3. Manufactured Dwellings.

- a. The bottom of the longitudinal chassis frame beam shall be at or above the Base Flood Elevation.
- b. New or substantially improved manufactured dwellings supported on solid foundation walls, shall comply with Section 16.280.070, A, Flood Openings.
- c. New or substantially improved manufactured dwellings shall be anchored to prevent floatation, collapse and lateral movement during the Base Flood. Anchoring methods may include, but are 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).
- d. Electrical crossover connections shall be a minimum of one-foot above the Base Flood Elevation.

4. Non-residential Development.

- a. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. 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, be floodproofed so the structure is watertight with walls substantially impermeable to the passage of water up to a level that is one foot above the Base Flood Elevation;

- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - iii. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 16.280.070, C, 4, based on their development and/or review of the structural design, specifications and plans. The certificate shall include the elevation, in relation to mean sea level, to which the structure is floodproofed. The certification shall be submitted with the Floodplain Development Permit application.
- b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 16.280.070, A, Flood Openings.
 - c. Applicants floodproofing non-residential buildings shall be notified by the city that flood insurance premiums will be based on rates that are one-foot below the floodproofed level, for example, a building floodproofed to the Base Flood Elevation will be rated as one-foot below that elevation.
 - d. Applicants for a flood plain development permit that proposes floodproofing a nonresidential building shall submit a comprehensive maintenance plan for the entire structure, including but not limited to:
 - i. The exterior envelope of the structure;
 - ii. All penetrations to the exterior of the structure;
 - iii. All shields, gates, barriers, or components designed to provide floodproofing protection to the structure;
 - iv. All seals and gaskets for shields, gates, barriers, or components; and
 - v. 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.
 - e. Applicants for a flood plain development permit that proposes floodproofing a non-residential building shall submit 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. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential appurtenant structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following:
1. It is used only for the parking of vehicles, access and/or the storage of items unlikely to be damaged by flood waters (a low damage potential. An appurtenant (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 16.280.060, B, 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;
 3. The portions of the appurtenant structure located below the level that is 1-foot above the Base Flood Elevation must be constructed using flood resistant materials;
 4. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the flood opening requirement in Section 16.280.070, A, Flood Openings;
 5. It is constructed with the electrical, mechanical and other service equipment located and installed at least one foot above the Base Flood Elevation;
 6. It is not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality, unless confined in a tank installed in compliance with Section 16.280.060, E, Tanks;
 7. It is located and constructed to have low damage potential-;
 8. In compliance with the State of Oregon Specialty Codes, appurtenant structures on properties zoned residential (R-1, R-2, R-3 and UT) are limited to 1-story structures less than 200 square feet, or 400 square feet if the property is greater than 2-acres and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties zoned non-residential (Commercial, Industrial, Public Facilities) are limited to 120 square feet.
 9. Appurtenant structures located partially or wholly within the Floodway must comply with the requirements for development within the Floodway in Section 16.280.070, L.

E. Reserved.

- F. Reserved.
- G. Reserved.
- H. Reserved.
- I. Reserved.
- J. Reserved.
- 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 16.280.060, G, Use of Other Base Flood Data, 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.
- L. Floodways. Located within the special flood hazard areas established in [Section 16.280.030 B.](#), Basis for Special Flood Hazard Areas, are areas designated as Floodways. 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 apply to development in the Floodway:
 - 1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development within the regulatory Floodway are prohibited, unless:
 - a. 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 the proposed encroachments shall not result in an increase in flood levels during the occurrence of the base flood discharge; or
 - b. An encroachment may be permitted within the regulatory Floodway that would result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision (CLOMR) is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44, Code of Federal Regulations, Section 65.12 are fulfilled.
 - 2. Where the requirements of Section 16.280.070, L, 1, are met, new construction, substantial improvements, and other development shall comply with all other

applicable provisions of Sections 16.280.060, Provisions For Flood Hazard Reduction, and 16.280.070, Standards For Riverine Flood Zones.

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 the project:
 - a. Is for the purpose of fish enhancement;
 - b. Does not involve the placement of any structures, as defined in Section 18.280.020, within the Floodway;
 - c. Has a feasibility analysis completed documenting the fish enhancement will be achieved through the proposed project;
 - d. Has a maintenance plan in place to ensure the stream carrying capacity is not impacted by the fish enhancement project;
 - e. Has approval by the National Marine Fisheries Service, the State of Oregon department of Fish and Wildlife, or the equivalent Federal or State agency; and
 - f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity.

M. Recreational Vehicles.

1. A recreational vehicle in the special flood hazard area (100-year floodplain) shall comply with the Sheridan Municipal Code requirements for recreational vehicles and the following, whichever are more stringent:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use;
 - c. Be on its wheels or jacking system;
 - d. Have no permanently attached additions;
 - e. Be attached to the site only by quick disconnect type utilities and security devices; or
2. Meet the requirements of Section 16.280.070, C, 3, Manufactured Homes.

N. Below Grade Crawl Space.

1. A below-grade crawlspace is allowed subject to the following standards as found in FEMA technical bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas." For structures with a below grade crawlspace contact an insurance agent for insurance information.
 - 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 16.280.070, A, Flood Openings. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five 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 one foot above the lowest adjacent exterior grade.
 - c. Portions of the building below the level that is one-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 one-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 one-foot above the base flood elevation.
 - e. The interior grade of a crawlspace below the base flood elevation shall not be more than two 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 four 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

- b. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps or one foot above the base flood elevation (at least two feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the Flood Insurance Rate Map or one foot above the base flood elevation or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 16.280.070, C, 4, a, iii.
- c. Recreational vehicles placed on sites within AO Zones on the Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of Section 16.280.070, C, 1, and the anchoring and other requirements for manufactured dwellings of Section 16.280.070, C, 3.
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 16.280.070, D, Appurtenant Structures.
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 16.280.070, A, Flood Openings.

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 local Floodplain Administrator, or designee.

16.280.090 - Floodplain variances.

- A. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by Federal statute according to actuarial risk and will not be modified by the granting of a variance.

- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, in conformance with the provisions of Sections 16.280.090, B, 3 and 5, and 16.280.030, I, 12, Variance Notification. As the lot size increases greater than one-half acre, the technical justification required for issuing a variance increases.
 - 1. Floodplain Variance Approval Criteria. An application for a Floodplain Variance may be approved when the following approval criteria are shown by the application materials to be met:
 - a. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - b. A showing of good and sufficient cause;
 - c. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - d. A determination that 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 laws or ordinances; and
 - e. In accordance with Section 16.280.070, L, 1, a, Floodways, a variance for a structure or other development partially or wholly within the Floodway will not result in any increase in flood levels during the base flood discharge.
 - 2. Functionally Dependent Uses. Variances may be approved for new construction, substantial improvements and other development necessary for a functionally dependent use provided the criteria of Section 16.280.090, B, 1, a – e, are met, and the structure or other development is protected by methods that minimize

flood damage during the base flood and create no additional threats to public safety.

C. Variance Notification.

An applicant to whom a variance is granted shall be given written notice in accordance with Section 16.280.030, G, 12, Floodplain Variance Notification. The notification and a record of all variance actions, including justification for variance decisions, shall be maintained in accordance with Section 16.280.030, G, 7, k, Information to be Obtained and Maintained.

D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the statewide inventory of historic properties, in accordance with Section 16.576, Major Variance, and Section 16.578, Minor Variance, without regard to the procedures set forth in Sections [16.280.090](#), Floodplain Variances.

16.280.100 Reserved.

16.280.110 - Warning and disclaimer of liability.

- A. Warning. The degree of flood protection required by the Floodplain Overlay District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. The Floodplain Overlay District does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability. The Floodplain Overlay District shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on the Floodplain Overlay District or any administrative decision lawfully made thereunder.

EXHIBIT “B”

Ordinance 2023-03

Exhibit D is the “clean copy” version of the proposed amendments, i.e., the language as it would read if the proposed amendments are adopted.

SECTION 16.280 – FLOODPLAIN OVERLAY DISTRICT (FPO)

16.280.010 - Purpose.

- A. The purpose of the Floodplain Overlay District (FPO) is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:
1. Protect human life and health;
 2. Minimize the expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telecommunications and sewer lines, and streets and bridges, located in special flood hazard areas;
 6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard to minimize blight caused by flooding;
 7. Notify potential buyers that property is in a special flood hazard area;
 8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
 9. Participate in and maintain eligibility for flood insurance and disaster relief.
 10. Implement the floodplain policies in the city comprehensive plan.
- B. To accomplish its purposes, the Floodplain Overlay District includes the following methods and provisions for reducing flood losses:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that development vulnerable to floods, including facilities which serve development, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development regulations.

16.280.020 - Definitions.

For purposes of the Floodplain Overlay District, the following terms shall mean:

"Accessory structure" means a structure which is less than two hundred (200) square feet in gross floor area, is less than ten (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.

"Appeal" means a request for a review of:

1. The interpretation of any provision of [Section 16.280](#), or
2. The decision for a flood plain development permit that includes the exercise of discretion, or
3. The decision for a variance to the standards of the Floodplain Overlay District.

"Area of shallow flooding" means a designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual change of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on the flood insurance

rate map (FIRM) always includes the letter A. It is shown on the FIRM as Zone A, AO, AH, A1-30, AE, A99 or AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase area of special flood hazard."

"Base flood" means the flood having a one percent change of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

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

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

"Elevated building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Encroachment" means any obstruction in the area of special flood hazard which affects flood flows.

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed before the effective date of the ordinance codified in this chapter.

"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).

"FEMA" means the Federal Emergency Management Agency, the federal organization responsible for administering the national flood insurance program.

"Fill" means the placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.

"Flood" or "flooding" means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters or
 - 2. The unusual and rapid accumulation of runoff of surface waters from any source, or
 - 3. Mudslides, i.e., mudflows, which are proximately caused by flooding as defined in Subsection A, 2, of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A, 1, of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide, i.e., mudflow, and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazards areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study (FIS)" See "Flood elevation study."

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

“Floodplain management regulations” means zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations including, but not limited to, floodplain, grading and erosion control regulations, and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"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 a designated height. Also referred to as “Regulatory Floodway.”

"Flood fringe" means the area of the floodplain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one-foot during the occurrence of the base flood discharge.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Hazardous material" means the Oregon Department of Environmental Quality definition of hazardous materials to include any of the following:

- A. Hazardous waste as defined in ORS 466.005;
- B. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy facility Siting council under ORS 469.605 and radioactive substances defined in ORS 453.005;
- C. Communicable disease agents as regulated by the Oregon Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- D. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;

- E. Substances listed by the United States EPA in Section 40 of the Code of Federal Regulations, Part 302, Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- F. Material regulated as a Chemical Agent under ORS 465.550;
- G. Material used as a weapon of mass destruction, or biological weapon;
- H. Pesticide residue;
- I. Dry cleaning solvent as defined by ORS 465.200(9).

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior in States without approved programs.

“Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- A. “Conditional Letter of Map Amendment (CLOMA)” means FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- B. “Conditional Letter of Map Revision (CLOMR)” means FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- C. “Conditional Letter of Map Revision based on Fill (CLOMR-F)” means FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- D. “Letter of Map Amendment (LOMA)” means an official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, i.e., has not been elevated by fill, above the base flood, that was inadvertently included in the special flood hazard area.
- E. “Letter of Map Revision (LOMR)” means FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- F. “Letter of Map Revision based on Fill (LOMR-F)” means FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- G. “PMR” means FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured dwelling" 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. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

"Manufactured dwelling park" means a parcel or lot (or contiguous parcels or lots) developed with manufactured dwellings placed on designated areas (typically referred to as a "space") and the manufactured dwelling occupant rents the space.

"Manufactured dwelling subdivision" means a subdivision wherein only manufactured dwellings may be placed on the lots created by the subdivision.

"Mean sea level" means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or the North American vertical datum of 1988 (NAVD88) to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Mobile home" means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is thirty-two (32) feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined in this section.

"New construction" means a structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Sheridan.

"New manufactured home park or new manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the spaces or lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is started on or after the effective date of the city's original flood plain regulations or amendments to the flood plain regulations.

"Recreational vehicle" means, as defined in ORS 174.101(3), a vehicle with or without motive power, that is designed for use as a temporary living quarters and as further defined by rule by the Director of Transportation in OAR 735-022-0140(6) as "Recreational Vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis and is any one of the following:

- (a) A vehicle that is eight and one-half feet wide or less and is certified by the manufacturer or builder as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture;
- (b) A vehicle that is eight and one-half feet wide or less and is certified by the applicant as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards if the vehicle is not new and no manufacturer or builder certification is available, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that were in effect at the time of manufacture; or
- (c) A PMRV as defined in this rule.

“Regulatory floodway.” See “Floodway.”

“Sheet flow area.” See “Area of shallow flooding.”

“Special flood hazard area” means “Area of special flood hazard.”

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site including, but not limited to, the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings including, but not limited to, garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

"State building code (SBC)" means the combined specialty codes adopted by the State of Oregon.

"Structure" means a walled and roofed buildings, including a gas or liquid storage tank that is principally above ground and a manufactured dwelling.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, addition, or other improvements of a structure, the cost of which exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code regulations which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- B. Any alteration of a "historic structure" provided the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of the Floodplain Overlay District which permits construction in a manner that would otherwise be prohibited by the Floodplain Overlay District.

"Violation" means the failure of a structure or other development to be fully compliant with the City of Sheridan floodplain management regulations. A structure or other development without an Elevation Certificate, other certifications, or other evidence of compliance required in the Flood Plain Overlay District is presumed to be in violation until such time as the documentation is provided.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

"Water surface elevation" means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, the North American vertical datum of 1988 (NAVD88), or other datum, of floodwaters of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a natural or artificial channel in which a flow of water occurs either continually or intermittently in *an* identified floodplain.

16.280.030 - Administration.

- A. Applicable Lands. The Floodplain Overlay District applies to special flood hazard areas within the city limits.
- B. Basis For Establishing Special Flood Hazard Areas.

1. The special flood hazard areas are identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010, with accompanying flood insurance rate maps. The study and maps are incorporated in the Floodplain Overlay District by this reference and are on file at the City of Sheridan city hall.
2. When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.

C. Compliance, Coordination and Penalties For Noncompliance.

1. Compliance. All development within special flood hazard areas is subject to the Floodplain Overlay District and all other applicable regulations.
2. Coordination With Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City of Sheridan does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, the FPO is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
3. Penalties For Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without compliance with the Floodplain Overlay District and all other applicable regulations. For violations of the provisions of the Floodplain Overlay District or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, the city may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the city, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Floodplain Overlay District, or who resists the enforcement of such provisions, shall be subject to civil penalties specified under the Sheridan Municipal Code. Each day that a violation is permitted to exist shall constitute a separate offense. Penalties shall be in accordance with Section 16.105.010, Violations – Penalties. Nothing contained herein shall prevent the City of Sheridan from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation, Greater Restrictions and Severability.

1. Abrogation and Greater Restrictions. The Floodplain Overlay District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the Floodplain Overlay District or other Sheridan Development Code regulation, State building code regulation, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.
 2. Severability. The Floodplain Overlay District is hereby declared to be severable. Where any section, clause, sentence, or phrase of the Floodplain 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 Floodplain Overlay District.
- E. Interpretation. In the interpretation and application of the Floodplain Overlay District, all provisions shall be:
1. Considered as minimum requirements.
 2. Liberally construed in favor of the governing body.
 3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including the State building codes.
- F. Designation of Local Floodplain Administrator. The city manager, or designee, is hereby appointed as the local Floodplain Administrator to administer and implement the Floodplain Overlay District by granting or denying Floodplain Development Permit applications in accordance with the Floodplain Overlay District provisions.
- G. Duties and Responsibilities of The Local Floodplain Administrator. Duties of the local Floodplain Administrator, shall include, but are not limited to:
1. Review all development permits to determine whether the permit requirements and provisions of the Floodplain Overlay District are met.
 - a. Determine whether the proposed development qualifies as a Substantial Improvement as defined in Section 16.280.020, Definitions.
 - b. Determine whether the proposed development is a watercourse alteration. Where the proposal is determined by be a watercourse alteration, ensure compliance with Section 16.280.060, A, Alteration of Watercourses.
 - c. Determine whether the proposed development includes the placement of fill or is an excavation.

2. Review all development permits to ensure all other required local, State, and Federal permits have been obtained and approved.
3. Review all development permits to determine if the proposed development is in the floodway. If located in the floodway, ensure the floodway provisions in Section 16.280.070, L, Floodways, are met.
4. Interpret the provisions of the Floodplain Overlay District consistent with Section 16.280.030, E, Interpretation.
5. Review all development permits to determine whether the proposed development is in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, ensure compliance with the provisions of Section 16.280,060, G, Use of Other Base Flood Data.
6. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries.

When base flood elevation data has not been provided, the Floodplain Administrator shall have the authority to interpret the location of the boundary of the special flood hazard area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. A party may appeal the interpretation decision provided a letter appealing the decision is submitted within fifteen (15) calendar days of the date the interpretation decision was mailed to the parties. The appeal shall be reviewed and decided consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

7. Information to be Obtained and Maintained. The following information shall be obtained and maintained, and shall be made available for public inspection as needed.
 - a. Obtain, record and maintain the elevation, in relation to mean sea level, of the lowest floor, including basements, and attendant utilities of new or substantially improved structures where Base Flood Elevation data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.
 - b. For new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, flood insurance rate map, or as required in Section 16.280.060, G, Use of Other Base Flood Data:
 - i. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and

- ii. Maintain any floodproofing certifications required by the Floodplain Overlay District;
- c. Obtain, record and maintain the elevation, in relation to mean sea level, of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill, and ensure the requirements of Sections 16.280.030, G, 2, Other Local, State and Federal Permits, and 16.280.070, L, Floodways, are met.

Upon placement of a structure's lowest floor, including a basement, and prior to further vertical construction, obtain documentation prepared by a professional land surveyor certifying the elevation, in relation to mean sea level, of the lowest floor, including a basement.

- d. Where Base Flood Elevation data are used, obtain a "Finished Construction" Elevation Certificate (as-built certification), in relation to mean sea level, of the lowest floor, including a basement, prepared by a professional land surveyor prior to the final inspection.
- e. Maintain Elevation Certificates submitted to the City of Sheridan.
- f. Obtain, record, and maintain the elevation, in relation to mean sea level, to which the structure and attendant utilities were floodproofed for new or substantially improved floodproofed structures where allowed under the Floodplain Overlay District and where Base Flood Elevation data is provided through the Flood Insurance Study, Flood Insurance Rate Maps, or is obtained in accordance with Section 16.280.060, G, Use of Other Base Flood Data.
- g. Maintain Floodproofing Certificates required under the Floodplain Overlay District.
- h. Record and maintain floodplain variance application approvals and denials.
- i. Obtain and maintain Floodplain Development Permit decisions approving or denying development in the Floodway, including hydrologic and hydraulic analyses as required in Section 16.280.060, L, Floodway.
- j. Record and maintain Substantial Improvement and Substantial Damage decisions, including the justification for the decisions as required in Section 16.280.030, G, 11, Duties and Responsibilities of the Floodplain Administrator.

- k. Maintain records pertaining to floodplain variances and the insurance notification associated with approved floodplain variances.
 - l. Maintain for public inspection all records pertaining to the Floodplain Overlay District.
8. Watercourse Alterations.
- a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate State and Federal agencies, prior to any alteration or relocation of a watercourse. The Floodplain Development Permit applicant shall submit evidence of such notification to the Federal Insurance Administration as a Letter of Map Revision (LOMR) including:
 - i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
 - b. The Floodplain Development Permit applicant shall submit a Conditional Letter of Map Revision (CLOMR) when required under Section 16.280.030, G, 9, Requirement To Submit New Technical Data, or 16.280.060, A, Watercourse Alterations.
9. Requirement to Submit New Technical Data.
- a. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Subsection 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.
 - b. The Floodplain Administrator shall require a Conditional Letter of Map Revision (CLOMR) prior to the issuance of a Floodplain Development Permit for:
 - i. Proposed floodway encroachments that increase the Base Flood Elevation; and

- ii. Proposed development outside the floodway which increases the Base Flood Elevation by more than one foot in areas where FEMA has provided Base Flood Elevations.
- c. An applicant shall notify FEMA within six months of project completion when an applicant has 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 to FEMA shall be provided as a letter of map revision (LOMR).
- d. The applicant shall be responsible for preparing the technical data to support the CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.
- e. The Floodplain Administrator 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 Floodplain Overlay District and applicable State and Federal laws.

The Floodplain Administrator, 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 Floodplain Overlay District and all applicable State and Federal laws.

10. Community Boundary Alterations.

The Floodplain Administrator, or designee, shall notify the Federal Insurance Administrator in writing whenever the City of Sheridan city limits have been modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

11. Substantial Improvement and Substantial Damage Determinations.

- a. Conduct a Substantial Improvement (SI) determination for development which meets the definition of Substantial Improvement as set forth in

Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.

- b. Conduct a Substantial Damage (SD) determination when a structure is damaged consistent with the definition of Substantial Damage as set forth in Section 16.280.020, Definitions, and maintain the records in accordance with Section 16.280.030, G, 7, j.

12. Floodplain Variance Notification.

An applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification and a record of the variance actions, including justification for their issuance shall be maintained in accordance with Section 16.280.030, G, 7, k.

H. Establishment of Floodplain Development Permit (FDP).

1. Except as set forth in [Section 16.280.040](#) for exempt uses, a Floodplain Development Permit approval shall be obtained before construction or development, including a manufactured home placement, begins within any area horizontally within the special flood hazard area.
2. A Floodplain Development Permit application shall be reviewed and decided by the Floodplain Administrator, as a type I-A action in accordance with [Section 16.504](#) or, as appropriate, a type I-B action in accordance with [Section 16.506](#).
3. A Floodplain Development Permit application shall be submitted in accordance with [Section 16.548.030](#), Application Submittal Requirements.
4. In riverine flood zones, the application shall show or include:
 - a. The proposed elevation, in relation to mean sea level, of the lowest floor, including basement, and attendant utilities of new and substantially improved structures, in accordance with the requirements of Section 16.280.030, G, 7, Information to be Obtained and Maintained.
 - b. The proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 - c. A certification by a registered professional engineer or architect licensed in the State of Oregon showing the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 16.280.070, C, 4, Non-residential Construction.

- d. A description of the extent to which any watercourse will be altered or relocated.
 - e. Base Flood Elevation data for subdivision proposals or other development when required in accordance with Section 16.280.060, F, Subdivisions and Other Proposed Developments.
 - f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 - g. The amount and location of proposed fill or excavation.
- I. Pursuant to the requirement established in ORS 455 where the City administers and enforces the State of Oregon Specialty codes, or contracts with another agency to administer and enforce the State of Oregon Specialty codes, the City of Sheridan does hereby acknowledge the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, the Floodplain Overlay District is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

16.280.040 - General requirements and exemptions.

Within the Floodplain 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 the Floodplain Overlay District. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public;
- B. Driveways, and open space use areas where no alteration of topography will occur;
- C. Routine maintenance and repairs to existing structures provided the maintenance and repairs do not increase the footprint of the structure, and do not constitute "substantial improvement" as defined in [Section 16.280.020](#);
- D. Replacement of utility facilities necessary to serve established and permitted uses within 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 special flood hazard areas.

16.280.050 - Permitted uses

Except for accessory structures as set forth in Section 16.280.070, D, if otherwise allowed as a permitted use or a conditional use in the underlying zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, structures and the placement of fill to elevate a structure, may be allowed subject to an approved flood plain development permit showing the following requirements are met or will be met as construction occurs:

- A. The structure or fill is not located within a floodway;
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the flood insurance study, flood insurance rate map, or consistent with Section 16.280.030G.5, Use of Other Base Flood Data;
- C. The structures will be located on natural grade or compacted fill;
- D. The lowest floor will be elevated to at least one foot above the base flood elevation and the requirements in [Section 16.280.070](#), Flood Protection Standards, will be met;
- E. Any construction and substantial improvements below the base flood elevation shall meet the requirements of [Section 16.280.070](#), Flood Protection Standards;
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements, any foundation venting requirements and provides the certification required for floodproofing under Section 16.280.070C.1.c., Flood Protection Standards, prior to occupancy;
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at least one foot above the base flood elevation, is submitted to the city manager, or designee, prior to use of the structure;
- H. No alteration of topography beyond the perimeter of the structure is proposed;

16.280.060 - Provisions For Flood Hazard Reduction.

In special flood hazard areas, the following requirements apply.

- A. Alteration of Watercourses.

The flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained. Maintenance shall be provided within the altered or relocated portion of said watercourse to ensure the flood carrying capacity is not diminished. The alteration shall comply with Sections 16.280.030, G, 8, Watercourse Alterations, and 16.280.030, G, 9, Requirement to Submit New Technical Data.

- B. Anchoring.

1. New construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall be anchored in accordance with Section 16.280.070, C, 3, Manufactured Dwellings.

C. Construction Materials and Methods.

1. New construction and substantial improvements below the level that is one-foot above the Base Flood Elevation shall be constructed with materials resistant to flood damage. Utility equipment shall be at least one foot above the Base Flood Elevation.
2. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

D. Utilities And Equipment.

1. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.
 - a. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. 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 standards.
2. Electrical, Mechanical, Plumbing, And Other Equipment
 - a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities for new construction shall be elevated at least one foot above the Base Flood Elevation.
 - b. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a Substantial Improvement shall be elevated at least one foot above the Base Flood Elevation.

E. Tanks.

1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the Base Flood.

2. Above-ground tanks shall be installed at least one-foot above the Base Flood Elevation and shall be anchored to prevent flotation, collapse, and lateral movement. Above-ground tanks installed more than one-foot above the Base Flood Elevation are exempt from the anchoring requirement.

F. Subdivisions and Other Developments.

1. New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, greater than 50 lots or 5 acres, whichever is less, shall include Base Flood Elevation data.
2. New subdivision proposals and other new development proposals, including manufactured dwelling parks and manufactured dwelling subdivisions, shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Install public utilities and facilities including, but not limited to, sewer, gas, electrical, telecommunications, and water systems to minimize or eliminate flood damage.
 - c. Provide adequate drainage to reduce exposure to flood hazards.

G. Use of Other Base Flood Data.

1. Base Flood Elevations (BFE) shall be determined for development proposals that are 5 or more acres, or are 50 lots or more, whichever is less, in any A Zone that does not have an established BFE.
2. Development proposals located within a riverine unnumbered A Zone shall be constructed to be reasonably safe from flooding. As determined by the local Floodplain Administrator, information including, but not limited to, the use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, may be used to achieve the “reasonably safe” criterion in an A Zone that does not have an established BFE.
3. When base flood elevation data has not been provided on the FIRM (A Zone) in accordance with Section 16.280.030, B, Basis for Establishing The Special Flood Hazard Areas, the local Floodplain Administrator may obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, to administer the provisions of the Floodplain Overlay District.
4. Within a riverine unnumbered A Zone, structures shall be elevated a minimum of 2-feet above the Highest Adjacent Grade.

H. Structures Located in Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

1. When a structure is in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM), the provisions for the more restrictive flood zone shall apply.
2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and Substantial Improvements.

16.280.070 - Standards For Riverine, Including Non-Coastal, Flood Zones

In special flood hazards areas the following requirements apply:

A. Flood Openings (Flood Vents)

New construction and Substantial Improvements with fully enclosed areas below the lowest floor, excluding basements, and enclosed areas below the Base Flood Elevation, including crawl spaces, shall install flood openings subject to the following requirements.

1. Flood openings (flood vents) shall be designed and constructed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect to meet or exceed the following standards:
 - a. A minimum of two openings;
 - b. The total net area of non-engineered openings shall be not less than 1 square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - c. The bottom of all openings shall be no higher than 1-foot above grade.
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic flow of floodwater into and out of the enclosed areas, and they are accounted for in the determination of the net open area.

- e. When applicable, comply with the additional higher standards for flood openings in the State of Oregon Residential Specialty Code, Section R322.2.2.

B. Garages

1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, provided the following requirements are met:
 - a. When located partially or wholly in a Floodway, the proposed garage must comply with Section 16.280.070, L, Floodways;
 - b. The floor is at or above grade on not less than one side;
 - c. The garage is used solely for parking, building access, and/or storage;
 - d. The garage is constructed with flood openings in compliance with Section 16.280.070, A, to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f. The garage is constructed in compliance with the standards in Section 16.280.060; and
 - g. The garage is constructed with electrical and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 16.280.070, D, Appurtenant (Accessory) Structures, or non-residential development in Section 16.280.070, C, 4, Non-Residential Development, depending on the square footage of the garage.

C. Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the standards in Section 16.280.060 the following standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

1. Before a Regulatory Floodway is Designated.

In areas where a regulatory Floodway has not been designated, no new construction, substantial improvement, or other development, including fill, shall be permitted within Zones A1-30 and AE on the City of Sheridan's Flood

Insurance Rate Maps (FIRM), unless it is demonstrated 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 1-foot at any point within the community.

2. Residential Development.

- a. New construction and substantial improvement of any residential structure, except a manufactured dwelling, shall have the lowest floor, including basement, elevated to a minimum of one-foot above the Base Flood Elevation.
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 16.280.070, A.

3. Manufactured Dwellings.

- a. The bottom of the longitudinal chassis frame beam shall be at or above the Base Flood Elevation.
- b. New or substantially improved manufactured dwellings supported on solid foundation walls, shall comply with Section 16.280.070, A, Flood Openings.
- c. New or substantially improved manufactured dwellings shall be anchored to prevent floatation, collapse and lateral movement during the Base Flood. Anchoring methods may include, but are 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).
- d. Electrical crossover connections shall be a minimum of one-foot above the Base Flood Elevation.

4. Non-residential Development.

- a. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. 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, be floodproofed so the structure is watertight with walls substantially impermeable to the passage of water up to a level that is one foot above the Base Flood Elevation;

- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - iii. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 16.280.070, C, 4, based on their development and/or review of the structural design, specifications and plans. The certificate shall include the elevation, in relation to mean sea level, to which the structure is floodproofed. The certification shall be submitted with the Floodplain Development Permit application.
- b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 16.280.070, A, Flood Openings.
 - c. Applicants floodproofing non-residential buildings shall be notified by the city that flood insurance premiums will be based on rates that are one-foot below the floodproofed level, for example, a building floodproofed to the Base Flood Elevation will be rated as one-foot below that elevation.
 - d. Applicants for a flood plain development permit that proposes floodproofing a nonresidential building shall submit a comprehensive maintenance plan for the entire structure, including but not limited to:
 - i. The exterior envelope of the structure;
 - ii. All penetrations to the exterior of the structure;
 - iii. All shields, gates, barriers, or components designed to provide floodproofing protection to the structure;
 - iv. All seals and gaskets for shields, gates, barriers, or components; and
 - v. 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.
 - e. Applicants for a flood plain development permit that proposes floodproofing a non-residential building shall submit 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. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential appurtenant structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following:
1. It is used only for the parking of vehicles, access and/or the storage of items unlikely to be damaged by flood waters (a low damage potential. An appurtenant (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 16.280.060, B, 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;
 3. The portions of the appurtenant structure located below the level that is 1-foot above the Base Flood Elevation must be constructed using flood resistant materials;
 4. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the flood opening requirement in Section 16.280.070, A, Flood Openings;
 5. It is constructed with the electrical, mechanical and other service equipment located and installed at least one foot above the Base Flood Elevation;
 6. It is not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality, unless confined in a tank installed in compliance with Section 16.280.060, E, Tanks;
 7. It is located and constructed to have low damage potential-;
 8. In compliance with the State of Oregon Specialty Codes, appurtenant structures on properties zoned residential (R-1, R-2, R-3 and UT) are limited to 1-story structures less than 200 square feet, or 400 square feet if the property is greater than 2-acres and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties zoned non-residential (Commercial, Industrial, Public Facilities) are limited to 120 square feet.
 9. Appurtenant structures located partially or wholly within the Floodway must comply with the requirements for development within the Floodway in Section 16.280.070, L.

E. Reserved.

- F. Reserved.
- G. Reserved.
- H. Reserved.
- I. Reserved.
- J. Reserved.
- 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 16.280.060, G, Use of Other Base Flood Data, 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.
- L. Floodways. Located within the special flood hazard areas established in [Section 16.280.030 B.](#), Basis for Special Flood Hazard Areas, are areas designated as Floodways. 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 apply to development in the Floodway:
 - 1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development within the regulatory Floodway are prohibited, unless:
 - a. 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 the proposed encroachments shall not result in an increase in flood levels during the occurrence of the base flood discharge; or
 - b. An encroachment may be permitted within the regulatory Floodway that would result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision (CLOMR) is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44, Code of Federal Regulations, Section 65.12 are fulfilled.
 - 2. Where the requirements of Section 16.280.070, L, 1, are met, new construction, substantial improvements, and other development shall comply with all other

applicable provisions of Sections 16.280.060, Provisions For Flood Hazard Reduction, and 16.280.070, Standards For Riverine Flood Zones.

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 the project:
 - a. Is for the purpose of fish enhancement;
 - b. Does not involve the placement of any structures, as defined in Section 18.280.020, within the Floodway;
 - c. Has a feasibility analysis completed documenting the fish enhancement will be achieved through the proposed project;
 - d. Has a maintenance plan in place to ensure the stream carrying capacity is not impacted by the fish enhancement project;
 - e. Has approval by the National Marine Fisheries Service, the State of Oregon department of Fish and Wildlife, or the equivalent Federal or State agency; and
 - f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity.

M. Recreational Vehicles.

1. A recreational vehicle in the special flood hazard area (100-year floodplain) shall comply with the Sheridan Municipal Code requirements for recreational vehicles and the following, whichever are more stringent:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use;
 - c. Be on its wheels or jacking system;
 - d. Have no permanently attached additions;
 - e. Be attached to the site only by quick disconnect type utilities and security devices; or
2. Meet the requirements of Section 16.280.070, C, 3, Manufactured Homes.

N. Below Grade Crawl Space.

1. A below-grade crawlspace is allowed subject to the following standards as found in FEMA technical bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas." For structures with a below grade crawlspace contact an insurance agent for insurance information.
 - 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 16.280.070, A, Flood Openings. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five 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 one foot above the lowest adjacent exterior grade.
 - c. Portions of the building below the level that is one-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 one-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 one-foot above the base flood elevation.
 - e. The interior grade of a crawlspace below the base flood elevation shall not be more than two 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 four 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

- b. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps or one foot above the base flood elevation (at least two feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the Flood Insurance Rate Map or one foot above the base flood elevation or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 16.280.070, C, 4, a, iii.
- c. Recreational vehicles placed on sites within AO Zones on the Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of Section 16.280.070, C, 1, and the anchoring and other requirements for manufactured dwellings of Section 16.280.070, C, 3.
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 16.280.070, D, Appurtenant Structures.
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 16.280.070, A, Flood Openings.

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 local Floodplain Administrator, or designee.

16.280.090 - Floodplain variances.

- A. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by Federal statute according to actuarial risk and will not be modified by the granting of a variance.

- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, in conformance with the provisions of Sections 16.280.090, B, 3 and 5, and 16.280.030, I, 12, Variance Notification. As the lot size increases greater than one-half acre, the technical justification required for issuing a variance increases.
 - 1. Floodplain Variance Approval Criteria. An application for a Floodplain Variance may be approved when the following approval criteria are shown by the application materials to be met:
 - a. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - b. A showing of good and sufficient cause;
 - c. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - d. A determination that 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 laws or ordinances; and
 - e. In accordance with Section 16.280.070, L, 1, a, Floodways, a variance for a structure or other development partially or wholly within the Floodway will not result in any increase in flood levels during the base flood discharge.
 - 2. Functionally Dependent Uses. Variances may be approved for new construction, substantial improvements and other development necessary for a functionally dependent use provided the criteria of Section 16.280.090, B, 1, a – e, are met, and the structure or other development is protected by methods that minimize

flood damage during the base flood and create no additional threats to public safety.

C. Variance Notification.

An applicant to whom a variance is granted shall be given written notice in accordance with Section 16.280.030, G, 12, Floodplain Variance Notification. The notification and a record of all variance actions, including justification for variance decisions, shall be maintained in accordance with Section 16.280.030, G, 7, k, Information to be Obtained and Maintained.

D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the statewide inventory of historic properties, in accordance with Section 16.576, Major Variance, and Section 16.578, Minor Variance, without regard to the procedures set forth in Sections [16.280.090](#), Floodplain Variances.

16.280.100 Reserved.

16.280.110 - Warning and disclaimer of liability.

- A. Warning. The degree of flood protection required by the Floodplain Overlay District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. The Floodplain Overlay District does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages.
- B. Disclaimer of Liability. The Floodplain Overlay District shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on the Floodplain Overlay District or any administrative decision lawfully made thereunder.