



## COMMUNITY DEVELOPMENT

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

# Floodplain Development Land Use Review

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees (*subject to change every July 1*): staff will contact you for payment after submittal.

#### Type I:

- Site Improvements in the Floodplain: **Fee** in addition to the relevant land use application. (see ADC 6.093(A)(5))

#### Type I-L:

- Development in the Floodway: **Fee** in addition to the relevant land use application, plus pass-through cost for third-party review. (See ADC 6.093(B)(1))
- Grading, Excavation, Fill, Paving, Mining, and Drilling in the Floodplain: **Fee** plus pass-through cost for third-party review. (see ADC 6.093(B)(2 & 3))
- Continuous Storage Operation in the Floodplain: **Fee** in addition to the relevant land use application, plus pass-through cost for third-party review. (See ADC 6.093(B)(4 & 5))
- Land Divisions in the Floodplain: **Fee** in addition to the relevant land use application, plus pass-through cost for third-party review. (See ADC 6.093(B)(6))

#### Type II:

- Alteration of a Watercourse: **Additional fee** plus pass-through cost for third-party review. (See ADC 6.093(C)(1))

#### Type III:

- Cluster Developments and Planned Developments in the Floodplain: **Additional fee** plus pass-through cost for third-party review. (See ADC 6.093(D)(1))
- Manufactured Home Parks: **Additional fee** plus pass-through cost for third-party review. (See ADC 6.093(D)(2))

Pass-through cost: Some projects require third-party engineering review by a specialist in hydrologic and hydraulic analyses; each project varies in scope and complexity.

- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

### FLOODPLAIN DEVELOPMENT APPLICATION INFORMATION CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**

- GENERAL INFORMATION REQUIREMENTS.** The application for any development proposed in the Special Flood Hazard Area (100-year floodplain) must include the information below. Elevation information must be provided based on the North American Vertical Datum of 1988:
- Site plan drawn to scale with dimensions, which includes:
    - o Location of existing and proposed development.
    - o Location of existing and proposed utilities.
    - o Location of existing and proposed storm drainage systems.
    - o Elevations of the existing ground contours.
    - o Final elevations of proposed fills and excavations.
    - o Base flood elevations (100-year flood) at the site.
    - o Location of any designated floodway and base flood boundary. If no floodway is designated, estimate the location of the floodway boundary per Section 6.100.
    - o Location of any Riparian Corridors, Designated Wetlands, and/or Wildlife Habitat (if applicable).
    - o Location and extent of temporary and/or permanent storage areas.
  - Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable).
  - Proposed description and elevation of flood-proofing (if applicable).
  - Description of the extent to which a watercourse will be altered or relocated as a result of proposed development with engineer's report (if applicable).
  - For grading, excavation, fill and/or paving, provide lot size, lot area within the floodplain, lot area impacted within the floodplain, total cubic yards impacted, and engineer's report.
  - No-rise analysis prepared by a certified registered professional engineer (if applicable).
  - List of federal or state permits that are required for the proposal and a copy of the permit application or final permit if approved.
- REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES**  
On a separate sheet of paper prepare detailed written responses using factual statements (called findings of fact) to explain how the proposal complies with applicable floodplain review criteria. Each criterion must have at least one finding of fact and conclusion statement. See Attachment A for an example of findings of fact and Attachment B for various review criteria that may be applicable; only those review criteria that apply to the application must be addressed.

## ATTACHMENT A

### EXAMPLE OF FINDINGS OF FACT AND CONCLUSIONS

#### Criteria for Findings of Fact:

A floodplain development land use review application will be approved if the approval authority finds the application conforms to all applicable review criteria and with applicable development standards found in Article 6 of the Albany Development Code. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information the application will be denied or delayed because it is incomplete.

#### Format for Findings of Fact:

Statements addressing each individual criterion must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the location and description of proposed development, source of flood water (e.g., Willamette River), base flood elevation (BFE), ground elevation, storm water facilities, etc. Facts should reference their source such as the site plan, Flood Insurance Rate Map (FIRM), flood insurance study, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

#### Example:

***Criterion: All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.***

**Findings of Fact:** The National Flood Insurance Program (NFIP), FIRM Community Panel Number 41043C0213G, dated September 29, 2010, shows the subject property to be located within zone AE, an area determined to be within the SFHA, commonly referred to as the 100-year floodplain, with a BFE of 205.4 feet North American Vertical Datum of 1988 (NAVD ‘88).

A permit to place fill in the floodplain was approved for the subject property under planning file FP-03-13, bringing the ground elevation up to or above the BFE. Based on the pre-construction elevation certificate submitted by the applicant, the top of the bottom floor will be one foot above the BFE at an elevation of 206.4 feet (NAVD ‘88).

**Conclusions:** The subject property is located within the floodplain; however, based on a previously approved fill and by raising the bottom floor above the BFE, the structure will be reasonably safe from flooding.

## ATTACHMENT B FLOODPLAIN DEVELOPMENT REVIEW CRITERIA

**Only those criteria that apply to the project must be addressed in the floodplain development land use review application.**

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

ATTACH NO-RISE ANALYSIS.

1. The development does not involve the construction of permanent or habitable structures (including fences).
2. The development is a public or private park or recreational use or municipal utility use.
3. The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

*For temporary storage of materials or equipment:*

4. The temporary storage or processing of materials will not become buoyant, flammable, hazardous, explosive, or otherwise potentially injurious to human, animal, or plant life in times of flooding.
5. The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

Note: If a floodway boundary is not designated on an official Federal Emergency Management Agency map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

**Alteration of a Watercourse (ADC 6.101).** A Watercourse is considered altered when any changes occur within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges.

ATTACH ENGINEER'S REPORT.

1. No development shall diminish the flood-carrying capacity of a watercourse.
2. Subject to the foregoing regulation, no person shall alter or relocate a watercourse without necessary approval from the Floodplain Administrator.
3. Prior to approval, the applicant shall provide a 30-day written notice to the City, any adjacent communities, the Natural Hazards Program of the Oregon Department of Land Conservation and Development, and the Oregon Department of State Lands.
4. The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**Residential Development Standards (ADC 6.109).** Applications proposing new residential dwelling units or the creation of residential lots or parcels on property with Special Flood Hazard Area (100-year floodplain) on it must comply with either the clear and objective standard in subsection (1) or the discretionary standard in subsection (2), below.

1. Clear and objective standard. No new dwelling units or new residential lots or parcels are allowed within

the floodplain. An application to develop property that has floodplain on it, but where no development is proposed within the boundaries of that floodplain will be processed as otherwise required in this Code. In case of land divisions, “no development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).

2. Alternative review. Residential development is allowed within the floodplain subject to the provisions of this Floodplain overlay district and the standards in Sections 6.100 through 6.125.

**Site Improvement, Land Division and Manufactured Home Park Standards (ADC 6.110).** Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, “no actual development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).

In addition to the general review criteria for site improvements, land divisions, and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards:

1. All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
2. All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
4. All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
5. Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.
6. Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
7. All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”
8. In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual manufactured home development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

**Grading, Fill, Excavation, and Paving (ADC 6.111).** A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempt in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable has been met:

- ATTACH ENGINEER’S REPORT.

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

**Continuous Storage Operations (ADC 6.112).** The regulation of storage in the flood fringe focuses on long-term storage activities associated with continuous operations as defined in this Article. A continuous storage operation is allowed if it can be shown that:

1. The materials or equipment will not be flammable, hazardous, explosive, or otherwise potentially injurious to human, animal, or plant life in times of flooding; and
2. The materials or equipment are not subject to major damage by flood and are firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

**Critical Facility Standards (ADC 6.113).** Construction of new critical facilities, and additions to critical facilities built after September 29, 2010, shall be, to the maximum extent feasible, located outside the limits of the SFHA.

Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that hazardous materials will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.