

ORDINANCE NO. 5410

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, Albany, as a regular member of the National Flood Insurance Program, has previously adopted floodplain management regulations in the Albany Development Code that meet or exceed the minimum requirements of Section 60.3(d) of the National Flood Insurance Program; and

WHEREAS, from time to time it is appropriate to amend the Development Code based on new data; and

WHEREAS, the Federal Emergency Management Agency has published a revised Flood Insurance Study for Albany (Exhibit C) and accompanying Flood Insurance Rate Maps (Exhibit D), dated July 7, 1999; and

WHEREAS, the Planning Commission recommended approval of the proposed amendment, based on evidence presented in the staff report and at the public hearing for Planning Division File No. DC-01-99; and

WHEREAS, the Albany City Council has caused notice to be given as required by law and has held a public hearing concerning the Development Code text amendments.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Development Code is hereby amended as shown on attached Exhibit A.

Section 2. The Findings of Fact contained in the staff report and attached as Exhibit B are hereby adopted in support of this decision.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: July 28, 1999

Approved by Mayor: July 28, 1999

Effective Date: July 28, 1999

Charles W. Moran
Mayor

ATTEST:

City Langwell
City Recorder Clerk

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Amend the Albany Development Code as follows. New language is shown in bold; deleted language is shown in ~~strike~~through.

6.080 **Lands to Which These Regulations Apply.** These regulations shall apply to all areas within the City of Albany that are subject to inundation from a 100-year flood. These areas are depicted on federal Flood Insurance Rate Maps (FIRMs) and Floodway Maps by the letter A, AE, or AO.

These areas have been identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study for Albany (**July 7, 1999**) ~~(March 16, 1989)~~, for Benton County (August 5, 1986), and for Linn County (September 29, 1986). In addition, the City Council may adopt by resolution more current studies or boundary information approved by the Federal Emergency Management Agency (FEMA).

Precise floodplain district boundaries may be difficult to determine from the maps referred to above due to their large scale and lack of site specific studies. In such instances, the Director may apply FEMA base flood elevations to topographic maps or site surveys in order to determine actual boundaries. In the absence of FEMA base flood elevations, the Director shall reasonably utilize other available sources of floodplain and floodway data to determine base flood elevations and boundaries. However, when elevation data is not available through FEMA or another authoritative source and the development consists of 4 or more lots, 4 or more structures, or 4 or more acres, the applicant shall generate and have certified by a registered engineer the base flood elevation. Any decision of the Director regarding a determination of a base flood elevation or interpretation of a district boundary may be appealed in accordance with Section 1.520 of this Code.

Findings of Fact

- 1.1 According to ADC 6.080, floodplain regulations apply to areas depicted in the Flood Insurance Study for Albany (March 16, 1989), for Benton County (August 5, 1986), and for Linn County (September 29, 1986).
- 1.2 Effective July 7, 1999, the Flood Insurance Study for Albany has been extended to the city limits for North Albany.
- 1.3 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
 - a. Goal 7: Flood Hazards and Hillsides is to "Protect life and property from natural disasters and hazards."
 - b. Goal 7, Policy 4, is to "Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed."
 - c. Goal 7, Policy 5, is to "Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage."
 - d. Goal 7, Policy 9, is "Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values."
 - e. Goal 14: Urbanization--Development Review is to "Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards."
 - f. Goal 14, Policy 5, is to "Ensure that the City's land use planning process and its policy framework is workable and understandable for local officials, staff, and the public. Ensure that the degree of application and review is commensurate with the size and complexity of various development requests."

CONCLUSION(S)

1. The Flood Insurance Study for Albany, revised to July 7, 1999, provides the most accurate mapping of the 100-year flood plain for Albany , particularly in North Albany. To assure that new development complies with applicable floodplain standards, it is prudent to cite the recently revised Study in ADC 6.080.
2. The need to cite the Flood Insurance Study for Benton County in ADC 6.080 no longer exists because the entire urban fringe in Benton County was annexed in 1991 and is mapped on the Flood Insurance Rate Maps for Albany.

(2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

FINDINGS OF FACT

- 2.1 The purpose of the Floodplain regulations in Development Code Article 6 is "...to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas." [ADC 6.070]

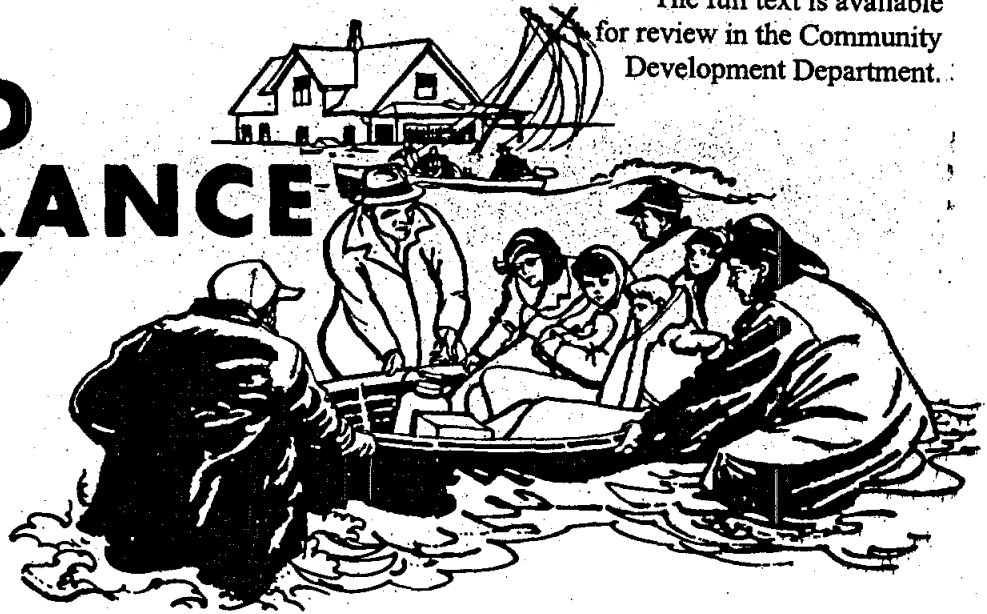
- 2.2 The Flood Insurance Rate Maps accompanying the Flood Insurance Study, revised to July 7, 1999, will be used to determine whether property that is proposed for development is located in the 100-year floodplain.

CONCLUSION(S)

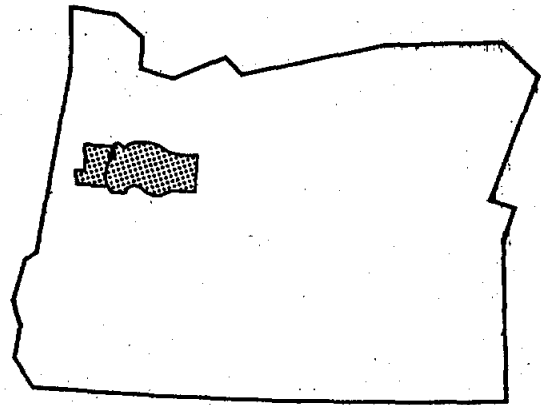
1. The proposed amendment is consistent with the purpose of the floodplain regulations in Article 6 because the revised maps will enable City staff to more accurately determine whether land is subject to the provisions of the Floodplain District.

FLOOD INSURANCE STUDY

Exhibit C
The full text is available
for review in the Community
Development Department.



CITY OF ALBANY,
OREGON
LINN AND BENTON COUNTIES



REVISED: JULY 7, 1999



Federal Emergency Management Agency

COMMUNITY NUMBER-410137

Exhibit D
The full series of maps is available
for review at the Community
Development Department.

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
ALBANY,
OREGON
LINN AND BENTON
COUNTIES

MAP INDEX

PANELS PRINTED: 1, 2, 3, 4, 5, 6, 7

COMMUNITY-PANEL NUMBERS
410137 0001-0007

MAP REVISED:
JULY 7, 1999



Federal Emergency Management Agency