

## **Chapter 2.7 — Floodplain Overlay District (FP)**

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### **2.7.100 Purpose**

The Floodplain Overlay District and Riparian Corridor and Floodway Sub-District are intended to protect the floodplain and floodway areas along the Stage Gulch Ditch and the Umatilla River. The provisions of Chapter 3.7 Flood Plain Design Standards are an important part of fully implementing the uses allowed in this Chapter.

### **2.7.200 Location**

The Floodplain Overlay District comprises the area designated within the 500 and 100 year Flood Plain on the Revised Preliminary “Flood Boundary and Floodway Map” issued by the Federal Emergency Management Agency on January 11, 1984, as part of the Flood Insurance Study for the City of Stanfield. This map is Map D in the City’s Comprehensive Plan. The Floodway Sub-District comprises the area designated as Floodway on Map D. The Riparian Corridor Sub-District comprises the area designated as Riparian Corridor on Comprehensive Plan Map C.

**2.7.300 Floodplain Overlay District (FP)**

**A. Permitted Uses in the Floodplain District.** The following table lists the permitted uses in the Floodplain Overlay District.

<b>Table 2.7.300 Land Uses and Building Types Permitted in the Floodplain Overlay District</b>		
<p><b>1. Structure-Related Uses*</b></p> <ul style="list-style-type: none"> <li>a. Fences and freestanding walls</li> <li>b. Change of use of a building</li> <li>c. Open wall buildings for farm or recreation use</li> <li>d. Open wall porch, patio and similar additions</li> <li>e. Parking lot, driveway, sidewalk, open patio or deck.</li> <li>f. Additions to existing buildings only if located within the triangular “obstructed flow zones”</li> <li>g. Replacement of an existing building or manufactured home.</li> </ul>	<p><b>2. Transportation Facilities and Improvements*</b></p> <ul style="list-style-type: none"> <li>a. Normal operation, maintenance;</li> <li>b. Installation of improvements within the existing right-of-way;</li> <li>c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>d. Landscaping as part of a transportation facility;</li> <li>e. Emergency Measures;</li> <li>f. Street or road construction as part of an approved subdivision or partition;</li> <li>g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> <li>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</li> </ul>	<p><b>3. Other Development*</b></p> <ul style="list-style-type: none"> <li>a. Bridges (CU)</li> <li>b. Water course alterations including but not limited to relocation, widening or deepening of the channel, gravel extraction, and the construction or modification of levees. (CU)</li> <li>c. Public or private parks, golf courses, and other non-structural recreation development. (CU)</li> <li>d. Land leveling</li> </ul>
<p>Uses marked with an asterisk (*) are subject to the standards in Chapter 3.7, Flood Plain Design Standards. Temporary uses are subject to the standards in Section 4.9. ** Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. CU= Conditional Use Permit Required</p>		

**2.7.400 Prohibited Uses in the Floodplain Overlay District****A. Prohibited Uses in the Floodplain Overlay District**

1. Construction of closed structures, including dwellings, mobile homes, out-buildings, and farm buildings, except per 2.7.500.
2. Land filling, unless balanced by an equal amount of excavation or in limited quantities as part of a landscaping or erosion control project.
3. Channel or floodway blockage
4. Additions or an improvement to or replacement of existing non-conforming structures except as provided in 1 above. Minor improvements may be allowed if they do not contribute to further obstruction of the floodway. For the purpose of this section, a minor improvement is one that is not more than 50% of the value of the structure (value is Real Market Value as determined by Umatilla County Tax Assessor).
5. Repair or reconstruction of flood-damaged buildings eligible for the FEMA 1362 program to purchase damaged buildings within the designated floodway.

**2.7.500 Development Standards for the Floodplain Overlay District**

The following development standards are in addition to the design standards found in Chapter 3.7, Flood Plain Design Standards. Chapter 3.7 applies to all development within this District.

**A. Development Standards for Floodplain Overlay District**

1. Fences and freestanding walls shall be constructed parallel to the Ditch or in “obstructed flow zones” as mapped on Map D; and
2. Land leveling shall not involve the addition of fill; and
3. Change of use of a building unless the proposed use is a Conditional Use in the Open Space zone.
4. Open wall buildings for farm or recreation use that will not increase flood hazard.
6. Open wall porch, patio and similar additions or structures associated with housing or other development that will not increase flood hazard.
7. Parking lot, driveway, sidewalk, open patio or deck, in accordance with Chapter 3.7.
8. Additions to existing buildings only if located within the triangular “obstructed flow zones” (Shown on Map D) on the upstream and downstream sides of existing building (which will thereby not increase flood hazard).
9. Building improvements that are not lateral additions that constitute less than a 50% increase from the Real Market Value of the structure (e.g. interior remodeling, re-roofing or re-siding, adding an upper floor to a one-story building. For the purpose of this section Real Market Value is the most recent tax assessment bill as determined by Umatilla County Tax Assessor.

**2.7.500 Development Standards in the Floodplain Overlay District (continued)**

10. Construction of an enclosed building or installation of a manufacture home if elevated on pilings or posts so as to not obstruct floodwaters and increase flood hazards only if all of a track of land in common ownership existing on or before June 27, 1984 is located within the Floodplain Overlay District and is vacant.
11. Replacement of an existing building or manufactured home only if there is no alternative site owner by the property owner outside of the Floodplain Overlay District. This development shall be in compliance with the elevation standard of .i (above).

**B. Development Standards for development of Subdivisions, Partitions, Manufactured Home Parks, and Manufactured Homes on Individual Lots within the Flood Plain Overlay District**

1. All subdivisions, partition and manufactured home park applications shall be consistent with the need to minimize flood damage;
2. All subdivision, partition and manufactured home park applications shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage;
3. All subdivision, partition and manufactured home park applications shall have adequate drainage provided to reduce exposure to flood damage;
4. Base flood elevation data shall be provided for subdivision and manufactured home park applications and other proposed housing development that contain at least 50 lots, manufactured home spaces, dwelling units or 5 acres (whichever is less).
5. For the following types of development, the standards a through e shall apply: new manufactured home parks, expansion of existing manufactured home parks and “substantial improvements” to existing manufactured home parks; and replacement of manufactured homes within existing manufactured home parks.
  - a. Stands or lots are elevated on compacted fill, pilings, piers or the like, so that the lowest floor of the home will be at or above the 100-year flood level.
  - b. Stands are developed so that the manufactured home will be installed on a permanent foundation (not necessarily a masonry perimeter foundation).
  - c. Adequate surface drainage and access for a waste hauler are provided;
  - d. The foundation system is adequately anchored and is designed for the easy and secure anchoring of the manufactured home to it, in compliance with State Building Codes Division standards;
  - e. In the instance of elevation on pilings, that are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart; and reinforcement is provided for pilings more than 6 feet above the ground level.
  - f. Evacuation Plans: Manufactured home park developers shall file evacuation plans with the City and the Umatilla County Emergency Service Department.

**2.7.600 Enforcement and Interpretation****A. Enforcement and Interpretation**

1. 100-year Flood Elevation: The 100-year flood elevation profiles and Flood Insurance Rate Map contained in FEMA's Flood Insurance Study for Stanfield constitute the legal 100-year flood elevations for Stage Gulch and the Umatilla River for the purposes of this Development Code. Where elevation data is not available either through the Flood Insurance Study or by a study as required by Item .10 of this Subsection, the application for a Development Permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding etc., where available. Failure to elevate at least 2 feet above grade in these zones may result in higher insurance rates.
2. Flood Hazard Area Boundaries: The City may make interpretations as to the exact location of the boundaries of the flood hazard areas when mapped boundaries do not reflect actual field conditions.
3. Appeals to Federal Floodplain Mapping and 100-year Elevation Determination: Persons disputing the mapping of the 100-year flood elevations of the Umatilla River or Stage Gulch shall file an appeal with the Federal Emergency Management Agency in accordance with Sections 1915 or 1917 of the National Flood Insurance Program.
4. Variances: Variances to the requirements of this overlay zone shall be processed in accordance with Section 1910.6 of the National Flood Insurance Program, if the requirements at issue are those found in the NFIP. IF the requirements exceed those of the NFIP, the variance shall be processed in accordance with Chapter 5.
5. Structures on the National Register of Historic Places: Automatic waivers to the standards of this District may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without processing a formal variance.
6. Development Permits: All Development Permits shall be reviewed to determine that the requirements of this Code have been satisfied.
7. State and Federal Permits: The city shall review all development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required.
8. Certification of Flood Elevation and Flood-proofing:
  - a. Where 100-year flood elevation data is provided through the Flood Insurance Study or required via item 10 of this Subsection, the applicant shall obtain and city shall record the actual elevation (in relation to mean sea level) of the average ground level and the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (i.e. Flood Elevation Certificates are required for constructing , replacing, or substantially improving main buildings:

**2.7.600 Enforcement and Interpretation (continued)**

- b. For all new or substantially improved floodproofed structures: The applicant shall verify and city shall record the actual elevation (in relation to mean sea level).
9. Records: The City shall maintain for public inspection and copying all records pertaining to the provisions of this Chapter.
10. Additional Information and Special Cases: The City may require a registered engineer's evaluation and development plan or more detailed floodplain information for a proposed action may be delayed while the city obtains expert information or advise or if the city requires more detailed information and planning from the applicant.
11. Conditions of Approval: The City may place conditions of approval on any development permit issued in this District if said conditions are deemed necessary to mitigate hazards to the applicant's project or property, or to neighboring or nearby properties.
12. Procedural Flexibility: The City staff, Planning Commission or City Council may require that development allowable as "outright permitted" be processed as a conditional use if the City Manager finds that the requested development may have a significant impact on the neighborhood, or a wider area, or if policy interpretation by the City Council is needed.

**2.7.700 Floodway Sub-District**

- A. **Purpose/Intent Statement:** The Floodway Sub- District is intended to protect and to prevent the further obstruction of the floodplain areas alongside Stage Gulch Ditch and the Umatilla River. The Floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water Surface elevation more than one foot. Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Regulations in the Floodway Sub-District are also intended to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide.
- B. **Location.** The Floodway Sub-District comprises the area designated "floodway" on the Revised Preliminary "Flood Boundary and Floodway Map" issued by the Federal Emergency Management Agency on January 11, 1984, as part of the Flood Insurance Study for the City of Stanfield. This map is Map D in the City's Comprehensive Plan.
- C. **Permitted Uses in the Floodway Sub-District.** The following table lists the permitted uses in the Floodway Sub-District.

**2.7.710 Permitted Uses**

<p align="center"><b>Table 2.7.710</b>  <b>Land Uses and Building Types Permitted in the Floodway Sub District</b></p>		
<p><b>1. Landscaping Uses*:</b></p> <ul style="list-style-type: none"> <li>a. Use of land as landscaped yard areas</li> <li>b. Planing of trees, shrubs and hedges</li> <li>c. Fences</li> </ul>	<p><b>2. Transportation Facilities and Improvements*</b></p> <ul style="list-style-type: none"> <li>a. Normal operation, maintenance;</li> <li>b. Installation of improvements within the existing right-of-way;</li> <li>c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>d. Landscaping as part of a transportation facility;</li> <li>e. Emergency Measures;</li> <li>f. Street or road construction as part of an approved subdivision or partition;</li> <li>g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> <li>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</li> </ul>	

Uses marked with an asterisk (\*) are subject to the standards in Chapter 3.7, Flood Plain Design Standards. Temporary uses are subject to the standards in Section 4.9. \*\* Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. CU= Conditional Use Permit Required

**2.7.720 Standards**

- A. Structures** No structures are allowed to be built within the Floodway Sub-District.
- B. Development Standards**. See Chapter 3.7, Floodplain Design Standards.

**2.7.800 Riparian Corridor Sub-District**

**A. Purpose/Intent Statement:** The Riparian Corridor Sub- District is intended to protect and to prevent the further obstruction of the riparian areas alongside State Gulch Ditch and the Umatilla River. Regulations in the Riparian Corridor Sub-District are also intended to protect and restore water bodies and their associated riparian corridors, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions that these areas provide. Specifically, they are intended to protect the habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses, and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. They attempt to meet these goals by excluding structures from buffer areas around fish-bearing lakes, streams, and associated wetlands, and by restricting vegetation removal or other alteration in those buffers. For cases of hardship, this subsection provides a procedure to reduce the riparian buffer. Alteration of the riparian corridor in such cases shall be offset by appropriate restoration or mitigation, as stipulated in Section 2.7.800(C) of this ordinance.

**B. Definition of Riparian Corridors.**

1. Significant Riparian Corridors are defined using the safe harbor process described under OAR 660-023-0090(5).
2. The 1984 Comprehensive Plan Technical Report Update specifies the Umatilla River and Stage Gulch Ditch as fish-bearing streams.
3. Along Stage Gulch Ditch, the riparian corridor boundary shall be 50 feet from the top of bank, except as identified below.
4. Along the Umatilla River, the riparian corridor boundary shall be 75 feet upland from the top of each bank, except as identified below.
5. For all other wetland areas identified on the City of Stanfield Local Wetlands Inventory (LWI) map, the protection area shall be 50 feet from the upland edge of the wetland.
6. Where the riparian corridor includes all or portions of a significant wetland, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
7. Except around inventoried wetlands, the measurement of distance to the riparian corridor boundary shall be from the top of the bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward. In areas where the predominant terrain consists of steep cliffs, the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance from that point.



**2.7.800 Riparian Corridor Sub-District** *(continued)***C. Activities Within the Riparian Corridor**

1. In some cases portions of the riparian corridor (as defined in Section 2.7.720.C.1) will extend outside of the floodway area. Nothing in this section shall be construed to allow structures in the floodway or other prohibited activities in the floodway.
2. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided that the City Manager or Planner finds that they are designed to minimize intrusion into the riparian corridor, and no other options or locations are feasible. Such applications shall be reviewed as a Type III procedure.
  - a. Streets, roads, and paths identified in the City's Capital Improvement Plan
  - b. Drainage facilities, utilities, and irrigation pumps;
  - c. Water-related and water-dependent uses, such as but not limited to drainage facilities, water, and wastewater facilities;
  - d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;
  - e. Structures or other non-conforming alterations existing fully or partially within the riparian corridor may be expanded provided the expansion does not expand the footprint of the structure within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall require compliance with the standards of this ordinance.
  - f. Existing lawn within the riparian corridor may be maintained, but not expanded within the riparian corridor. Development activities on the property shall not justify replacement of riparian corridor with lawn.
  - g. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City Manager and the appropriate natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
  - h. New fencing may be permitted by the City Manager, provided that the fencing does not impact fish habitat or site hydrology and the fencing does not create an obstruction that would increase flood velocity or intensity.
3. Removal of riparian vegetation is prohibited, except for:
  - a. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
  - b. Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.

**2.7.800 Riparian Corridor Sub-District** *(continued)*

- c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City Manager. If no hazard will be created, the City Manager may require these trees, once felled, to be left in place in the riparian corridor. Any trees removed are required to be replaced by an approved native species. The determination of an approved native species shall be reviewed as a Type II application.
4. Exceptions: The following activities are not required to meet the standards of this section:
  - a. Normal and accepted farming practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the riparian corridor since prior to the date of adoption of this ordinance. On-going agricultural practices existing in the riparian corridor since prior to the date of adoption of this ordinance on land not zoned for exclusive farm use are allowed in the riparian corridor subject to the definition and requirements of non-conforming uses.
  - b. Drainage way or ditch maintenance practices, other than structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices minimize sedimentation and impact to native vegetation.

**D. Alteration Requiring Mitigation**

1. In some cases portions of the riparian corridor (as defined in Section 2.7.720.C.1) will extend outside of the floodway area. Nothing in this section shall be construed to allow structures in the floodway or other prohibited activities in the floodway.
2. Permanent alteration of the riparian corridor by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of Section 2.7.720.C.3.c.
  - a. A setback adjustment as allowed under Section 2.7.720.C.3.d.
  - b. A variance to the riparian setback approved through procedures of Section 2.7.720.C.3.e.
  - c. On the Umatilla river, the riparian setback may be reduced as allowed under Section 2.7.720.C.3.f.
3. Proposals for development activities within the riparian corridor allowed in Section 2.7.720.b shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation shall be obtained by ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, for purposes of designing appropriate mitigation, sites should be considered at least in "Habitat Category 2" (OAR 635-415-030), which strives for no net loss of habitat values.

**2.7.800 Riparian Corridor Sub-District** *(continued)*

4. Setback Adjustment
  - a. Qualifying lots: Lots on which the riparian setback required by this ordinance exceeds any other setbacks in a particular yard, and which, when combined with other required yard setbacks, results in a building area depth of 25 feet or less or a building envelope of 800 square feet or less.
  - b. Setback reduction procedure: Setback reduction shall be the minimum necessary to create a building envelope 25 feet deep or a building envelope of 800 square feet (whichever requires a lesser reduction of the setback). The yard setback opposite the riparian corridor may be reduced up to ½ the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to ½ the required setback. Additional reductions of setbacks require a variance. Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use, and shall otherwise conform with the standards of Section 2.7.720.C.2.b or this ordinance. Applications for setback adjustments shall be reviewed as a Type III procedure.
5. Variance. In cases where the provision for a Setback Adjustment under Section 2.7.720.C.3.d are not sufficient, a property owner may request a Variance to the riparian setback.
  - a. Granting of a Variance requires findings that:
    - i. The proposed development requires deviation from the riparian standards; and
    - ii. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity; and
    - iii. The provision of Section 2.7.720.C.3.d are insufficient to remedy the hardship.
  - b. Administrative Variances shall be process as a Type III procedure in accordance with Section 4.1.500 of this Code.
6. Umatilla River Riparian Reduction: On the Umatilla River, structures and impervious surfaces may be placed within the riparian setback as follows:
  - a. The removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.

**2.7.800 Riparian Corridor Sub-District** *(continued)*

- b. The applicant shall provide sufficient information regarding the proposed development and potential impacts to riparian resources to allow the City Manager, in consultation with the ODFW, to determine whether the proposal will provide equal or better protection of riparian resources. The applicant shall demonstrate that equal or better protection for identified resources will be ensured through restoration of riparian corridors, enhanced buffer treatment, or similar measures. Such applications shall be reviewed as a Type III procedure. An application for a Umatilla River Riparian Reduction shall include, but is not necessarily limited to: a plot plan showing the top of the stream or water body bank, the extent of development within the riparian setback, uses that will occur within the riparian setback, and potential impacts (for example: chemical runoff, noise, etc.), the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), any proposed alterations of topography or drainage patterns, existing uses on the property and any potential impacts they could have on riparian resources.
- c. In no case shall such alterations occupy more than 50% of the width of the riparian corridor measured from the upland edge of the corridor.