

Proposed Amendments to the Zoning Ordinance
New language is **bold** and underlined.

Chapter 17.48

F-P FLOOD AREA ZONE

Sections:

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17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels, **wetland water quality or flood control values, tree canopy, native vegetation and water quality**. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4921 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.020 Boundaries indicated on map. The boundaries for the zone established by Section 17.48.010 shall be indicated on the McMinnville Zoning Map. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.025 Definitions. For the purpose of this section refer to Section 17.06.030 for Flood Area related definitions. (Ord. 4952 §1, 2012).

17.48.030 Permitted uses. In an F-P zone, the following uses and their accessory uses are permitted (subject to the provisions of Section 17.48.060 **and Chapters 17.47 Natural Resource Subdistricts and Chapter 17.49 Natural Hazard Subdistricts**):

A. Farming;

B. Public park and recreation facility, not requiring the use of any structure;

C. Sewage pump station. (Ord. 4684 §1, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.040 Conditional uses. In an F-P zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 17.48.045 and Chapters 17.72 and 17.74, **and Chapters 17.47 and 17.49:**

- A. Boat landing and launching facility;
- B. Open land recreation facility requiring the use of any structure;
- C. Removal of sand, gravel, topsoil, or rock;
- D. Landfill or diked land, including culvert and bridge installations, subject to the following procedures:
 - 1. Preliminary submittal of the proposal shall be made to the Planning Department, which shall check the proposal to ensure its compliance to the ordinance. Said proposal shall then be submitted to the Planning Commission.
 - 2. The City shall provide written notice to the City Recorder's office in adjacent communities, Yamhill County, and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse (i.e. stream channel), and shall submit a copy of that notification to the Federal Insurance Administration.
 - 3. The Planning Department shall prescribe the form and information required for applications made for any conditional use listed in this subsection. No application shall be accepted unless it complies with such requirements and is verified as to the correctness thereto. There shall be included, as a part of the application, an accurate map. Such plans shall be in triplicate, drawn at a scale of not larger than one inch equals fifty feet nor smaller than one inch equals five hundred feet, and shall show:
 - a. 100-year flood projection elevation on the subject site. State source of information.
 - b. Property boundaries and dimensions.
 - c. Ground elevations shown by contour lines of not less than two foot vertical intervals. State source of information.
 - d. Existing and proposed structures.
 - e. Dimensions and elevations of existing and/or proposed fill.
 - f. Location of stream channel in relationship to items "a" through "e" above.
 - g. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed fill and high-water information.
 - h. Profile showing the slope of the bottom of the channel or flow line of the stream, and the slope line of the proposed fill.
 - i. Specifications of fill material, grading, channel improvement or maintenance plans, dimensions, and restoration of completed project.
 - j. The location of applicable natural hazard or natural resource subdistricts on or adjacent to the subject site.**
 - h. The location of all trees of six inches or greater diameter measured four feet, six inches above ground level (dbh) within 50 feet of planned excavation areas.**
- E. Weapons Training Facility subject to the following conditions:

1. The property on which the facility is located must be owned or leased by a Federal, State, or local government agency for the exclusive use of public safety personnel engaged in firearms or other related training;

2. The facility must be located no closer than 2,640 feet (one-half mile) to any land planned and zoned for residential use **and outside the Riparian Corridor Overlay Zone**; and

3. Only those firearms or weapons authorized by a government agency and utilized for law enforcement related purposes shall be allowed within the area approved for a weapon training facility. Possession of other firearms or weapons at a weapon training facility site shall be considered a violation of this ordinance.

F. Wireless communications facilities, not to include antenna support structures and their associated facilities, subject to the provisions of Chapter 17.55 (Wireless Communications Facilities). (Ord. 4921 §4C, 2010; Ord. 4732, 2000; Ord. 4684 §2, 1998; Ord. 4559 §1, 1994; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.48.045 Conditional use factors. The Planning Commission shall consider the following factors and special conditions when making a decision regarding a conditional use in the floodplain zone:

A. Factors to be Considered:

1. The danger to life and property due to increased flood heights or velocities caused by any proposed fill.

2. The danger that materials may be swept onto other lands or downstream to the injury of others.

3. The importance to the community of the service provided by the proposed facility.

4. The availability of alternative locations not subject to flooding.

5. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

6. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

7. The compatibility of the proposed use with the potential of the site and the surrounding floodplain area for open space, natural habitats, and recreational places.

8. The impact of the proposed use on fish and wildlife habitat **and water quality**.

9. The danger to life and property from landslides, wildfire or earthquakes due to excavation, vegetation removal and construction of the proposed use.

10. The importance of protecting existing wetlands and minimizing tree and native vegetation removal within the floodplain.

11. Such other factors which are relevant to the purposes of this section.

B. Special Conditions. Upon consideration of the factors listed above and the purposes of this section, the Planning Commission may attach such conditions to the granting of a conditional use permit as it deems necessary to further the purposes of this portion of the zoning ordinance. The following such conditions, but not exclusively limited thereto, may be included: 1. Limitations on periods of use and operation, and upon the area to be filled and the elevation of the fill as well as to the kinds of material which may be so emplaced.

2. Imposition of operational controls, sureties, and deed restrictions.

3. Requirements for construction of channel modifications, dikes, levees, and other protective measures.

4. Limitations on the removal or destruction of critical fish and wildlife habitat including any area of riparian vegetation. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

5. Limitations imposed by applicable natural resource and natural hazard overlay zones per Chapters 17.47 and 17.49.

[17.48.050 Signs. Moved to Chapter 17.62 (Signs), by Ord. 4900 November 5, 2008.]

17.48.060 Use limitations. In an F-P zone, the following limitations shall apply:

A. No residence shall be constructed;

B. A lot shall not be less than one acre in area;

C. Within the floodway and flood fringe, no encroachment will be allowed which causes any increase in the flood height or which would result in hazardous velocities (see floodway schematic). To demonstrate compliance with this requirement, the applicant shall submit an engineering certification stating the proposed development will not impact the pre-project base floodway and flood fringe elevations. The certification shall be signed and sealed by a professional engineer and be supported by the appropriate technical data and studies, which are typically based upon the standard step-backwater computer model utilized to develop the 100-year floodway and flood fringe shown on the appropriate Federal Insurance Rate Map (FIRM) and tabulated in the adopted Flood Insurance Study. (Ord. 4921 §4D, 2010; Ord. 4684 §3, 1998; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

D. All development shall comply with applicable provisions of Chapters 17.47 Natural Resources Subdistricts and Chapter 17.49 Natural Hazards Overlay Zones.

E. Wetlands shall be avoided if possible, and wetland impacts shall be minimized where avoidance is not possible.

F. Removal of trees and native vegetation shall be avoided if possible and shall be minimized the minimum necessary to accomplish project objectives.

17.48.070 Use of other base flood data. When base flood elevation data has not been provided (FIRM zones A), the applicant shall provide alternative base flood elevation as available from a Federal, State, or other source in order to comply with this chapter. (Ord. 4921 §4E, 2010)