

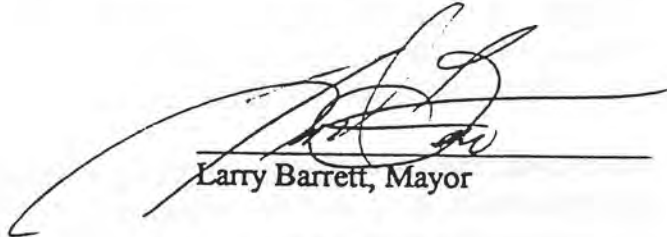
ORDINANCE NO. 62-98

AN ORDINANCE AMENDING ORDINANCE NO. 52, THE CITY OF
RIVERGROVE'S FLOOD DAMAGE PREVENTION ORDINANCE, AND
ATTACHMENT C TO ORDINANCE NO. 54-89, THE CITY OF RIVERGROVE'S
LAND DEVELOPMENT ORDINANCE


Approved by the Planning Commission of the City of Rivergrove on July 6, 1998.

Submitted to the Rivergrove City Council on July 13, 1998.

Adopted by the Rivergrove City Council on July 13, 1998.


Larry Barrett, Mayor

7-13-98
Date


Mike Collmeyer, City Recorder

7/13/98
Date

ORDINANCE NO. 62-98

**BEFORE THE CITY COUNCIL OF
THE CITY OF RIVERGROVE, OREGON**

WHEREAS, the City of Rivergrove has adopted a Flood Damage Prevention Ordinance to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain the functions and values of flood plains such as allowing for the storage and conveyance of stream flows through their natural systems; and

WHEREAS, the City of Rivergrove has adopted a Flood Damage Prevention Ordinance to guide and control its future development within the Flood Hazard District; and

WHEREAS, the City of Rivergrove has adopted a Comprehensive Plan and Land Development Ordinance to guide and control its future development both within and outside the Flood Hazard District; and

WHEREAS, floodplain balanced cut and fill standards are being incorporated into the amendments to Title 3 of the Metro Urban Growth Management Functional Plan and the Metro Water Quality and Floodplain Management Model Ordinance; and

WHEREAS, the City of Rivergrove strongly supports and wishes to comply with the floodplain balanced cut and fill standards of Title 3 to the Metro Urban Growth Management Functional Plan and the Metro Water Quality and Floodplain Management Model Ordinance; and

WHEREAS, Rivergrove's Land Development Ordinance requires minor clarification concerning the applicability of the ordinance provisions concerning the secondary dwelling unit policy within the City of Rivergrove; and

WHEREAS, the minor clarification of Rivergrove's secondary dwelling unit policy under the City's Land Development Ordinance is within the City Council's broad legislative authority and discretion;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF RIVERGROVE
ORDAINS AS FOLLOWS:** The Rivergrove Flood Damage Prevention Ordinance and the Rivergrove Land Development Ordinance are hereby amended as follows:

ORDINANCE NO. 62-98

1. Section 5.2-4, Balanced Cut and Fill Standards, is hereby added to the Rivergrove Flood Damage Prevention Ordinance (Ordinance # 52) and will read as follows:

5.2-4 Balanced Cut and Fill Standards

(1) All development, excavation and fill in the areas of special flood hazard (i.e., the flood plain) shall conform to the following balanced cut and fill standards:

(i) No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal;

(ii) Excavation areas shall not exceed fill areas by more than 50 percent of the square footage;

(iii) Any excavation below bankful stage shall not count toward compensation for fill since these areas would be full of water in the winter and not available to hold storm water;

(iv) Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis. In such cases, the excavation shall be located within the City of Rivergrove.

(2) The following uses and activities are not subject to the balanced cut and fill standards of Subsection (1):

(i) Excavation and fill required to plant any new trees or vegetation;

(ii) Excavation and fill required for the construction of structures and other facilities specifically designed to reduce or mitigate flood impacts and improve water quality;

(iii) Restoration or enhancement of flood plains, riparian areas, wetland, upland and streams that meet federal and state standards.

2. Section 5.055, Secondary Dwelling Units, is hereby added to the Rivergrove Land Development Ordinance (Attachment C to Ordinance # 54-89) and reads as follows:

Section 5.055. Secondary Dwelling Units.

- (a) Notwithstanding the provisions of Section 5.050(b) and 5.060(c), secondary dwelling units (defined as residential units either within the primary residence or above a garage up to a maximum of 750 sq. ft. of floor area) are permitted only in conjunction with single family dwellings and will be permitted both within and outside the Flood Hazard District.
- (b) Within the Flood Hazard District, the minimum lot size is ½ acre and the maximum density allowed is one (1) house (single-family dwelling) per ½ acre plus one secondary dwelling unit as permitted by Section 5.050(b).
- (c) Outside the Flood Hazard District, the minimum lot size is 10,000 sq. ft. and the maximum density allowed is:
 - (1) one (1) house (single-family dwelling) per lot plus one secondary dwelling unit as permitted by Section 5.050(b), or
 - (2) one duplex per lot (secondary dwelling units not permitted in conjunction with duplexes), or
 - (3) one triplex per lot (secondary dwelling units not permitted in conjunction with triplexes).
- (d) This section clarifies secondary dwelling unit policy but is not limited in its scope and/or application to development proposals including secondary dwelling units. It shall apply to all proposals for residential development within the City of Rivergrove.

EMERGENCY CLAUSE

Because this ordinance is necessary to allow the City to guide and control its future development in a manner consistent with its adopted Comprehensive Plan and Land Development Ordinance; and because this ordinance is necessary to guide and control future development within the Flood Hazard District in a manner which protects the public health, safety and welfare of the citizens of Rivergrove; and in order to provide for a prompt transition in a reasonable time to the regulatory controls contained herein and to avoid a continuation of the current lack of regulatory controls in an area of such critical concern to the citizens of Rivergrove; an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the time of passage by the City Council.