

**ORDINANCE NO. 2025-16****AN ORDINANCE AMENDING CHAPTER 17.60 FLOOD SLOPE HAZARD OVERLAY DISTRICT RELATED TO THE FLOODPLAIN REGULATIONS AND DECLARING AN EMERGENCY**

WHEREAS, Title 17, Development Code of Sandy's Municipal Code (SMC), establishes requirements for development regulations in the City of Sandy; and

WHEREAS, Title 17, Chapter 17.60 – Flood and Slope Hazard (FSH) Overlay District includes floodplain regulations for the city of Sandy; and

WHEREAS, pursuant to a 2007 lawsuit, the National Marine and Fisheries Service (NMFS) issued a Biological Opinion requiring FEMA to develop reasonable and prudent alternatives (RPAs) to its current floodplain regulations and implement changes to the National Flood Insurance Program (NFIP) to address takings of Endangered-Species Act (ESA)-listed species in Oregon.; and

WHEREAS, the first stage of FEMA's compliance plan began with Pre-Implementation Compliance Measures (PICMs); and

WHEREAS, when FEMA issued the PICMs, FEMA stated that local governments participating in the NFIP were required to inform FEMA of their selection of one of the three following PICM options by December 1, 2024: prohibit all new floodplain development; assess floodplain development requests on a case-by-case basis; or adopt the FEMA model ordinance; and

WHEREAS, based on advice received from the City Attorney, two of the options presented by FEMA were not favorable and therefore City staff sent the selection to assess floodplain development requests on a case-by-case basis on November 18, 2024, prior to the deadline established by FEMA; and

WHEREAS, FEMA has required local governments to implement their selected PICM no later than July 31, 2025; and

WHEREAS, staff and the City Attorney have developed proposed code amendments intended to meet FEMA requirements while also complying with state law, including requirements relating to clear and objective standards; and

WHEREAS, the Planning Commission held a public hearing on June 30, 2025, allowing the public an opportunity to provide testimony on the proposed code amendments; and

WHEREAS, the City Council held a public hearing on July 21, 2025, allowing the public an opportunity to provide testimony on the proposed code amendments.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: The amended Title 17 Development Code, Chapter 17.60, attached as Exhibit A to this Ordinance, is hereby adopted in its entirety and replaces the existing Chapter 17.60 of the Sandy Municipal Code (SMC).

Section 3: This ordinance is supported by findings, attached as Exhibit B, and incorporated by reference.

Section 2: To comply with the mandatory FEMA compliance deadline of July 31, 2025, an emergency is hereby declared and this ordinance shall take effect on July 31, 2025.

This ordinance is adopted by the City Council of the City of Sandy this 21st day of July, 2025.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder