



**CITY OF BEAVERTON
STAFF REPORT**

HEARING DATE: August 10, 2016

STAFF REPORT DATE: August 3, 2016

TO: Planning Commission

STAFF: Jana Fox, Associate Planner

SUBJECT: **TA2016-0003 (FEMA Floodplain Map Update Text Amendment)**

REQUEST: The City proposes to amend the Beaverton Development Code to adopt the most current County-Wide Floodplain study, 'The Flood Insurance Study for Washington County, Oregon and Incorporated Areas' dated November 4, 2016 and adopting language related to critical facilities within the floodway fringe, as required by FEMA. The update affects Chapters 60 and 90 of the Development Code.

APPLICANT: City of Beaverton

APPLICABLE CRITERIA: Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

RECOMMENDATION: Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal and make a recommendation to City Council.

1. Summary of Proposed Text Amendment

The proposed text amendment proposes to adopt the most current County-Wide Floodplain study 'The Flood Insurance Study for Washington County, Oregon and Incorporated Areas' dated November 4, 2016. The flood study being adopted is a 2003 flood study for which Clean Water Services, Washington County and location jurisdictions (including Beaverton) commissioned and submitted to FEMA in 2005, which was just approved by FEMA and is required to be adopted and effective for all Washington County jurisdictions by November 4, 2016 in order for Beaverton to remain in good standing under the National Flood Insurance Program.

The 2003 flood study information has been used by Beaverton for development regulation since it was completed. The City of Beaverton code requires that the best available information on flooding be used to protect new development or redevelopment of

properties. The data shown on these new maps essentially has been in effect for all development projects for more than ten years, this process is to formally adopt the study to comply with FEMA requirements.

2. Public Comment

Public notice was provided consistent with Section 50.50 of the Development Code. Numerous phone calls and emails requesting further information were received by staff, however no formal comments have been submitted to the public record as of the date of issuance of the staff report. Staff have also not received any written comments from Metro or Oregon DLCDC staff.

3. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2016-0003 (FEMA Floodplain Map Update Text Amendment):

Development Code Approval Criteria

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA2016-0003 proposes to make changes to chapters 60 and 90 of the Development Code, as shown in Exhibit 1. Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The UGMFP is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy (Repealed and moved to Title 4 of the Regional Transportation Functional Plan (RTFP))
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 9: Performance Measures (Repealed)
- Title 10: Functional Plan Definitions
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

The City is required to bring its land use regulations into conformance with the UGMFP. The Development Code has been amended to incorporate several Policies of the UGMFP. This proposed text amendment does not conflict with the UGMFP.

No new land uses are proposed, the intent of the adoption is to codify the now adopted FEMA maps which the City has been using for over 10 years. No substantive changes are proposed which would conflict with the UGMFP. Therefore, staff find that approval criterion three has been met.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

Staff find that goal 8.7.1 Flood Hazard is applicable to the proposal.

8.7.1 Goal: Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.

Policy a) Utilize uniform or complimentary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.

The purpose of the proposed text amendment is to adopt the most recent Washington County wide flood study. All jurisdictions within Washington County are required by FEMA to adopt this study, which will allow a uniform interjurisdictional floodplain map.

Comprehensive Plan Compliance Summary: Therefore, staff find that the proposed amendment complies with all applicable Comprehensive Plan policies and is consistent with the City's Comprehensive Plan and that approval criterion four has been met.

5. *The proposed text amendment is consistent with other provisions within the City's Development Code.*

Staff proposes to modify Chapter 60 and Chapter 90 of the development code to implement the most recent Washington County wide flood study. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

Other applicable approval criteria

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

Goal 1 Goal 2 Goal 6 Goal 11

Goal 1 Citizen Involvement To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff find that the City has provided adequate notice and opportunity for public involvement for the proposed text amendment and public hearing.

Goal 2 Land Use Planning To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

Goal 6 Air, Water and Land Resources Quality To maintain and improve the quality of air, water and land resources of the state.

The proposed Text Amendment is to adopt the most recent County wide flood study, per FEMA requirements. Staff find that the proposal will not have a negative impact on the air, water, or land resources quality of the state.

Goal 11 Public Facilities and Services To plan and develop a timely, orderly, and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.

The proposed Text Amendment is to adopt the most recent County wide flood study, per FEMA requirements. In addition FEMA require that the City adopt language ensuring that critical facilities are a minimum of three (3) feet above the base flood elevation or the height of the 500 year flood whichever is higher, to ensure they remain operable and able to provide efficient service in the event of a flood. Staff find that the proposal will not impair the City's ability to provide the necessary services.

State Land Use Goal Compliance Summary: Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

4. Conclusions

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the August 10, 2016 public hearing for TA2016-0003 (FEMA Floodplain Map Update Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2016-0003 (FEMA Floodplain Map Update Text Amendment) to the City Council.

6. Exhibits

Exhibit 1.1 Text of the Proposed Changes

Exhibit 1.2 FEMA Letter, dated May 4, 2016