

ORDINANCE NO. 4337

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, SECTION:
60.10, FLOODPLAIN REGULATIONS;
TA 2004-0008 (FLOODPLAIN TEXT AMENDMENT) AND
DECLARING AN EMERGENCY.

WHEREAS, the purpose of the Floodplain Text Amendment is to amend Section 60.10 of the Beaverton Development Code currently effective through Ordinance 4302 (June 2004) to adopt by reference the most recent study of the Federal Emergency Management Agency (FEMA) Fanno Creek floodplain which updates the Base Flood Elevation (BFE).

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on December 29, 2004 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 5, 2005; and,

WHEREAS, on January 5, 2005, the Planning Commission conducted a public hearing for TA 2004-0008 (Floodplain Text Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1770; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0008 (Floodplain Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1770; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1770 dated January 6, 2005 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4302, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Emergency Clause. The Council finds that immediate adoption of this Ordinance is necessary to implement the new Federal Emergency Management Agency (FEMA) study to maintain protection of the National Flood Insurance Program, which is

anticipated to take effect on February 18, 2005. The Council therefore declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

First reading this 24th day of January, 2004.

Passed by the Council this 24th day of January, 2004.

Approved by the Mayor this 25th day of JANUARY, 2004.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10, will be amended to read as follows:

60.10. FLOODPLAIN REGULATIONS

60.10.10. Floodplain Designation.

1. Consistent with ~~Unified Sewerage Agency~~ Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the ~~Federal Insurance Administration~~ Department of Homeland Security's ~~Federal Emergency Management Agency~~ in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated ~~March 28, 1984~~ February 18, 2005, as revised ~~February 4, 1987~~, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. [~~ORD 4155; April 2001~~] Additionally, the Letter of Map Revision (LOMR), dated May 25, 2000, In addition, the Letter of Final Determination, dated August 18, 2004, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, effective February 18, 2005, revises portions of the 1984 and 1987 studies and maps, and previous studies and along with previous versions of the same incorporated into that document--is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City ~~may~~ shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. (ORD 3563)
2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer may request the concerned person provide a detailed hydraulic data report prepared by a registered engineer with background in the area of hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. After review of the available

EXHIBIT A

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data the floodplain elevation shall be established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]