

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (ALL CPOs)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 811 –
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE TO ADOPT FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) REQUIREMENTS FOR
DEVELOPMENT IN THE FLOOD PLAIN**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 811 proposes amendments to the Community Development Code that update flood plain regulations applicable to unincorporated Washington County in response to new Federal Emergency Management Agency (FEMA) requirements. The proposed ordinance is posted on the County's land use ordinance web page at the following link:

<http://www.co.washington.or.us/landuseordinances>

The Board conducted a hearing for Ordinance No. 811 on August 2, 2016 and directed engrossment of the ordinance to include changes recommended by the Planning Commission and staff. A description of those changes was included in the staff report for the September 20, 2016 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 811 on September 20, 2016 and continued the hearing to October 4, 2016.

The staff report for the October 4 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 811 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 811.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.b.</u>
Date:	10/04/16

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 811

An Ordinance Amending the
Community Development Code to
Adopt Federal Emergency Management
Agency (FEMA) Requirements for
Development in the Flood Plain

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-800, 802, 804, and 809.

B. As part of its ongoing planning efforts, Washington County staff has identified the need to amend the Community Development Code to comply with recent changes to Federal Emergency Management Agency (FEMA) flood plain development regulations, including

1 structure requirements and amendments to the effective date for County Flood Insurance Rate
2 Maps (FIRMs). The Board recognizes that such changes are necessary from time to time for the
3 health, benefit, and welfare of the residents of Washington County, Oregon.

4 C. Under the provisions of Washington County Charter Chapter X, the Department of
5 Land Use and Transportation has carried out its responsibilities, including preparation of notices,
6 and the County Planning Commission has conducted one or more public hearings on the proposed
7 amendments and has submitted its recommendations to the Board. The Board finds that this
8 Ordinance is based on those recommendations and any modifications made by the Board are a
9 result of the public hearings process.

10 D. The Board finds and takes public notice that it is in receipt of all matters and
11 information necessary to consider this Ordinance in an adequate manner, and finds that this
12 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption
13 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
14 Charter, the Washington County Community Development Code, and the Washington County
15 Comprehensive Plan.

16 SECTION 2

17 The following Exhibit, attached and incorporated herein by reference, is hereby adopted as
18 amendments to the following document:

19 A. Exhibit 1(7 pages) – Amends the following sections of the Community Development
20 Code:

- 21 1. Section 404 – Master Planning;

- 1 2. Section 421 – Flood Plain and Drainage Hazard Area; and
2 3. Section 709 – Alterations to Flood Plain and Drainage Hazard Areas.

3 SECTION 3

4 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which
5 are not expressly amended or repealed herein, shall remain in full force and effect.

6 SECTION 4

7 All applications received prior to the effective date shall be processed in accordance with
8 ORS 215.427.

9 SECTION 5

10 If any portion of this Ordinance, including the exhibits, shall for any reason be held
11 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
12 affected thereby and shall remain in full force and effect.

13 SECTION 6

14 The Office of County Counsel and Department of Land Use and Transportation are
15 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
16 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
17 and making any technical changes not affecting the substance of these amendments as necessary to
18 conform to the Washington County Comprehensive Plan format.

19 ///

20 ///

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 4th day of October, 2016, being the 3rd reading and
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7
8 **ADOPTED**

9 *Andy Onda*
CHAIRMAN

10 *Barbara Hejtmanek*
RECORDING SECRETARY

11 READING

11 PUBLIC HEARING

12 First August 2, 2016
13 Second September 20, 2016
14 Third October 4, 2016
15 Fourth _____
16 Fifth _____
17 Sixth _____

12 First August 2, 2016
13 Second September 20, 2016
14 Third October 4, 2016
15 Fourth _____
16 Fifth _____
17 Sixth _____

16 VOTE: Aye: Duyck, Schouten, Rogers,
Malinowski, Terry
17 Recording Secretary: Barbara Hejtmanek

16 Nay: _____
17 Date: October 4, 2016

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 404 - MASTER PLANNING

404 MASTER PLANNING

Master Planning through the Site Analysis (Master Planning - Site Analysis) or Planned Development (Master Planning - Planned Development) is provided to encourage development which best utilizes the existing on- and off-site characteristics, to encourage flexibility and a creative approach in land development with a more efficient, aesthetic and desirable use of open space, and to establish desirable physical links within a community. It is not the intent of this Section to require full engineering or landscape drawings prior to receiving approval of a requested use. Preliminary (conceptual) plans shall be submitted with the Master Plan application. Prior to issuance of permits final drawings will be required.

Master planning may be processed through a two-step process consisting of a preliminary review and a final review. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

404-4 Planned Development

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the dedication of public or private open space. The Planned Development review process shall not be utilized in transit oriented districts and in the North Bethany Subarea in the Bethany Community Plan. The Planned Development standards applicable to the North Bethany Subarea are in Section 390-17.

404-4.4 Modification of Standards through the Planned Development.

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

- A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height (except the building height standards of Section 427-3), and landscaping may be modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:

- (6) The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-132).

2. SECTION 421 - FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

The County administers and enforces the State of Oregon Specialty Codes pursuant to the requirement established in ORS 455. The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

- 421-1.1 The maps entitled "Flood Insurance Rate Map, Washington County, Oregon," effective dates February 18, 2005 and November 4, 2016, 9/30/19 and 2/18/2005, together with the "Flood Insurance Study for Washington County, Oregon and Incorporated Areas, dated November 4, 2016" with amendments.

~~maps, as may be amended from time to time, including The Flood Boundary and Floodway Maps,~~ as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60), ~~hereby~~ are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. ~~But~~ Where the maps are not available, or where the Director determines more accurate ~~updated~~ information is available, the Director may use any Base Flood Elevation and floodway data available from a federal or state source, or from a licensed professional engineer, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

421-3 Submittal Requirements

In addition to the requirements of Sections 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed which shall be prepared by a registered civil~~licensed~~ professional engineer. This information may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.3 Upon demonstration of no other alternative as determined by the County Engineer, applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement,

fences or other development, in the regulatory floodway is permitted that will cause any increase in the Base Flood Elevation. The CLOMR shall be submitted prior to the application being deemed complete.

Within six (6) months of project completion, an applicant who obtains a CLOMR from FEMA, or whose development alters a watercourse, modifies floodplain boundaries, or modifies Base Flood Elevations within the regulatory floodway shall submit evidence to the County that a Letter of Map Revision (LOMR) from FEMA has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

421-4 Uses and Activities Permitted Through a Type I Procedure

421-4.6 Restoration and stabilization of the bank of a river or other watercourse or body of water for erosion control provided:

A. The application includes a ~~registered civil~~ licensed professional engineer's certification that:

- (1) The project is in response to a demonstrated bank failure that resulted from a specific flood event or which has occurred within the last two (2) years;

C. Upon completion of the project, a ~~registered civil~~ licensed professional engineer shall submit a statement certifying that the project was completed in compliance with the provisions of this Section.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

421-7.1 Development proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil~~ licensed professional engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge.

421-7.2 Development proposed on a flood plain site where the development does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil licensed professional~~ engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase the flood plain elevation more than one (1) foot at any point in the community.

421-7.3 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil licensed professional~~ engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community.

421-7.6 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut or storage within the boundary of the development site unless:

B. Off-site excavation will be utilized to balance a fill, provided:

(3) The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's ~~registered civil licensed professional~~ engineer shall conduct a storage routing analysis to determine the location of the fill;

421-10 Criteria for Non-Dwelling Structures

421-10.1 New construction or substantial improvement of non-dwelling structures shall ~~either: have the lowest floor, including any basement, elevated to or above the flood surface elevation; or, the structure together with attendant utility and sanitary facilities shall:~~

A. Ensure the lowest floor, including any basement, is elevated to or above the flood surface elevation; or,

~~A. Be flood-proofed so that below the flood surface elevation the structure is watertight with walls substantially impermeable to the passage of water;~~

~~B. The structure, together with attendant utility and sanitary facilities, shall~~ Ensure that all fully enclosed areas below the lowest floor that are subject to flooding be are designed to automatically equalize hydrostatic flood forces on exterior

walls by allowing for the entry and exit of floodwaters. At a minimum, designs for meeting this requirement shall:

- (1) Contain a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (2) Contain openings where the bottom of each opening is no higher than one (1) foot above grade;
- (3) Contain openings equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without manual intervention;
- (4) Be constructed with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage;
- (5) Show how the structure is anchored to prevent flotation, collapse or lateral movement; and
- (6) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

E. A registered licensed professional engineer or architect shall certify that the proposed design and methods of construction comply with the criteria described above in Section 421-10.1 B. described criteria.

421-10.2 Structural support poles for unenclosed agricultural buildings pole barn construction in the 100-year flood plain shall be composed of waterproof material resistant to flood damage, using approved construction methods and practices that minimize such damage.

421-10.32 In accordance with FEMA regulations, the flood insurance premiums for flood-proofed non-dwelling structures will be based on the rates that are one (1) foot below the flood-proofed level (e.g., a building flood-proofed to the base flood level will be rated as one [1] foot below) or as otherwise amended by FEMA.

421-16 Exemptions

Unless specifically prohibited in the applicable Community Plan, Rural/Natural Resource Plan, or the Clean Water Service's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, the following are exempt from the requirement of obtaining a development permit for a flood plain or drainage hazard area alteration:

421-16.11 Line borings for installation of utilities when certified by a registered civil licensed professional engineer: that the line is located at least thirty-six (36) inches below

ground surface in floodways, flood plains, and drainage hazard areas; that the land disturbance will not alter flood storage capacity or water velocities; that all construction will take place outside the delineated flood plain or drainage hazard area; and that all spoils will be removed from the flood area and placed in an appropriate disposal site.

3. SECTION 709 - ALTERATIONS TO FLOOD PLAIN AND DRAINAGE HAZARD AREAS

Category B alterations of a flood plain or drainage hazard area shall comply with the following standards:

709-1 The maps entitled "Flood Insurance Rate Map, Washington County, Oregon," effective dates February 18, 2005 and November 4, 2016~~3019822~~, together with the "Flood Insurance Study for Washington County, Oregon and Incorporated Areas, dated November 4, 2016" with amendments, ~~including~~

~~the Flood Boundary and Floodway Maps~~, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60), are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. ~~But Where~~ the maps are not available, or where the Director determines more ~~accurate~~^{updated} information is available, the Director may use any Base Flood Elevation and floodway data available from a federal or state source, or from a licensed professional engineer, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

709-3 A project proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil-licensed professional~~ engineer, that the use will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge.

709-4 A project proposed ~~on~~-within a 100-year flood plain site where the use does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil-licensed professional~~ engineer, that the use will not increase the flood plain elevation more than one (1) foot at any point in the community.

Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the county, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). Upon demonstration of no other alternative as determined by the County Engineer, applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial

improvement, fences or other development, in the regulatory floodway is permitted that will cause any increase in the Base Flood Elevation. The CLOMR shall be submitted prior to the application being deemed complete.

Within six (6) months of project completion, an applicant who obtains a CLOMR from FEMA, or whose development alters a watercourse, modifies floodplain boundaries, or modifies Base Flood Elevations within the regulatory floodway shall submit-obtain evidence to the County that a Letter of Map Revision (LOMR) from FEMA has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

709-5 A project proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a ~~registered civil~~licensed professional engineer, that the use will not result in any increase to the drainage hazard area elevation at any point in the community. Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.

709-9 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal or greater amount of cut or storage within the boundary of the development site unless:

B. Off-site excavation will be utilized to balance a fill, provided:

(3) The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's ~~registered civil~~licensed professional engineer may be required to conduct a storage routing analysis to determine the location of the excavation area;

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (ALL CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 811

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 811 amends the Community Development Code. A-Engrossed Ordinance No. 811 is posted on the County's land use ordinance web page at the following link:

<http://www.co.washington.or.us/landuseordinances>

Post acknowledgment comprehensive plan amendments are amendments made to the county's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 811. Prior to the October 4, 2016 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 811 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 16-128

Agenda Item No.	<u>6.a.</u>
Date:	10/04/16

1 IN THE BOARD OF COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of A-Engrossed Ordinance No. 811) No. **16-128**

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 4, 2016; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 811; and

11 It appearing to the Board that the findings attached and herein incorporated as "Exhibit A"
12 constitute appropriate legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on July 6, 2016, made a recommendation to the Board, which is in the record and has been reviewed
15 by the Board; and

16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted
19 to the Planning Commission and Board regarding this ordinance; it is therefore,


20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of
21 A-Engrossed Ordinance No. 811 are hereby adopted.

22 DATED this 4th day of October, 2016.

	AYE	NAY	ABSENT
23 DUJCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APPROVED AS TO FORM:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


County Counsel
For Washington County, Oregon

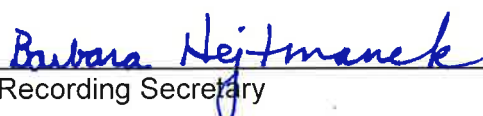

Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 811

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO ADOPT FEDERAL EMERGENCY MANAGEMENT AGENCY REQUIREMENTS FOR DEVELOPMENT IN THE FLOODPLAIN

October 4, 2016

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 811 amends the Community Development Code to adopt Federal Emergency Management Agency (FEMA) requirements for development in the flood plain. The ordinance would adopt the temporary County Flood Insurance Rate Map (FIRM) as permanent, with an effective date of November 4, 2016.

Key Ordinance Provisions

The key provisions of A-Engrossed Ordinance 811 are to:

- Include specific language to accurately reference the most recent Flood Insurance Rate map (FIRM) and Flood Insurance Study (FIS);
- Amend development regulations for non-dwelling structures in the flood plain;
- Modify the applicant requirement for evidence of a Letter of Map Revision (LOMR) from FEMA; and
- Minor formatting and text changes.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The county Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The county is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 811 is consistent with Statewide Planning Goals (Goals), Oregon Revises Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The county's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the county's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 811.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 811.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 811 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 3 - Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

Oregon right-to-farm laws are codified at ORS 30.930 to 30.947. Agricultural land will not be taken out of production and impacts to farm activity are not anticipated as a result of adoption of A-Engrossed Ordinance No. 811.

The amendments are consistent with the county's acknowledged policies and strategies for maintaining agricultural land as required by Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

Commercial forest lands will not be taken out of production and impacts to commercial forest activity are not anticipated as a result of development code amendments reflected in A-Engrossed Ordinance No. 811.

The amendments are consistent with the county's acknowledged policies and strategies for maintaining commercial forestland as required by Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 8, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 811 reflects changes to the Community Development Code required as a result of federal updates to the county 100-year flood plain map and associated Flood Insurance Study. Updated flood plain information and requirements for new development in the

flood plain enhances the protection of natural resources and scenic and historic areas through the application of more accurate mapping of those areas susceptible to flooding. In accordance with requirements of the Federal Emergency Management Agency (FEMA), proposed amendments to the Development Code under this ordinance include the modification of existing regulations for non-dwelling development in the flood plain to allow flow-through of flood waters in building foundations, thereby minimizing localized increases in flood elevation.

The amendments are consistent with the county's acknowledged policies and strategies for conserving protecting natural resources, scenic and historic area and open spaces as required by Goal 5.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 811 reflects changes to the Community Development Code required as a result of federal updates to the county 100-year flood plain map and associated Flood Insurance Study. Updated requirements for new development in the flood plain and improved flood plain mapping help reduce the risk to people and property from natural hazards such as floods. In accordance with requirements of the Federal Emergency Management Agency (FEMA), proposed amendments to the Development Code under this ordinance include the modification of existing regulations for non-dwelling development in the flood plain to allow flow-through of flood waters in building foundations, thereby minimizing localized increases in flood elevation.

The amendments are consistent with the county's acknowledged policies and strategies for reducing natural hazard risk as required by Goal 7.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 811 findings have been prepared to address Title(s) 3 and 8 of the UGMFP.

Title 3 - Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

RESPONSE

A-Engrossed Ordinance No. 811 reflects changes to the Community Development Code required as a result of federal updates to the county 100-year flood plain map and associated Flood Insurance Study. Updated requirements for new development in the flood plain and improved flood plain mapping help reduce the risk to people and property from natural hazards such as floods. In accordance with requirements of the Federal Emergency Management Agency (FEMA), proposed amendments to the Development Code under this ordinance include the modification of existing regulations for non-dwelling development in the flood plain to allow flow-through of flood waters in building foundations.

The amendments are consistent with the county's acknowledged policies and strategies for reducing natural hazard risk as required by Title 3.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 811 was mailed to Metro on June 1, 2016, 36 days prior to the first evidentiary hearing.