

ORDINANCE No. 183889

*Approve variance allowing minor rise in base flood elevations associated with Portland-Milwaukie Light Rail Project's Willamette River Bridge Crossing. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland-Milwaukie Light Rail Transit Project (Project) being proposed by the TriCounty Metropolitan Transportation District of Oregon (TriMet) will build a new Willamette River bridge crossing between the Marquam and Ross Island bridges. This bridge will be used by light rail transit, buses, pedestrians and bicyclists only. A portion of the Project site is located within the Flood Hazard Area and is subject to the applicable requirements of Portland City Code (Code) 24.50.
2. The proposed bridge piers, scour protection and possibly other features of the bridge crossing along with the temporary work bridge anticipated to be used for construction purposes will encroach into the Floodway.
3. City Code Section 24.50.060.D prohibits encroachments into the Floodway by development and structures unless it is demonstrated by technical analysis from a registered engineer that the development will result in no increase to base flood elevations.
4. The Project has been designed to minimize flood impacts but a hydraulic analysis commissioned by TriMet indicates that the proposed Floodway encroachment would still cause a minor rise in base flood elevations of approximately 0.06 feet (about 3/4ths inch) maximum at the proposed bridge, which will diminish as it continues upstream to the Willamette Falls at which point the increased rise reaches 0.00 ft. During construction (from 2011 to 2014), the net increase to the floodway and base flood elevation could be up to 0.13 feet (1.56 inches) if the selected contractor uses a construction method that utilizes placement of cofferdams and/or work bridges in the river; however, once any cofferdams or work bridges are removed, the maximum permanent net increase would be 0.06 feet at the bridge, due to the permanent piers and tower.
5. This minor rise in base flood elevations is not expected to: change the Flood Insurance Rate Maps or the cost of insurance; change the occurrence, intensity or pattern of flooding in the area; or change the extent or boundary of the Flood Hazard Area.
6. This minor rise in base flood elevations could potentially be mitigated by dredging the bottom of the Willamette River at the bridge site; however, dredging would negatively affect fish species and result in re-suspension of contaminated soils.
7. On balance, it has been determined that the Project design should not be revised to produce no net rise in base flood elevations. Under these circumstances, a variance from the requirements of Code Section 24.50.060.D is required and must be approved by City Council.

8. The Project has addressed and satisfied the standards and conditions for a Flood Hazard variance outlined in Code Sections 24.50.070.B and C as described in Exhibit A.
9. The approval of a rise in base flood elevations by Council will also require approval by the Department of Homeland Security's Federal Emergency Management Agency (FEMA). FEMA requires submission of an application for a Conditional Letter of Map Revision (CLOMR) and, after construction of the bridge is complete, a Letter of Map Revision (LOMR).
10. A CLOMR, when issued by FEMA, is a letter commenting on whether the proposed project, if built as proposed, would meet minimum National Flood Insurance Program (NFIP) standards or proposed hydrology changes. A LOMR, when issued by FEMA, is a letter officially revising the current NFIP map to show changes to floodplains, floodways or flood elevations.
11. The CLOMR/LOMR applications must be submitted by the Chief Executive Officer of the community most affected by the change (in this case, the City of Portland), and supported with letters from other affected jurisdictions. In addition, as part of the CLOMR/LOMR request, TriMet will ensure that all public notice requirements are satisfied.
12. FEMA will act upon the CLOMR/LOMR requests within 90 days after receiving the complete applications. It is expected that FEMA will determine that the changes requested are not of such a significant nature as to warrant a reissuance or revision of the flood insurance study or maps and these actions will be deferred until such time as a significant change occurs.
13. All costs associated with the CLOMR/LOMR process will be paid for by the Project and shall not be the responsibility of the City of Portland.

NOW, THEREFORE, the Council directs:

- a. A variance is hereby authorized from Portland City Code 24.50.060.D to allow a permanent rise in base flood elevations of approximately 0.06 feet from the location of the proposed Portland-Milwaukie Light Rail Transit Project's Willamette River Bridge Crossing upstream to the Willamette Falls with the condition that a CLOMR and subsequent LOMR are approved by FEMA.
- b. The Mayor, or his designee, is hereby authorized to execute any and all documents necessary for submission of the CLOMR and LOMR applications to FEMA.

Section 2. The Council declares an emergency exists because the integrity of the budget and schedule for the Project is dependent on securing the variance and CLOMR; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, JUN 16 2010

Mayor Sam Adams
Prepared by: Teresa Boyle:slg
Date Prepared: 6-1-10

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 183889
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Williams on behalf of Mayor Adams</i> COMMISSIONER APPROVAL</p>	<p>CLERK USE: DATE FILED <u>JUN 11 2010</u></p>
<p>Mayor—Finance and Administration - Adams</p>	<p style="text-align: right;"><i>LaVonne Griffin-Valade</i> LaVonne Griffin-Valade Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: <u><i>Susan Larson</i></u> Deputy</p>
<p>Position 2/Works - Fish</p>	<p>ACTION TAKEN:</p>
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Leonard</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Bureau of Transportation Group Manager: Greg Jones <i>GW</i> Development & Capital Program Other: Jody Yates <i>JY</i></p>	
<p>Prepared by: Teresa Boyle:slg <i>AB</i> Date Prepared: 5-25-10</p>	
<p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date JUNE 16, 2010</p>	
<p>City Attorney Approval</p>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT *1 of 2*

REGULAR
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman _____	
4. Leonard	4. Leonard ✓	
Adams	Adams ✓	