

IMPACT STATEMENT

Legislation title: *Amend Flood Hazard Areas Code to further comply with Metro Urban Growth Functional Plan Title 3 (Ordinance; amend Code Section 24.60.060)

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Presenter name: Jason Butler-Brown, Emily Sandy

Purpose of proposed legislation and background information:

The proposal is necessary to resolve an oversight of a previous ordinance (Ord 137979, Consolidate existing erosion control regulations into one regulation, enact erosion control regulations and revise flood management regulations) and to more clearly comply with Metro Function Plan Title 3. The proposal will not change the intent of previous legislation or practices relating to the applicability of the relevant regulations.

Financial and budgetary impacts:

The amendments do not have any financial or budgetary impact.

Community impacts and community involvement:

No specific community involvement was conducted as part of this proposal. The community involvement was conducted and corresponding legislative intent was determined as part of the development and adoption of Ord 173979.

100% Renewable Goal:

These amendments do not affect the City's total energy use City's renewable energy use.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



City of Portland, Oregon
Bureau of Development Services
Office of the Director
 FROM CONCEPT TO CONSTRUCTION

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December 20, 2018

To: Mayor Wheeler
 Commissioner Eudaly
 Commissioner Fish
 Commissioner Fritz
 Commissioner Saltzman

From: Rebecca Esau, Director *RE*
 Bureau of Development Services

Regarding: Amendment to Title 24 to further comply with Metro Functional Plan Title 3

I. RECOMMENDATION

Amend Chapter 24.50, Flood Hazard Areas to change the applicability of Sub-section 24.50.060.F from "Special flood hazard areas" to "Flood hazard areas" to further comply with Metro Functional Plan Title 3.

II. BACKGROUND

In 1999, City Council adopted amendments to Chapter 24.50, Flood Hazard Area as part of a package of amendments to Titles 17 and 24 and the addition of Title 10 (Ord. 173979 Consolidate existing erosion control regulations into one regulation, enact erosion control regulations and revise flood management regulations).

Ord. 173979, in part, addressed requirements of then recently revised Metro Functional Plan Title 3 regarding flood management regulations. Compliance included meeting the requirement that the City adopt floodplain maps and corresponding regulations for "Flood Management Areas".

Metro Functional Plan Title 3 defines "Flood Management Areas" as "all lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Maps and all lands that were inundated in the February 1996 flood." This was the first regulatory that addressed the 1996 flood inundation area, as shown on the Metro Flood Management Area map.

Ord 173979 adopted the Title 3 Flood Management Area Map, which identified areas as February 1996 Flood Inundation, and states those areas are subject to the regulations of Title 24 (24.50.040.E).

Therefore, the amendments to Chapter 24.50, Flood Hazard Areas, adopted in Or. 173979, were intended to apply to both the FEMA 100-year floodplain, and the 1996 flood inundation area, as necessary to comply with Metro Functional Plan Title 3.

Subsubsection 24.50.060.F contains several regulations necessary for compliance with Metro Functional Plan Title 3, including the addition of 24.50.060.F.7-10 adopted by Ord 173979. However, Ord 173979 did not amend the subsubsection title 24.50.060.F from "Special Flood Hazard Areas". "Areas of Special Flood Hazard" is defined in Section 24.030.C. as areas subject to a one percent or greater chance of flooding in any given year. This is referred to as the FEMA 100-year floodplain. However, it does not include the 1996 flood inundation area. Though the subsection title does not exactly correspond with the definition name; it is prudent to amend the code to eliminate ambiguity.

III. PROPOSED AMENDMENTS

Sub-subsection 24.50.060.F should be amended from applying to "Special flood hazard areas" to "Flood hazard areas", to encompass the 1996 flood inundation areas as originally intended.