



City of Portland
Bureau of
**Planning and
Sustainability**

Sam Adams, Mayor
Susan Anderson, Director

**Portland
Planning and
Sustainability
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1900 S.W. 4th Ave., Ste. 7100
Portland, OR 97201-5350
Phone 503-823-7700
FAX 503-823-7800
TTY 503-823-6868

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November 2, 2010

Portland City Council
City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Commissioners:

On October 26, 2010, the Portland Planning and Sustainability Commission held a hearing on the proposed FEMA Flood Map Update project. This project updates the City's floodplain maps and regulations to maintain Portland's eligibility to participate in the National Flood Insurance Program.

Deputy City Attorney Terence Thatcher gave a helpful overview of recent litigation and the settlement reached between the Portland Audubon Society and FEMA. We heard testimony from Bob Sallinger regarding this case. Mr. Thatcher assured us that this settlement has no effect on this project, but will likely result in amendments needed in future years.

The Planning and Sustainability Commission unanimously recommends that City Council:

- 1) Adopt the Recommended Ordinance; and
- 2) Adopt the FEMA Flood Map Update Project: Recommended Draft.

We commend the project team for their quick and diligent work and thank you for your consideration of our recommendation.

Sincerely,

Don Hanson, Chair
Portland Planning and Sustainability Commission



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Planning

1900 S.W. 4th Ave., Ste. 7100
Portland, OR 97201-5350

Phone 503-823-7700
FAX 503-823-7800
TTY 503-823-6868

Sustainability

721 N.W. 9th Ave., Ste. 195
Portland, OR 97209-3447

Phone 503-823-7222
FAX 503-823-5311
TTY 503-823-6868

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MEMORANDUM

To: Mayor Sam Adams
From: Susan Anderson, Director
Date: October 28, 2010

1. **Ordinance Title:**
*Adopt updated FEMA Flood Insurance Rate Map (FIRM) and ensure regulations are consistent (Ordinance; amend Titles 24 and 33, Special Flood Hazard Map)
2. **Contact Name, Department, & Phone Number:**
Sandra Wood, Bureau of Planning and Sustainability, x3-7949
3. **Requested Council Date:** November 10, 2010

Consent Agenda Item: _____ or Regular Agenda Item: _____

Emergency Item (answer below): _____ or Non-Emergency Item: _____

If emergency, why does this need to take effect immediately:

The maps and code amendments must be effective by November 26, 2010 to maintain Portland's eligibility to participate in FEMA's National Flood Insurance Program.

4. **History of Agenda Item/Background:** The Federal Emergency Management Agency (FEMA) maintains maps of areas around the country that are prone to flooding. They update these maps periodically.

Property owners, renters, and business owners are eligible to participate in the National Flood Insurance Program (NFIP), if their community has adopted flood-control regulations that apply within the areas mapped by FEMA. Portland has such regulations in place and participates in the NFIP. The NFIP makes flood insurance available to homeowners, renters, and business owners at a lower rate than private insurance companies would be able to provide. The regulations limit the kinds of development allowed in the areas likely to flood, and specify building regulations that limit damage when there is a flood.

Portions of the maps that apply to Portland have been updated; the new boundaries take effect on November 26, 2010.

5. **Purpose of Agenda Item:** To maintain compliance with federal programs—and maintain the ability for community members to obtain flood insurance in Portland—we must update the maps of flood-prone areas in the city. We also have to update some of our regulations to refer to the new maps.

6. **Legal Issues:** None directly related to this project. There has been some recently litigation—and a settlement—between the Audubon Society and FEMA. This will result in additional amendments needed in future years, but does not affect the current proposal.

7. **What individuals or groups are or would be opposed to this ordinance?
Supportive?**

Support: Those who rent or own property or businesses in the floodplain.

Oppose: None.

8. **How Does This Relate to Current City Policies?** As detailed in the findings in the ordinance, all of these changes are supportive of the Portland Comprehensive Plan. Adoption of the maps and amendments to code strengthen the regulations that protect human life and health; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense, minimize prolonged business interruptions, and minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges. While many of these regulations are currently part of City Code, adoption of the map helps the City apply the regulations more accurately, and the amendments to City Code refine the regulations to better provide these benefits.

9. **Community Participation:** Notice of the proposal was sent to 538 people and organizations on the Bureau of Planning and Sustainability's Legislative Mailing List. This includes all neighborhood and business associations. The notice also informed them of the hearing to be held before the Planning and Sustainability Commission. Notice of the proposal and the hearings was also sent to 225 owners of property affected by the proposed map changes.

Two people testified at the Planning and Sustainability Commission hearing. Notice of the City Council hearing was given to both testifiers. In addition, a project page was maintained on the Bureau website, with frequent updates and detailed information, including a widget to allow people to examine specific properties.

10. **Other Government Participation:** Because this proposal involves amendments to bou... Title 24, Building Regulations, and Title 33, Planning and Zoning, staff worked closely with the Bureau of Development Services on all aspects of this project. There was also coordination with the Bureau of Environmental Services, Portland Office of Emergency Management, the Oregon Department of Land Conservation and Development, and FEMA.

11. **Financial Impact:** Implementation of these changes will be incorporated into day-to-day activities of the Bureau of Development Services. This ordinance is anticipated to result in no change in revenue or expense.