

ORDINANCE NO. 1397-16

AN ORDINANCE RELATING TO THE FLOODPLAIN DISTRICT AND
AMENDING TUALATIN DEVELOPMENT CODE CHAPTER 70 TO
ADOPT FEDERAL EMERGENCY MANAGEMENT AGENCY
REQUIREMENTS FOR DEVELOPMENT OF THE FLOODPLAIN

WHEREAS, in order to receive flood insurance through the Federal Emergency Management Agency (FEMA), the City is required to adopt current FEMA requirements with respect to development within the floodplain; and

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA16-0001; and

WHEREAS, the City provided notice of PTA16-0001 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610; and

WHEREAS, the City provided notice of the public hearing to all property owners in compliance with ORS 227.186 (Ballot Measure 56); and

WHEREAS, notice of public hearing of PTA16-0001 was given as required by Tualatin Development Code (TDC) 1.031; and

WHEREAS, Council approved PTA16-0001 after a public hearing was held where Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 70.050 is amended to read as follows:

The City of Tualatin adopts the maps entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated November 4, 2016. 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 establishing the floodplain, floodway, and drainage hazard areas of the City of Tualatin. Where the maps are not available or where the City Engineer determines more accurate information is available, the City Engineer 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 floodplain, floodway, and drainage hazard areas of the City of Tualatin, as provided in TDC 70.140.

~~The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tualatin," dated February 19, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062.~~

Section 2. TDC 70.135 is added to the Tualatin Development Code as follows:

TDC 70.135 Provide Base Flood Elevation and Freeboard to Building Official.

The City Engineer will provide the base flood elevation information to the Building Official along with any freeboard requirements in order to administer the Building Codes.

Section 3. TDC 70.180 is amended to read as follows:

Section 70.180 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TDC 70.050, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," or TDC 70.140(2), "USE OF OTHER BASE FLOOD DATA," the following provisions are required:

(1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

(b) New public streets providing vehicle access to residences, including residences within mixed use developments, shall be constructed at or above the base flood elevation. Public street rights-of-way in existence as of January 14, 1993, shall not be subject to this requirement.

(c) Below grade crawl-space construction in the floodplain shall comply with all NFIP specifications and applicable Building Code Requirements.

(d) Elevated structures that are not floodproofed, but that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other

nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b).

(d) Elevated structures that are not floodproofed, but that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(3) Manufactured Dwellings. Manufactured dwellings placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

(4) Recreational Vehicles. Recreational vehicles placed on sites are required to:

(a) Be on the site for fewer than 180 consecutive days, and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Recreational vehicles that are permanently placed or substantially improved within Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall

be securely anchored to a foundation system in accordance with TDC 70.170(1)(b).

Section 4. TDC 70.200 is added to the Tualatin Development Code as follows:

TDC 70.200 Alterations to Floodplain, Drainage, or Watercourses

(1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.

(2) Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

(3) The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA.

Section 5. The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

Section 6. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 7. Emergency Clause. This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect on November 4, 2016.

ADOPTED this 24th day of October, 2016.

CITY OF TUALATIN OREGON

BY Monique Beikman
Mayor Pro Tem

APPROVED AS TO LEGAL FORM

BY J-B
City Attorney

ATTEST

BY Homker
City Recorder

EXHIBIT 1

Ordinance No. 1397-16

PTA16-0001: ANALYSIS AND FINDINGS

FLOODPLAIN ORDINANCE UPDATE 2016

Plan Text Amendment 16-0001 (PTA16-0001) amends the Tualatin Development Code to adopt Federal Emergency Management Agency (FEMA) Requirements for Development in the Floodplain. The purpose of these amendments is to facilitate local implementation of the National Flood Insurance Program requirements and to adopt the best available geographic data defining locations that are at a high risk of flooding.

Amendments are proposed to the following chapter and section:

Chapter 70 Flood Plain District

Background

The National Flood Insurance Program (NFIP) is a federal program created in 1968 through passage of the National Insurance Act and administered by the Federal Emergency Management Agency (FEMA). The program allows owners of property in a 100-year floodplain to obtain federally-backed flood insurance for their property in jurisdictions that have adopted land use ordinances to regulate floodplain development.

The Flood Insurance Rate Map (FIRM) is an official map on which FEMA has delineated both the Special Flood Hazard Area (SFHA) and other flood zones within a community. The SFHA is the area where floodplain management regulations of the NFIP must be enforced and where the mandatory purchase of flood insurance applies. The FIRM also notes the Base Flood Elevations (BFEs) for maps areas. BFEs inform both insurance rates and aid in identifying where flood plain development can occur.

On May 4, 2016 the City received a letter from FEMA which requires the City “to adopt or show” prior to November 4, 2016 “evidence of adoption of floodplain management regulations that meet [certain] standards” (Exhibit 1). This requirement is a condition of continued eligibility in the National Flood Insurance Program (NFIP). The letter provides pertinent background information as follows:

“On February 19, 1987, the Department of Homeland Security’s FEMA issued a FIRM that identified the SFHAs, the areas subject to inundation by the base (1-percent-annual-chance) flood in [our] community. [The City of Tualatin adopted the Study and FIRMs into the Development Code in 1998.] FEMA has recently completed a re-evaluation of flood hazards in [our] community. On September 28, 2007 FEMA provided [the City] with Preliminary copies (and Revised Preliminary copies on December 4, 2009) of the FIRM and Flood Insurance Study report that

identify existing flood hazards in Tualatin, including Base Flood Elevations (BFEs). The proposed BFEs for Tualatin were published in *The Times* on October 25, 2012 and November 1, 2012 and in the *Federal Register*, at part 67, Volume 77, Pages 21516 through 21521, on April 10, 2012.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for Tualatin are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for Tualatin will become effective on November 4, 2016.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effect FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.(d)

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.”

The City of Tualatin proposes legislative amendments to the Tualatin Development Code (TDC) to amend existing regulations to incorporate any additional requirements of Paragraph

60.3(d) of the National Flood Insurance Program regulations. Amendments are proposed to Chapter 70 Flood Plain District of the Tualatin Development Code.

The Analysis and Findings presented here pertain only to the Plan Text Amendment proposed to amend language in the Tualatin Development Code.

Plan Amendment Criteria (TDC Section 1.032)

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

Finding: Floodplain boundaries do not stay constant but rather undergo change over time due to the effects of erosion, development impacts such as increased run off, vegetation removal that can affect flood water retention and release, changes in weather patterns and other factors. To account for flood plain boundary changes, FEMA periodically adjusts the 100-year floodplain maps used by local jurisdictions. The City does not conduct flood plain inventories but relies on FEMA for the determination of the 100-year floodplain boundary. Mortgage lenders will typically notify homeowners whose property is in the flood plain that they are required to carry flood insurance. Homeowners without a mortgage are not required by law to obtain flood insurance but will not be covered for any property damage caused by flooding.

FEMA periodically amends the regulatory requirements of the NFIP through updates to the local FIRM and a corresponding Flood Insurance Study Report. Prior to amending the FIRM and/or developing new or revised flood plain requirements as part of the NFIP updates, FEMA coordinates with local jurisdictions (known as “discovery” process) to determine local flood area conditions, including areas of flood risk and potential mitigation for development.

As stated in the May 4, 2016 letter from FEMA, the City is required to update its floodplain management regulations to meet standards set out in the NFIP as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

The floodplain affects a large portion of the City of Tualatin (755 acres AND 556 Parcels) with residential and employment uses. If the City does not adopt these amendments prior to November 4, 2016, private property owners are not eligible for flood insurance which could endanger a mortgage if the lender requires flood insurance as a term of the loan. Therefore, it is in the public interest to adopt these amendments at this time.

Granting the amendment is in the public interest.

Criterion "1" is met.

2. The public interest is best protected by granting the amendment at this time.

FINDING: According to the May 4, 2016 letter from FEMA the City of Tualatin is required to adopt floodplain management regulations that meet the standards of Paragraph 60.3(d) by the effective date of the FIRM which is November 4, 2016, as a condition of continued eligibility in the National Flood Insurance Program.

Granting the amendment at this time best protects the public interest.

Criterion "2" is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are discussed below:

**Chapter 3 Technical Memoranda
Section 3.030 Natural Resources**

(1) Geology

(c) Tualatin River. The Tualatin River originates on the eastern slope of the Coast Range. The watershed averages 40 miles long and 25 miles wide, draining 711 square miles before entering the Willamette River. About ½ of the watershed is in the valley, where the stream is flat with wide flood plains.

(3) Wildlife...

(c) Tualatin River. The Tualatin River and its floodplain from the western boundary of the Study Area to just past its junction with Fanno Creek has been identified as a wetland and marsh area. The River itself is an important fish migration route. The river and its associated vegetation are important natural habitats.

Section 3.040 Natural Hazards

(1) Flooding. The last 3 miles of the Tualatin River, about 5 ½ miles downstream from the City of Tualatin, consists of a narrow gorge with a vertical drop of nearly 40 feet. Natural reefs occurring upstream limit the River's ability to pass flood flows. The reefs create a natural dam, forcing water to back up and flood into the Tualatin Valley.

- a. Season. Flooding usually occurs between mid-November and mid-February, due to rainfall and snow melt. Unlike most Oregon streams, the wide, flat flood plains of the Tualatin Valley store large volumes of water that cause the River to peak slowly and remain above flood stage for several days.
- b. Area. The core of the City of Tualatin is highly vulnerable to flooding of the Tualatin River. A 100-year frequency flood would cause extensive flooding in the City of Tualatin. It would also flood a large area west and east of the City's downtown and a large area in the northwest portion of the Study Area.
- c. Existing flood control. Present flood control projects on the Willamette River do not appreciably affect flood conditions of the City of Tualatin. Upstream flood control measure on the Tualatin River will provide only limited benefits to the Tualatin Valley, as key physical constraints occur at the natural reefs downstream.

Chapter 4 Community Growth

Section 4.050 General Growth Objectives.

(11) Coordinate development plans with regional, state, and federal agencies to assure consistency with statutes, rules, and standards concerning air, noise, water quality, and solid waste. Cooperate with the U.S. Fish and Wildlife Service to minimize adverse impacts to the Tualatin River National Wildlife Refuge from development in adjacent areas of Tualatin.

(12) Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.

FINDING: The sections from the Tualatin Comprehensive Plan indicate that flooding from the Tualatin River could cause extensive damage. The 1996 floods in Tualatin did cause damage to private and public structures. Adopting the amendment to the Chapter 70 Flood Plain adopts new Base Flood Elevations which are the regulatory benchmark for development in a flood plain. Local jurisdictions are required to adopt new floodplain regulations or amend existing floodplain regulations to incorporate the updated information into their local documents. Adopting updated FEMA requirements will enable local communities (and private property owners) to participating in the National Flood Insurance Program.

The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

FINDING: The amendments are intended to implement, through the City's Development Code Chapter 70 Flood Plain, regulations on development in areas of the city that FEMA has deemed to be at high risk of inundation under the 100-year flood. Approximately 556 tax lots contain some 755 acres in the 100-year floodplain. The Floodplain requirements would be applied to all new structures and substantial improvements in said high-risk areas.

The suitability of the area for particular land uses and improvements.

Not applicable

Trends in land improvement and development.

FINDING: Tualatin Development Code Chapter 70 regulates development in the floodplain. Adjustments to the FIRM map will not alter how development in the flood plain is currently reviewed and processed.

Property Values.

FINDING: Property values could be affected by the owner's ability to obtain flood insurance. Mortgage lenders will typically notify homeowners whose property is in the floodplain that they are required to carry flood insurance. Homeowners without a mortgage are not required by law to obtain flood insurance but will not be covered for any property damage caused by flooding. Property owners can apply for flood insurance if their local jurisdiction participates in the National Flood Insurance Program and in order to continue Tualatin's participation the City must adopt new the Flood Insurance Rate Maps and Flood Insurance Study.

The needs of economic enterprises and the future development of the area.

FINDING: The 100-year floodplain covers some residential land but most of it covers employment land in industrial and commercial Planning Districts. New buildings or substantial improvements in these areas, which could lead to increased economic activity, will be affected by actuarial rates for flood insurance.

Needed right-of-way and access for and to particular sites in the area.

Not applicable.

Natural resources of the City and the protection and conservation of said resources.

Not applicable.

Prospective requirements for the development of natural resources in the City.

Not applicable.

And the public need for healthful, safe, aesthetic surroundings and conditions.

FINDING: The National Flood Insurance Program allows owners of property in a 100-year flood plain to obtain federally-backed flood insurance for their property in jurisdictions that have adopted land use ordinances to regulate flood plain development. This opportunity provides assurance to property owners that if a flood causes damages the property can be restored.

Proof of change in a neighborhood or area.

FINDING: The City does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

FINDING: There is no mistake in the Plan Text or Plan Map.

The above factors were consciously considered.

Criterion "4" is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the PTA does not result in a change to plans or development regulations that would impact school facility capacity, Criterion "5" is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined three goals are applicable.

Goal 1, "Citizen Involvement," states, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

FINDING: This goal will be met by complying with Tualatin Development Code 1.031

Notice Requirements for Plan Amendments. A notice was published in the Tualatin Times 10 City business days prior to the public hearing. Notices were posted in two conspicuous places within the City. And a measure 56 notice was mailed to all property owners within the floodplain.

The Tualatin Planning Commission held a public meeting on September 15, 2016. This public meeting gave citizens and members of the public an opportunity to comment on the proposed text and the Planning Commission considered these comments when making a recommendation to the City Council. A public hearing before the City Council will occur tonight (October 10, 2016), during which the public can give input on the proposed amendment. All work session agendas and minutes are available to the public through the City website.

This Goal is satisfied.

Goal 2, “Land Use Planning”, states, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The Department of Land Conservation and Development (DLCD) has acknowledged the City’s Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Community Plan and both pieces combine to make the Comprehensive Plan. The Community Plan establishes a process and standards to review changes to the Tualatin Development Code in compliance with the Community Plan and other applicable state requirements. As discussed above under Criteria “3”, the applicable Community Plan standards have been applied to the proposed amendment.

This Goal is satisfied

Goal 7, “Areas Subject To Natural Hazards” Implementation Measure #4, reads as follows: Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

FINDING: The proposed amendments are designed to adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements. This requirement will be met.

Ballot Measure 56 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost. (ORS 227.186)

Section (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new com-

prehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

Section (4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

- (9) For purposes of this section, property is rezoned when the city:**
- (a) Changes the base zoning classification of the property; or**
 - (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.**

FINDING: Measure 56 requires local jurisdictions to notify property owners when a change to a comprehensive plan or zoning ordinance could result in a rezone of property. As stated above, ORS 227.186 (9) defines rezone as a change to the base zoning classification or a change that limits or prohibits previously allowed land uses. The proposed amendments in this application will not change the base zoning classification of any properties. The City of Tualatin does not have a zoning ordinance but instead relies on Planning Districts to implement land use. No Planning Districts are proposed to change as a result of these amendments. Additionally, the proposed amendments do not limit or prohibit currently allowed land uses.

As stated in the May 4, 2016 letter from FEMA “ On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs (Special Flood Hazard Areas). These rates may be higher if the structures are not built in compliance with the floodplain management standards for the NFIP.”

Based on the findings above, the City finds that the proposed amendments will not change the base zoning or limit or prohibit currently or previously allowed land uses but rather affect the type of building development in the affected area which is the Floodplain. Therefore a Measure 56 notice is not required.

The PTA complies with Goals 1, 2 and 7, and it complies with Measure 56.

Criterion “6” is met.

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

TITLE 3: WATER QUALITY AND FLOOD MANAGEMENT,

3.07.340 Performance Standards

A. Flood Management Performance Standards.

1. The purpose of these standards is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

2. All development, excavation and fill in the Flood Management Areas shall conform to the following performance standards:

- a. Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.**
- b. All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.**
- c. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.**
- d. Minimum finished floor elevations for new habitable structures in the Flood Management Areas shall be at least one foot above the design flood elevation.**
- e. Temporary fills permitted during construction shall be removed.**
- f. Uncontained areas of hazardous materials as defined by DEQ in the Flood Management Area shall be prohibited.**

FINDING: The proposed amendments include language to ensure that, in the Tualatin Development Code Chapter 70: Flood Plain, the carrying capacity of the floodplain is maintained, finished floors are one foot above the Base Flood Elevation, and uncontained areas of hazardous materials as defined by DEQ are prohibited. The proposed amendments are consistent with this goal, and this requirement is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the PTA does not relate to vehicle trip generation, Criterion "8" is not applicable.

Exhibit 1- May 4, 2016 letter from FEMA