



MEETING AGENDA

TUALATIN PLANNING COMMISSION

August 16, 2018; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Kenneth Ball, Alan Aplin, Angela DeMeo, Travis Stout, Mona St. Clair, Janelle Thompson
Staff: Aquilla Hurd-Ravich, Community Development Director; Steve Koper, Planning Manager; Tony Doran, Engineering Associate.
2. **APPROVAL OF MINUTES**
 - A. Approval of July 19, 2018 TPC Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. Consideration to Amend the Tualatin Development Code Chapter 70: Flood Plain District to meet minimum National Flood Insurance Program requirements. Plan Text Amendment 18-0002 is a legislative matter.
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 08/16/2018

SUBJECT: Approval of July 19, 2018 TPC Minutes

ISSUE BEFORE TPC:

Attachments: [July 19, 2018 TPC Minutes](#)



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION

MINUTES OF July 19, 2018

TPC MEMBERS PRESENT:

Alan Aplin
Mona St. Clair
Janelle Thompson
Bill Beers
Kenneth Ball
Travis Stout

STAFF PRESENT

Aquilla Hurd-Ravich
Karen Perl Fox
Lynette Sanford

TPC MEMBER ABSENT: Angela DeMeo

GUESTS: Tom Re

1. CALL TO ORDER AND ROLL CALL:

Mr. Beers, Chair, called the meeting to order at 6:30 PM and reviewed the agenda. Roll call was taken

2. APPROVAL OF MINUTES:

Mr. Beers asked for approval of the June 21, 2018 TPC minutes. MOTION by Aplin SECONDED by Thompson to approve the minutes as written. MOTION PASSED 5-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. Update on Basalt Creek Concept Plan

Ms. Hurd-Ravich, Community Development Director, and Karen Perl-Fox, Senior Planner, presented the staff report for an update on the Basalt Creek Concept Plan that included a PowerPoint presentation. Ms. Hurd-Ravich noted that the purpose of this meeting is to update the Planning Commission on the final plan prior to the Council

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

public hearing on July 23rd. The resolution to adopt the Basalt Creek Concept Plan is scheduled for August 13, 2018 and we are on target to meet the 120-day schedule per the 2018 IGA with Metro, Washington County, and the two cities.

Ms. Perl Fox went through the project history of the Basalt Creek Concept Plan from 2004 to present and the detailed planning area map. Ms. Perl Fox stated that the purpose of the Basalt Creek Concept Plan is to establish the overall vision for the area and guide future land use and transportation decisions. It sets the framework for future development and outlines an implementation strategy for future provision of urban services (water, sanitary sewer, and storm water systems), public services, and the protection of natural and cultural resources. It also established a new jurisdictional boundary between the cities of Tualatin and Wilsonville.

Ms. Perl Fox noted that the decision making process included joint Council meetings, the Agency Review Term, and the Project Management Team. The public engagement process included focus groups, a design workshop, and an open house.

Ms. Perl Fox went through slides that detailed the land use/jurisdictional boundary, natural resources map, and a snapshot of the land use, acreage, and trips for each City.

Ms. Hurd-Ravich presented the slides that detailed:

- The Transportation Refinement Plan
- Future transit framework
- Bikes trails, and pedestrian network
- Parks, open spaces and trails
- Utility summary

Ms. Hurd-Ravich stated that the implementation and phasing strategy consists of recommendations for sequential action items necessary to ready the Basalt Creek Planning Area for future development. This implementation will largely take the form of comprehensive plan amendments (and zoning) consistent with the Concept Plan. The utility improvements will be made as properties are annexed into each city, so the pace of development will drive phasing. Ms. Hurd-Ravich added that either City may decide to invest in service extension as a way to spur development or help a group of investors develop an area.

Ms. Hurd-Ravich noted that the adoption timeline includes:

- July 23, 2018 Tualatin City Council Public Hearing/Adoption
- August 6, 2018 Wilsonville City Council: Adoption
- August 13, 2018 Tualatin City Council Meeting: Resolution
- Spring 2019 – Update Urban Planning Agreements (both cities)
- Spring 2019 - Update Comprehensive Plans
- Annexation for Basalt Creek Begins, at the option of property owners for both Tualatin and Wilsonville.

Mr. Aplin noted that the completion of 124th would dramatically increase traffic in order to avoid Tualatin-Sherwood Road. Ms. Hurd-Ravich replied that the modeling is not based on what is inside Basalt Creek but considers the whole region.

Ms. Thompson asked if road projects could be added later. Ms. Hurd-Ravich answered affirmatively. Mr. Aplin added that he believes the weaknesses would be at Day Road and Grahams Ferry, which would add traffic to Stafford Road.

Mr. Ball asked if the property owners would automatically be annexed into the City. Ms. Hurd-Ravich responded that they would be required to apply for annexation with the City when they are ready.

Mr. Aplin asked if manufacturing is different from light industrial. Ms. Perl Fox responded that light industrial is not actually a zone; Manufacturing Park is the zone that includes light industrial uses.

Ms. Thompson asked if this has been approved by Metro. Ms. Perl Fox responded that Metro has already made their decision and they are satisfied with our proposal. Ms. Perl Fox added that it has also been presented before Washington County and we received a positive response.

Ms. St. Clair inquired about the homeowners who spoke at previous meetings regarding their land not being developable due to the topography. Ms. Hurd-Ravich responded that the County and City of Wilsonville hired a consultant to look at various development options and the analysis confirmed employment uses could be developed there.

Mr. Beers expressed concern over the increase in traffic due to the addition of jobs. Ms. Hurd-Ravich responded that the plan represents the best compromise. Mr. Beers asked if the housing units would include mixed uses such as businesses on the first floor. Ms. Hurd-Ravich responded that our code currently separates the two.

Ms. Thompson noted that residential will be in higher demand over industrial land. Ms. Perl Fox concurred since industrial is a long-term venture.

Mr. Aplin asked if the City has a strategy in place if the housing market was to decline. Ms. Hurd-Ravich responded that there was an exchange about creating an urban renewal district to attract employment.

Tom Re, 23500 SW Boones Ferry Rd, Tualatin, OR.

Mr. Rei complimented City staff for their work on the Basalt Creek Concept Plan. Mr. Rei asked for clarification on the adoption and resolution process. Ms. Hurd-Ravich replied that past practice includes a public hearing where City staff presents the information and public comment is made. The Council asks questions of the public and the hearing is closed for deliberation. If Council decides to adopt, the subsequent

meeting will include the adoption of the resolution.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that in August, the Engineering staff will present a Plan Text Amendment regarding flood plain changes. This will be an action item for the Commission members to make a recommendation to Council. Furthermore, a workshop to discuss the Tualatin Development Code update will be held on September 6.

Ms. Hurd-Ravich added that the Accessory Dwelling Unit (ADU) ordinance will go back for adoption on July 23rd.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by St. Clair SECONDED by Aplin to adjourn the meeting at 7:20 pm.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, City Engineer

DATE: 08/16/2018

SUBJECT: Consideration to Amend the Tualatin Development Code Chapter 70: Flood Plain District to meet minimum National Flood Insurance Program requirements. Plan Text Amendment 18-0002 is a legislative matter.

ISSUE BEFORE TPC:

Planning Commission consideration of a Plan Text Amendment to update Tualatin Development Code Chapter 70: Flood Plain District to meet minimum National Flood Insurance Program requirements. Staff is seeking a recommendation from the Planning Commission to the City Council on the draft code language for the proposed amendment.

RECOMMENDATION:

Staff recommends the Planning Commission consider the staff report, draft language, and analysis and findings and make a recommendation to City Council to approve PTA 18-0002 .

EXECUTIVE SUMMARY:

A letter dated April 19, 2018 to The Honorable Lou Ogden, Mayor of the City of Tualatin, was sent from Luis Rodriguez, P.E. Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration. Additionally, a letter and adoption booklet dated July 16, 2018 The Honorable Lou Ogden, Mayor of the City of Tualatin, was sent from Rachel Sears, Director of the Floodplain Management Division, Mitigation Directorate, Federal Emergency Management Agency.

These letters identified October 19, 2018 as the effective date for the new Flood Insurance Study and updated Flood Insurance Rate Map panels that has been completed for Tualatin. By this date the Department of Homeland Security's Federal Emergency Management Agency Regional Office is required to approve the legally enforceable floodplain management measures Tualatin adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

These letters are Federal Emergency Management Agency's official notification that Tualatin has until October 19, 2018 to adopt and submit to FEMA a floodplain management ordinance that adopts the new Flood Insurance Study and Flood Insurance Rate Map Panels. Approval by

the Federal Emergency Management Agency Regional Office by October 19, 2018 will enable Tualatin to avoid suspension from the National Flood Insurance Program.

PTA 18-0002 proposes to update TDC Chapter 70 to incorporate the new Flood Insurance Study and Flood Insurance Rate Map Panels to comply with FEMA requirements.

PREVIOUS STEPS

August 3rd - Draft ordinance and analysis emailed to Department of Land Conservation and Development

August 16th - Public Notice requested to be published in Oregonian newspaper (between 20 and 40 days prior to 1st City Council meeting, which is the Public Hearing)

NEXT STEPS

September 10th - 1st City Council meeting, which is the Public Hearing

September 24th - 2nd City Council meeting, which is to adopt the Ordinance

October 19th - Federal Emergency Management Agency's deadline

OUTCOMES OF DECISION:

A recommendation to approve the Plan Text Amendment 18-0002 would result in the following changes to Tualatin Development Code Chapter 70: Flood Plain District:

- Section 70.050 will be amended to adopt: The City of Tualatin adopts the maps entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 with superseded panels 41067C0593F and 41067C606F effective October 19, 2018 together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated October 19, 2018.

A recommendation to deny the Plan Text Amendment 18-0002 would result in the following:

- The Tualatin Development Code will not be updated and Tualatin would be suspended from the National Flood Insurance Program.
- Flood insurance will no longer be available in Tualatin. No resident or business will be able to purchase or renew a flood insurance policy.
- No federal grants or loans for buildings would be made in identified flood hazard areas. Includes all federal agencies such as HUD, EDA, Small Business Administration, HHS, etc.
- No federal disaster assistance would be provided in the form of loans for repair or reconstruction of buildings in identified flood hazard areas.
- No federal mortgage insurance would be provided in identified flood hazard areas. This includes FHA, VA, Farmers Home, etc.
- No Fannie Mae, Freddie Mac, and GMNA purchase of mortgages in the secondary market would be made if the properties that are the subject of these mortgages are located in Special Flood Hazard Areas of nonparticipating communities.
- Lenders of conventional loans would be required to notify the buyer or lessee that property is in a flood hazard area and would be required to notify the buyer or lessee that property in flood hazard area is not eligible for federal disaster relief in a declared disaster.

- If flooding occurs, it is possible that the local government could be held liable by residents and/or businesses who could not get flood insurance because of the decision not to participate in the National Flood Insurance Program.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Commission recommendation are:

1. Approve the proposed Plan Text Amendment with alterations to the draft language.
2. Deny the proposed Plan Text Amendment.

FINANCIAL IMPLICATIONS:

The FY 2018/2019 budget accounts for the costs of City initiated code amendments.

Attachments: A - DLCD Notice Cover Letter
 B-PTA 18-0002-DLCD Notice
 C-PTA 18-0002 Draft Ordinance
 D - Analysis and Findings
 E - 1st Letter to Mayor
 F- 2nd Letter to Mayor
 G - Tualatin Floodplain Map
 H - New Panel Location
 PTA 18-0002 - Staff Powerpoint Presentation



City of Tualatin

www.tualatinoregon.gov

August 6, 2018

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301
Via email: plan.amendments@state.or.us

RE: Notice of a Proposed Change to a Comprehensive Plan

Dear Plan Amendment Specialist:

This notice is intended to inform the Department of Land Conservation and Development of a proposed amendment to Tualatin's Development Code. The City proposes legislative amendments to facilitate local implementation of the National Flood Insurance Program requirements and to adopt the best available Flood Insurance Study and panel updates.

A draft staff report for this text amendment will be available August 6, 2018 at our website www.tualatinoregon.gov/meetings as part of the Tualatin Planning Commission agenda for August 16. The Tualatin Planning Commission serves as the City's advisory body to fulfill Goal 1- Citizen Involvement and to provide recommendations on legislative matters to the City Council. The date of the first evidentiary hearing is September 10, 2018.

I have enclosed for review draft analysis and findings addressing criteria listed in Tualatin Development Code 1.032 and the draft code language plus other required documentation for a proposed notice. If you have any questions regarding this notice, please call me at (503) 691-3090.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Fuchs".

Jeff Fuchs
City Engineer

file: PTA18-0001



NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing**. (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Tualatin**

Local file no.: **PTA18-0002**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including over 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation or amendment**
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgment plan amendment)

Local contact person (name and title): Jeff Fuchs, Public Works Director/City Engineer

Phone: (503) 691-3090 E-mail: jfuchs@tualatin.gov

Street address: 18880 SW Martinazzi City: Tualatin Zip: 97062-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Plan Text Amendment 18-0001 (PTA18-0001) 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 Flood Insurance Study and associated Flood Insurance Rate Map panels.

Date of first evidentiary hearing: 09/10/2018

Date of final hearing: 09/24/2018

This is a revision to a previously submitted notice. Date of previous submittal:

Please check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from _____ to _____
Change from _____ to _____

An exception to a statewide planning goal is proposed – goal(s) subject to exception:

Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec):

List affected state or federal agencies, local governments and special districts: Washington County, Metro, FEMA

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem Office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these online submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls orxlsx); or ESRI .mxd, .gdb, or.mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

6. **Text:** Submittal of Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

- (1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

ORDINANCE NO. xxxx-18

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;

WHEREAS, the Community Development Director initiated Plan Text Amendment PTA18-0002;

WHEREAS, the City provided notice of PTA18-0002 to the Oregon Department of Land Conservation and Development, as provided by ORS 197.610;

WHEREAS, this code change doesn't meet thresholds for the City to provide notice of the public hearing to all property owners in compliance with ORS 227.186 (Ballot Measure 56);

WHEREAS, notice of public hearing of PTA18-0002 was given as required by Tualatin Development Code (TDC) 1.031; and

WHEREAS, Council approved PTA18-0002 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:

Section 70.050 Basis for Establishing the Areas of Special Flood Hazard.

The City of Tualatin adopts the maps entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 with superseded panels 41067C0593F and 41067C606F effective October 19, 2018 together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated October 19, 2018 ~~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 Flood Insurance Study is on file at the City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062.

Section 2. Findings. The Council adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which is attached and incorporated by reference.

Section 3. Emergency Clause. This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect on October 19, 2018.

ADOPTED by the City Council this ____ day of _____, 2018.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

PTA18-0001: ANALYSIS AND FINDINGS

FLOODPLAIN ORDINANCE UPDATE 2018

Plan Text Amendment 18-0001 (PTA18-0001) 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 Flood Insurance Study and panel updates.

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 April 19, 2018 the City received a letter from FEMA which requires the City “to adopt or show” prior to October 19, 2018 “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.] On November 4, 2016 revised FEMA FIS and FIRMs were adopted.

“On July 12, 2017 you were notified of proposed modified flood hazard area determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood

Insurance Study (FIS) report for the City of Tualatin, Washington County, Oregon. The statutory 90-day appeal period that was initiated on July 26, 2017, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in *The Oregonian*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of Agency as to the FHDs for your community is considered final. The modified FHDs and revised map panels, as referenced above, will be effective as of October 19, 2018, and revised the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.”

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. Any additional requirements can be met 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 April 19, 2018 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 October 19, 2018, 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 April 19, 2018 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 October 19, 2018, 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 modified FHDs and revised map panels 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 coves 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.

The Tualatin Planning Commission held a public meeting on August 16, 2018. 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 (September 10, 2018), 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 comprehensive 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 April 19, 2018 letter from FEMA “The modified FHDs and revised map panels, as referenced above, will be effective as of October 19, 2018, and revised the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.”

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- April 19, 2018 letter from FEMA



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

April 19, 2018

The Honorable Lou Ogden
Mayor, City of Tualatin
City Hall
18880 Southwest Martinazzi Avenue
Tualatin, Oregon 97062

Community: City of Tualatin,
Washington County, Oregon
Community No.: 410277
Map Panels Affected: See FIRM Index

Dear Mayor Ogden:

On July 12, 2017, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Tualatin, Washington County, Oregon. The statutory 90-day appeal period that was initiated on July 26, 2017, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in *The Oregonian*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, will be effective as of October 19, 2018, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. **Prior to October 19, 2018, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations.** These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

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 the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met 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 60.3(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 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David M. Ratté
Engineer, Federal Emergency Management Agency, Region 10
130 - 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Washington County, Oregon has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be

obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository

Jeff Fuchs, Public Works Director, City of Tualatin

Christine Shirley, CFM, State NFIP Coordinator, Oregon Department of Land Conservation and Development

David Lentzer, Oregon Risk MAP Coordinator, Oregon Department of Land Conservation and Development

FINAL SUMMARY OF MAP ACTIONS

Community: TUALATIN, CITY OF

Community No: 410277

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on October 19, 2018.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-F	17-10-0221A	12/14/2016	TUALATIN INDUSTRIAL CONDOMINIUMS -- 12965 SW HERMAN ROAD	41067C0539E 41067C0543E	41067C0539F 41067C0543E

FINAL SUMMARY OF MAP ACTIONS

Community: TUALATIN, CITY OF

Community No: 410277

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	95-R10-109	05/05/1995	8185 S.W. Tualatin-Sherwood	4102770000	41067C0544E
LOMA	96-R10-092	01/23/1996	TRACT 5, TUALATIN COMMONS IN SECTION 24, T 2S, R1W	4102770002D	41067C0544E
LOMA	98-10-201A	05/15/1998	19300 SW BOONES FERRY ROAD--A PORTION OF SECTION 24, T2S, R1W, W.M.	4102770002D	41067C0544E
LOMA	98-10-484A	11/02/1998	19255 SW 65TH AVE-- A PORTION OF SECTION 24, T2S, R1W, W.M.	4102770002D	41067C0563E
LOMA	00-10-088A	01/10/2000	19300 SW BOONES FERRY ROAD -- PORTION OF SECTION 24, T2S, R1W, W.M.	4102770002D	41067C0544E
LOMR-F	00-10-086A	01/28/2000	HEDGES GREENE APT. HOMES, BLDGS. 1-17 & CLUBHOUSE -- 8900 SW SWECK DRIVE	4102770002D	41067C0544E
LOMA	03-10-0199A	02/04/2003	FOX HILL III, LOT 152 -- 19095 SW MOBILE PLACE	4102770002D	41067C0563E
LOMA	04-10-0837A	10/29/2004	STONES THROW APARTMENTS -- 6455 SW NYBERG LANE, PORTION OF SECTION 19, T2S, R1E, W.M.	4102770002D	41067C0563E
LOMR-F	04-10-0868A	11/17/2004	LIBERTY OAKS TOWNHOMES, LOT 86 -- 9279 CASCARA LANE	4102770002D	41067C0544E
LOMA	04-10-0815A	01/10/2005	EMERY ZIDELL COMMONS, LOTS 3-4	4102770002D	41067C0544E
LOMA	12-10-1438A	09/13/2012	FOX HILL III, LOT 172 -- 5585 SOUTHWEST OMAHA COURT	41005C0013D	41067C0563E
LOMA	12-10-1585X	10/11/2012	FOX HILL III, LOT 172 -- 5585 SOUTHWEST OMAHA COURT	4102770002D	41067C0563E
LOMA	13-10-0445A	01/15/2013	5916 SOUTHWEST NYBERG LANE (BUILDING B)	4102770002D	41067C0563E
LOMA	13-10-0462A	01/15/2013	5916 SOUTHWEST NYBERG LANE (BUILDINGS C & D)	4102770002D	41067C0563E
LOMA	13-10-0526A	02/12/2013	LOT 163, FOX HILL III -- 19025 SOUTHWEST 57TH AVENUE	4102770002D	41067C0563E

FINAL SUMMARY OF MAP ACTIONS

Community: TUALATIN, CITY OF

Community No: 410277

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-F	13-10-0848A	04/09/2013	10300 SOUTHWEST HERMAN ROAD, 10350 SOUTHWEST HERMAN ROAD & 10360 SOUTHWEST SPOKANE COURT	4102770001D	41067C0543E
LOMA	15-10-1183A	07/15/2015	Lot 16 and part 1, Premier Industrial Park Subdivision - 19400 SW Teton Ave	4102770001D	41067C0543E
LOMA	16-10-0953A	06/08/2016	LIBERTY OAKS, LOT 101 -- 9230 SW SWECK DRIVE	4102770002D	41067C0544E
LOMA	16-10-1365A	08/31/2016	LIBERTY OAKS, LOT 2 -- 18604 SW 91ST TERRACE	4102770002D	41067C0544E
LOMA	16-10-1241A	09/28/2016	SECTION 23, T2S, R1W -- 9700 SW TUALATIN ROAD	4102770002D	41067C0544E
LOMA	17-10-0179A	12/05/2016	PORTION OF SECTION 23, T2S, R1W -- 10280 SPOKANE COURT (NORTH BUILDING)	41067C0544E	41067C0544E
LOMA	17-10-0180A	12/07/2016	SECTION 23, T2S, R1W -- 10280 SPOKANE COURT (SOUTH BUILDING)	41067C0544E	41067C0544E
LOMR-F	17-10-0841A	03/28/2017	LIBERTY OAKS, LOTS 110-113 & 137-140 -- SW SWECK DRIVE & SW 93RD TERRACE	41067C0544E	41067C0544E
LOMR-F	17-10-1358A	07/24/2017	PARTITION PLAT NO. 1999-081, PARCEL 1 - 18755 SW 90TH AVENUE (BLDG C-F, H-L, GRAGE 1 & 7, OFFICE)	41067C0544E	41067C0544E
LOMA	18-10-0809A	03/29/2018	Lot 50, Liberty Oaks Subdivision - 18704 SW 92nd Avenue	41067C0544E	41067C0544E
LOMA	17-10-1585A	08/04/2017	PARTITION PLAT NO. 1999-081, PARCEL 1 -- 18755 SW 90TH AVENUE (BUILDINGS B/G/GARAGES 2-6/8-9)	41067C0544E	41067C0544E

FINAL SUMMARY OF MAP ACTIONS

Community: TUALATIN, CITY OF

Community No: 410277

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMR-F	199104531FIA	12/14/1988	STONES THROW APARTMENTS	1
LOMR-F	199107109FIA	09/26/1991	POR. LOT 14,15& VACATED CHESAPEAKE DR.	1
LOMA	05-10-0563A	07/01/2005	LIBERTY OAKS TOWNHOMES, LOT 39 – 18608 SW 92ND TERRACE	1

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



FEMA

JUL 16 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Lou Ogden
Mayor, City of Tualatin
City Hall
18880 Southwest Martinazzi Avenue
Tualatin, Oregon 97062

Dear Mayor Ogden:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Tualatin, Oregon, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on October 19, 2018; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated April 19, 2018, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Washington County. Therefore, the City of Tualatin should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Tualatin will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Oregon Department of Land Conservation and Development. You may contact Christine Shirley, CFM, the NFIP State Coordinator, by telephone at (503) 373-0050, in writing at 635 Capitol Street, Northeast, Suite 150, Salem, Oregon 97301-2540, or by electronic mail at christine.shirley@state.or.us.

The FEMA Regional staff in Bothell, Washington, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Tualatin and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region X, at 130 - 228th Street, Southwest, Bothell, Washington 98021-8627.

JUL 16 2018

The Honorable Lou Ogden

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until October 19, 2018, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by October 19, 2018. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

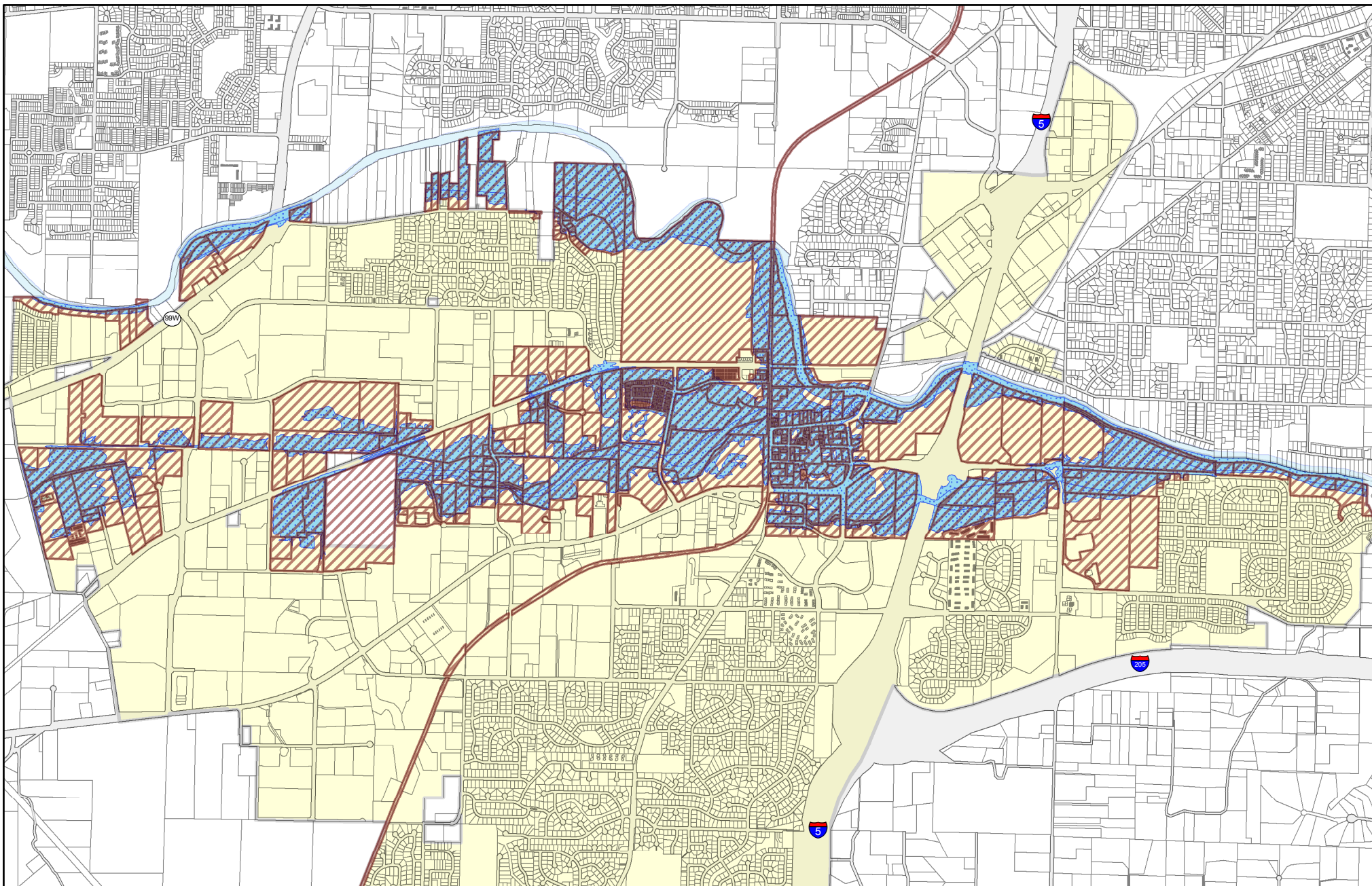
Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Sears". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Mike O'Hare, Regional Administrator, FEMA Region X
Christine Shirley, CFM, NFIP State Coordinator, Oregon Department of Land Conservation
and Development
Jeff Fuchs, Public Works Director, City of Tualatin

100 Year Floodplain within Tualatin

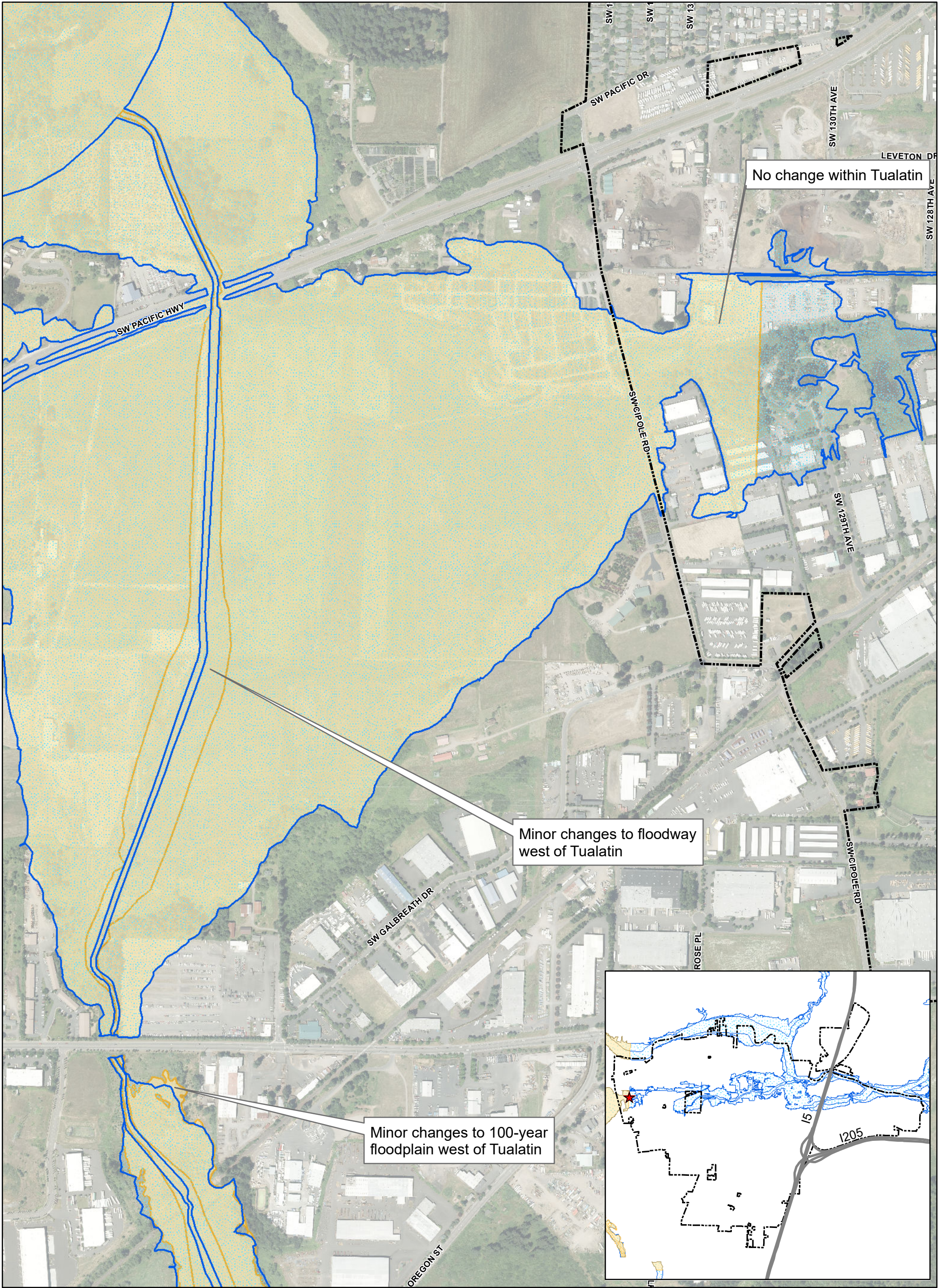





 Taxlots in Floodplain  100 Year Floodplain

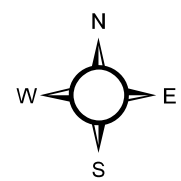


This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept.
Printed 8/29/2016

New FIRM 100-Year Floodplain Comparison



-  City Boundary
-  100-Year Floodplain
-  100-Year Floodplain (New FIRM)



RF 1:7,200

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS 7/9/2018



City of Tualatin

PTA18-0002 FEMA Flood Plain Update

Tualatin Planning Commission
August 16, 2018

Background

- FEMA mailed notice to Mayor on April 19th, 2018 and July 16, 2018
- Staff sent DLCD notice of the proposed code changes August 3, 2018
- Planning Commission recommendation to City Council to be determined on August 16, 2018

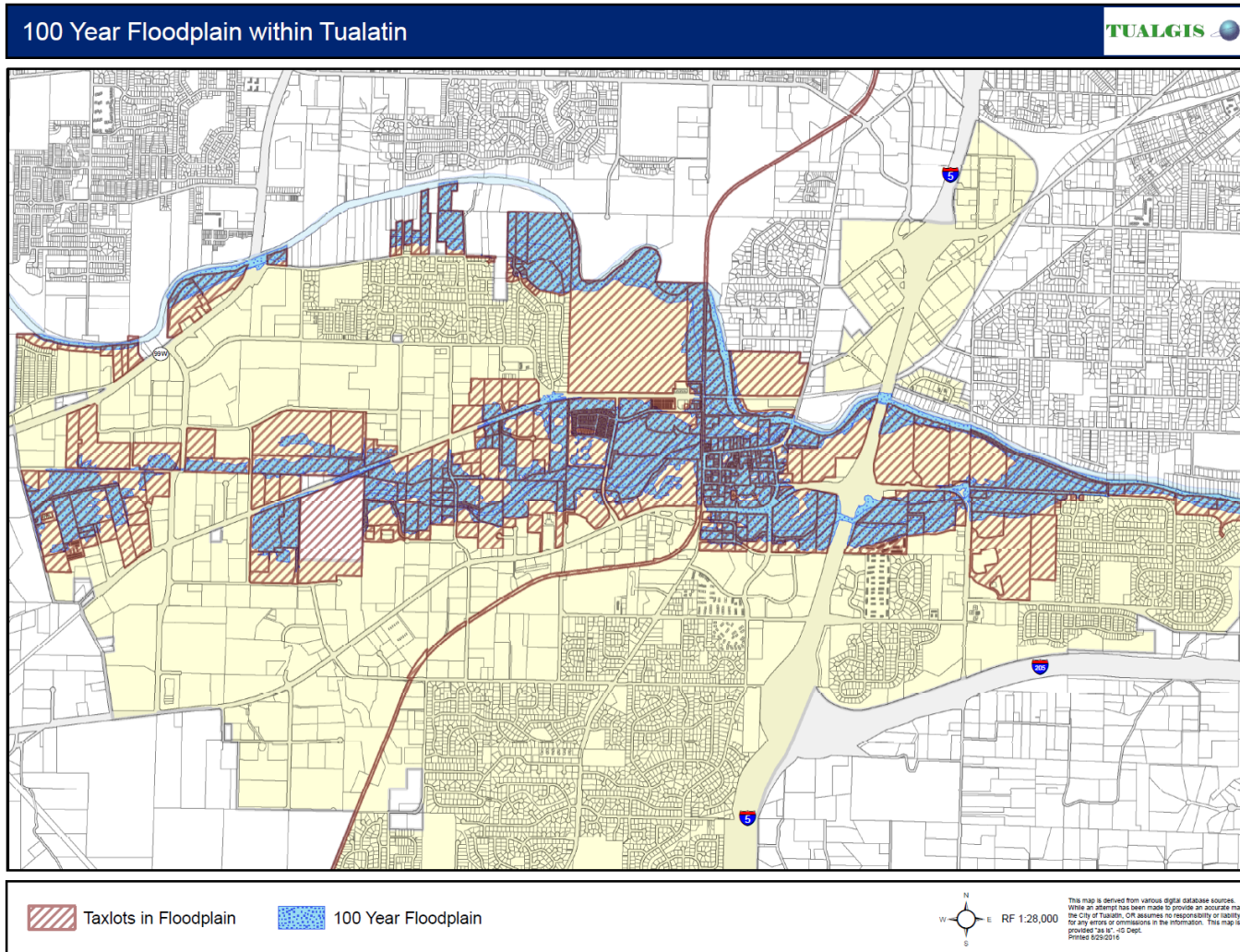
Meeting Purpose

- Tualatin Planning Commission must make a recommendation to City Council on PTA18-0002 to amend Chapter 70 of the Tualatin Development Code regarding the floodplain

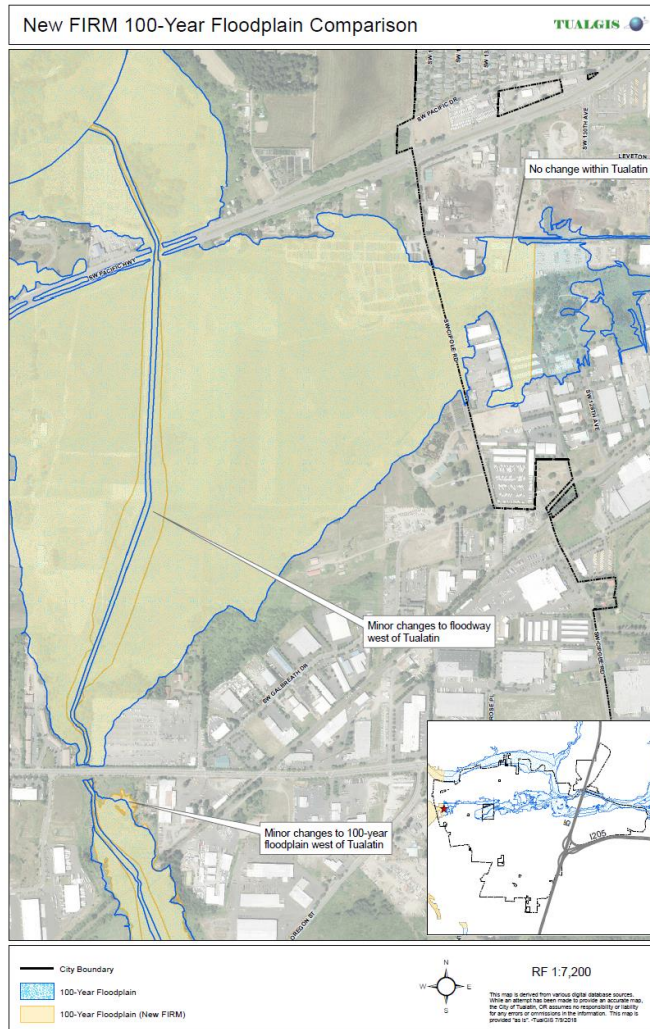
Regulations Overview

- ▶ Amend TDC Chapter 70: Flood Plain District
 - Section 70.050 to adopt two superseded FIRM panels and revised FIS dated October 19, 2018

FEMA FIRM: No Change For Tax Lots With Floodplain Within Tualatin



Superseded FEMA FIRMs West of Tualatin



- ▶ No lots within the City of Tualatin are affected by the required FIS or FIRM panel updates

Decision Outcomes – Recommend Approval

- ▶ Amend Tualatin Development Code Chapter 70:
Flood Plain District
 - ▶ Section 70.050 to adopt two superseded FIRM panels and revised FIS dated October 19, 2018

Decision Outcomes – Recommend Denial: Tualatin Suspended From NFIP

- ▶ **Effects of Non-Participation/Suspension in Communities with Mapped Floodplains**
 - ▶ Flood insurance will no longer be available
 - ▶ No federal grants or loans for buildings within floodplain
 - ▶ No federal disaster assistance loans for repair or reconstruction of building within floodplain
 - ▶ No federal mortgage insurance for buildings within floodplain
 - ▶ No Fannie Mae, Freddie Mac, and GMNA purchase of mortgages in the secondary market for properties within floodplain
 - ▶ Lenders of conventional loans must notify that:
 - ▶ i) Property is within floodplain; and
 - ▶ ii) The property not eligible for federal disaster relief in a declared disaster
 - ▶ If flooding occurs, it is possible that the local government could be held liable

Next Steps

September
10:
Public
Hearing

September
24:
Ordinance
Adoption

October 19:
Ordinance in
Effect

Discussion, Questions, and Action

- ▶ Recommendation to City Council
 - ▶ Approve
 - ▶ Amend and approve

