



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/17/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Multnomah County Plan Amendment
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, November 30, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Adam Barber, Multnomah County
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist
Jennifer Donnelly, DLCD Regional Representative
Stephen Lucker, DLCD Floodplain/Natural Hazard Mapping Spec
Denise Atkinson

<paa> YA

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DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

NOV 9 2009 *Rec'd Sign. ordinance*

LAND CONSERVATION AND DEVELOPMENT *207 11/9/09*

For DLCD Use Only

Jurisdiction: **Multnomah County**

Local file number: **PC-09-002**

Date of Adoption: **10/22/09 (first reading), 10/29/09 (second reading), 11/28/09 (effective)**

Date Mailed: **11/02/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **6/25/09**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Board of Multnomah County Commissioners adopted amendments to the county's Flood Hazard ordinance currently regulating development within the 100-year floodplain, within a watercourse, or within the area of 1996-storm inundation. The amendments adopt new FEMA DFIRM maps and the associated Flood Insurance Study for Multnomah County by reference, align county code with recent changes to the Oregon model flood ordinance and require review of development within the 1996- storm inundation areas only inside Metro's Jurisdictional Boundary. Development within the 100-year floodplain, or in a watercourse, will continue to require review county wide.

Does the Adoption differ from proposal?

Slightly. We removed the originally proposed stream habitat restoration exemption under Multnomah County Code, MCC 29.604(E) because we felt the qualifying requirements were discretionary and therefore not appropriate within our non-discretionary Flood Hazard code. We understand including this exemption option is not required.

We also further refined the language of the mandatory standards applying to manufactured dwellings and structures accessory to manufactured dwellings as was proposed in the original DLCD notice to better align with the structure of existing code, avoid duplication and read in a less discretionary way.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **Unincorporated Multnomah County**

Acres Involved: **County**

Specify Density: Previous: n/a

New: n/a

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-09 (17656) [15814]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

FEMA
Metro
Sauvie Island Drainage Company
Multnomah County Drainage District

Local Contact: Adam Barber,
Multnomah County Senior Planner

Phone: (503) 988-3043 Extension: 22599

Address: 1900 SE 190th Avenue

Fax Number: 503-988-3389

City: Portland, OR

Zip: 97233

E-mail Address: adam.t.barber@co.multnomah.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least one hard copy must be sent by mail or in person, or by emailing larry.french@state.or.us.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1149

DEPT OF
NOV 09 2009
**LAND CONSERVATION
AND DEVELOPMENT**

Adopting Updated Flood Hazard Regulations and Maps and Amending MCC Chapter 29 Relating to Flood Hazard Regulations

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter 37 to recommend to the Board of County Commissioners the adoption, revision, or repeal of regulations intended to carry out all or part of a plan adopted by the Board.
- b. Flood Hazard regulations implement Policy 14 of the County Comprehensive Framework Plan, for Development Limitations, and related provisions of the County's Rural Area Plans. The regulations apply to rural and urban unincorporated lands that are generally within the 100 year flood boundary as identified by the Federal Emergency Management Agency (FEMA).
- c. In June of 2009, Multnomah County was informed by the Federal Emergency Management Agency (FEMA) that the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) will become effective on December 18th 2009. The DFIRM and FIS show the extent of the 100-year flood (areas where flood probably equals a 1-percent chance of being equaled or exceed in any given year).
- d. Multnomah County must adopt the FIRM and FIS prior to December 18th, 2009 as a condition of continued eligibility in the NFIP in addition to the adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP.
- e. Multnomah County code must also be amended to provide additional flood protection to manufactured dwellings and structures accessory to manufactured dwellings. Other optional revisions include addition of definitions and changes requiring flood hazard review within areas inundated during the 1996 flood only when located inside of the metro boundary to better align with Metro Title 3 requirements.
- f. Proposed changes are necessary to ensure that the building codes limit risk of flood related hazards as envisioned in Policy 14, to implement Metro Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation), and to ensure property owners maintain eligibility for insurance through the NFIP.

Multnomah County Ordains as follows:

Section 1. The Flood Insurance Rate Maps and the Flood Insurance Study Number 41051CV000A, "Multnomah County, Oregon and Incorporated Areas" referenced in the attached Exhibits A and B, respectively are adopted.

Section 2. MCC 29.601 is amended as follows:

29.601 Definitions.

For the purpose of this subchapter, the following definitions shall apply:

* * * * *

AREAS OF SPECIAL FLOOD HAZARD. All rural and urban unincorporated lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps (FIRM) as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood Insurance Rate Maps within the Metro Jurisdictional Boundary.

The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the ~~most recent~~ scientific and engineering report entitled "The Flood Insurance Study, Multnomah County Oregon and Unincorporated Areas", with accompanying Flood Insurance Rate Maps (FIRM) effective December 18th, 2009, are hereby adopted by reference for the rural and unincorporated portions of Multnomah County. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood Insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 29.608 shall be the basis for regulation until a new FIRM is issued.

These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall ~~utilize~~ adopt any such revisions or modifications ~~upon their~~ effective date.

* * * * *

BELOW-GRADE CRAWL SPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

* * * * *

STATE BUILDING CODE. Means the combined specialty codes.

* * * * *

Section 3. MCC 29.606 is amended as follows:

29.606 Development Standards.

* * * * *

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes not considered a Critical Facility, shall:

(I) Have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum

of 18 inches above the base flood elevation. The top of the dwelling stand for all manufactured homes subject to this provision shall be at least 12 inches above the base flood elevation (see 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Chapter 3). Floating dwellings do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

* * * * *

Section 4. MCC 29.607 is amended as follows:

29.607 Floodway Requirements.

In areas identified as a floodway in MCC 29.602, the following restrictions, in addition to the requirements of MCC 29.606, shall apply:

* * * * *

(C) New manufactured dwellings are prohibited in the floodway. An existing, lawfully established manufactured dwelling located in the floodway may be replaced with either a manufactured dwelling, or a dwelling of traditional construction.

(D) A proposed structure accessory to a manufactured dwelling shall have the finished floor elevated a minimum of 18-inches above the base flood elevation.

Section 5. This Ordinance is effective December 18, 2009.

FIRST READING:

October 22, 2009

SECOND READING AND ADOPTION:

October 29, 2009



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

EXHIBIT A	FLOOD INSURANCE RATE MAPS MULTNOMAH COUNTY, OREGON	EFFECTIVE DATE
	41051C1ND0A (map index – labeled Exhibit A)	December 18, 2009
	41051C0030H (panel 30 of 550)	December 18, 2009
	41051C0035H (panel 35 of 550)	December 18, 2009
	41051C0040H (panel 40 of 550)	December 18, 2009
	41051C0045H (panel 45 of 550)	December 18, 2009
	41051C0065H (panel 65 of 550)	December 18, 2009
	41051C0100H (panel 100 of 550)	December 18, 2009
	41051C0130H (panel 130 of 550)	December 18, 2009
	41051C0135H (panel 135 of 550)	December 18, 2009
	41051C0155H (panel 155 of 550)	December 18, 2009
	41051C0180H (panel 180 of 550)	December 18, 2009
	41051C0185H (panel 185 of 550)	December 18, 2009
	41051C0205H (panel 205 of 550)	December 18, 2009
	41051C0210H (panel 210 of 550)	December 18, 2009
	41051C0211H (panel 211 of 550)	December 18, 2009
	41051C0212H (panel 212 of 550)	December 18, 2009
	41051C0214H (panel 214 of 550)	December 18, 2009
	41051C0216H (panel 216 of 550)	December 18, 2009
	41051C0217H (panel 217 of 550)	December 18, 2009
	41051C0218H (panel 218 of 550)	December 18, 2009
	41051C0219H (panel 219 of 550)	December 18, 2009
	41051C0228H (panel 228 of 550)	December 18, 2009
	41051C0238H (panel 238 of 550)	December 18, 2009
	41051C0240H (panel 240 of 550)	December 18, 2009
	41051C0245H (panel 245 of 550)	December 18, 2009
	41051C0275H (panel 275 of 550)	December 18, 2009
	41051C0300H (panel 300 of 550)	December 18, 2009
	41051C0325H (panel 325 of 550)	December 18, 2009
	41051C0360H (panel 360 of 550)	December 18, 2009
	41051C0367H (panel 367 of 550)	December 18, 2009
	41051C0401H (panel 401 of 550)	December 18, 2009
	41051C0402H (panel 402 of 550)	December 18, 2009
	41051C0403H (panel 403 of 550)	December 18, 2009
	41051C0406H (panel 406 of 550)	December 18, 2009
	41051C0407H (panel 407 of 550)	December 18, 2009
	41051C0409H (panel 409 of 550)	December 18, 2009
	41051C0426H (panel 426 of 550)	December 18, 2009
	41051C0427H (panel 427 of 550)	December 18, 2009
	41051C0428H (panel 428 of 550)	December 18, 2009
	41051C0429H (panel 429 of 550)	December 18, 2009
	41051C0435H (panel 435 of 550)	December 18, 2009

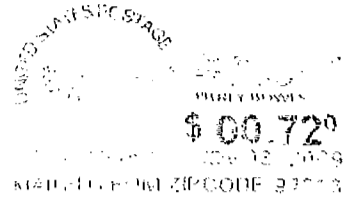
**EXHIBIT B FLOOD INSURANCE STUDY NUMBER 41051CV000A
MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS
(EFFECTIVE DECEMBER 18, 2009)**

**EXHIBITS A AND B ARE OVERSIZED AND MAY BE REVIEWED UPON REQUEST.
PLEASE CALL LAND USE AND TRANSPORTATION PLANNING AT 503 988-3043.**



RETURN SERVICE
REQUESTED

RESORTED
FIRST CLASS



MULTNOMAH COUNTY
Land Use Planning Division
1600 SE 190th Ave.
Portland, OR 97288

First Class Mail
First Class Mail



OR DEPT LAND CONS & DEV
Attn: PLAN AMEND SPCLST
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540

DEPT OF
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NOV 03 2009 97301

