MAYOR BRIAN COOPER
COUNCIL PRESIDENT NATALIE VORUZ *COUNCILOR KEITH KUDRNA*
COUNCILOR MIKE WEATHERBY *COUNCILOR BALWANT BHULLAR*
COUNCILOR CATHI FORSYTHE *COUNCILOR DARREN RIORDAN*

FAIRVIEW CITY COUNCIL AGENDA

Fairview City Hall-Council Chambers
1300 NE Village Street, Fairview, Oregon

WEDNESDAY, JANUARY 16, 2019

WORK SESSION

1. PLANNING COMMISSION CANDIDATE INTERVIEWS (CP 3-16) 6:00 PM
2. REVIEW BUILDING INSPECTION SERVICES IGA WITH GRESHAM (CP 17-28)
   (Nolan Young, City Administrator)
3. BRIEFING RE: WELL 10 (CP 29-30)
   (Allan Berry, Public Works Director)
4. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES & TASK LIST
   (Nolan Young, City Administrator)

REGULAR SESSION

1. CALL TO ORDER 7:00 PM
   ROLL CALL

2. RECOGNITION OF SERVICE
   - Lisa Barton Mullins (City Councilor 2017-2018)
   - Ted Tosterud (Mayor 2015-2018; City Councilor 2014)

3. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS (I)

4. CONSENT (A)
   a. Minutes of December 19, 2018 & January 2, 2019 (CP 31-52)
   b. Authorize the City Administrator to Sign the Levee Ready Columbia Interim Governance Intergovernmental Agreement: Resolution 2-2019 (CP 53-70)
   c. Approve the Alternate Member Selection to the East Multnomah County Transportation Committee (EMCTC): Resolution 4-2019 (CP 71-72)
   d. Approve Metro Policy Advisory Committee (MPAC) Appointment: Resolution 5-2019 (CP 73-74)
   e. Authorize the City Administrator to Sign an IGA with the City of Gresham for (CP Building Services and Appoint Sean Blaire as Fairview's Building Official: Resolution 8-2019 (CP 17-28)
   f. Authorize the Surplus of City Property: Resolution 3-2019 (CP 75-77)
   g. Appoint a Member to the East County Recreation Board: Resolution 7-2019 (CP 79-80)

5. PRESENTATION (I)
   a. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2018
      (Rob Tremper, CPA & Lesa Folger, Finance Director)

5. CITY ADMINISTRATOR AND DIRECTOR REPORTS (I)
   a. MCSO Monthly Report – December (CP 81-85)

6. MAYOR/COMMITTEE REPORTS AND COUNCIL REPORTS (I)

7. COUNCIL BUSINESS (A)
   a. Appoint Members to the Fairview Planning Commission: Resolution 1-2019 (CP 3-16)
   b. Appoint a Representative to the Mt. Hood Cable Regulatory Commission: Resolution 6-2019 (CP 87-88)
   c. Amend Fairview Municipal Code to add Chapter 8.12 Establishing Regulations for Chronic Nuisance Properties: Ordinance 3-2019 (CP 89-94)
      1st Reading & Staff Report
      (Heather Martin, City Attorney & Harry Smith, Police Chief)

8. PUBLIC HEARING (A)
   a. Amend FMC Chapters 16.05 Flood Damage Prevention and 19.105 Floodplain Overlay in Order to Continue Participation in the National Flood Insurance Program and Declaring an Emergency: Ordinance 2-2019 (CP 95-358)
      (Eric Rutledge, Associate Planner)
   b. Amend FMC 19.170 Sign Regulations Re: Billboards: Ordinance 1-2019
      2nd Reading & Public Hearing (Quasi-Judicial) (CP 359-458)
      (Eric Rutledge, Associate Planner)

9. ADJOURNMENT (A)

Brian Cooper
Mayor

January 10, 2019
Date

(A) Action requested (I) Information only

NEXT COUNCIL MEETING IS FEBRUARY 6, 2019

COUNCIL EXECUTIVE SESSION – IF NECESSARY – END OF MEETING

PARK VIEW CONFERENCE ROOM
ORS 192.660(2)(d) - Labor Negotiations, ORS 192.660(2)(e) - Real Property Transactions,
ORS 192.660(2)(f) - Exempt Public Record and ORS 192.660(2)(h) - Legal Counsel

City Council regular meetings are broadcast live on Comcast Cable Channel 30 or Frontier Channel 38. Replays are shown on Sunday at 4:00 PM and Monday at 2:00 PM following the original broadcast date. Meetings are also available for viewing the Monday following the meeting through MetroEast Community Media at metroeast.peg.tv. Go to the Playlist tab and select Municipal Meetings. Further information is available on our web page at www.fairvieworegon.gov or by calling 503.665.7929. The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 503.665.7929.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	Work Session #1 & 7.a.	2019-05

TO: Mayor and City Council

FROM: Devree Leymaster, City Recorder

THRU: Nolan K. Young, City Administrator

DATE: January 4, 2019

ISSUE:
Appoint three members to the Fairview Planning Commission.

BACKGROUND:
The Planning Commission is charged with the express duty of administering and enforcing the Zoning Ordinance of the City of Fairview. They are a deliberative and advisory body who review and decide land use and development applications, advise the City Council on comprehensive planning policies and development regulations, and hear and consider resident neighborhood concerns relating to planning and developments.

The Planning Commission is comprised of seven members who serve four year terms. All appointed members shall reside within the City of Fairview.

There are currently three open positions on the Planning Commission; two with term dates of December 31, 2022 and one with a term date of December 31, 2021. Six applications were received; two of which are applying for reappointment (Hollie Holcombe and Steven Hook).

RECOMMENDED ACTION:
Adopt Resolution 1-2019 appointing three members to the Fairview Planning Commission.

COUNCIL ALTERNATIVES:
1. **Staff Recommendation:** Adopt Resolution 1-2019 identifying the three candidates being appointed to which position on the Fairview Planning Commission.
2. Adopt Resolution 1-2019 appointing one or two members to the Fairview Planning Commission and continue recruitment efforts.
3. Not adopt Resolution 1-2019 and defer appointment of members.

R E S O L U T I O N
(1-2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL APPOINTING MEMBERS TO THE FAIRVIEW PLANNING COMMISSION

WHEREAS, the Fairview Planning Commission is a deliberative and advisory body who review and decide land use and development applications, advise the City Council on Comprehensive Planning Policies and development regulations, and hear and consider resident neighborhood concerns relating to planning and developments; and

WHEREAS, the Planning Commission positions are voluntary and appointments are made by the City Council through adoption of resolution; and

WHEREAS, Planning Commission positions two (2) and six (6) are vacant due to the terms of the positions expiring on December 31, 2018; and

WHEREAS, Planning Commission position five (5) is an open position with a term expiring on December 31, 2021; and

WHEREAS, applications for the positions have been received and reviewed, and interviews conducted by the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The Council hereby appoints _____ to serve in position two (2) on the Planning Commission with a term date of December 31, 2022.

Section 2 The Council hereby appoints _____ to serve in position six (6) on the Planning Commission with a term date of December 31, 2022.

Section 3 The Council hereby appoints_____ to serve in position five (5) on the Planning Commission with a term date of December 31, 2021.

Section 4 This resolution is and shall be effective from the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____ _____
City Recorder, City of Fairview Date
Devree Leymaster

Application for Committees/Commission

RECEIVED
NOV 15 2018
CITY OF FAIRVIEW

Contact Information

Name:	Nick Button
Street Address:	[redacted]
Mailing Address:	same
City/State/Zip Code:	Fairview, OR 97024
Home Phone:	[redacted]
Work Phone:	[redacted]
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	3.5 yrs
Place of Employment:	Finance of America
Occupation:	Mortgage Advisor
Educational Background:	Graduated from Central Catholic High School in Portland and attended Portland State University
Prior Civic Activities:	None

Boards/Commissions of Interest

Please check all of the following Boards/Commissions that interest you:

If checking more than one, please prioritize your interest (1, 2, 3, etc.)

6 ☒ Budget Committee
☐ 3 Planning Commission
☐ 4 Community Engagement Committee (CEC)
☐ 2 Economic Development Advisory Committee (EDAC)
☐ 5 Parks and Recreation Advisory Committee (PRAC)
☐ 1 Public Safety Advisory Committee (PSAC)
~~☐ 6 Urban Renewal Planning Committee~~

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

I do not have any specialized training in this field but I am a good listener, a problem solver, I get along well with a variety of personality types, and good at bringing groups together.

Motivation

Discuss your motivation for serving on this Board/Commission.

I want to be a participant and help in the community I live in.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at Fairview City Hall indicating the type of information you will be required to disclose if you are appointed. Applicants may be subject to a background check pursuant to Chapter 2.45 of the Fairview Municipal Code

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Nick Button
Signature	
Date	11/15/2018

Applications expire December 31 of the calendar year in which submitted.

Our Policy

It is the policy of the City of Fairview to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Fairview accepts applications from potential board/commission members throughout the year and will hold applications until vacancies exist on specific boards/commissions.

Thank you for completing this application form and for your interest in volunteering with us.

RECEIVED
DEC 11 2018
CITY OF FAIRVIEW

Application for Committees/Commission

Contact Information

Name:	Steven Haschke
Street Address:	[redacted]
Mailing Address:	
City/State/Zip Code:	Fairview, OR 97024
Home Phone:	[redacted]
Work Phone:	
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	22 Years
Place of Employment:	Retired
Occupation:	Senior Retail Management
Educational Background:	High School Diploma Gresham High School Portland Community College Emergency Medical Tech
Prior Civic Activities:	Served in the Oregon Army and Air Nat'l Guard Volunteer for my Church in Troutdale

Boards/Commissions of Interest

Please check all of the following Boards/Commissions that interest you:

If checking more than one, please prioritize your interest (1, 2, 3, etc.)

- ☐ **Budget Committee**
- ☒ **Planning Commission**
- ☐ **Community Engagement Committee (CEC)**
- ☐ **Economic Development Advisory Committee (EDAC)**
- ☐ **Parks and Recreation Advisory Committee (PRAC)**
- ☐ **Public Safety Advisory Committee (PSAC)**
- ☐ **Urban Renewal Planning Committee**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

Utilize 18 years of experience in Senior Retail Management including Communication and Listening Skills, Research, Training, and Financial management to help shape and grow the City of Fairview.

Motivation

Discuss your motivation for serving on this Board/Commission.

Since being put on disability, I spend my days doing very little. I would like to opportunity to assist the Commision in helping Fairview grow as a community.

Special Notice

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Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Steven Haschke
Signature	[redacted]
Date	

Applications expire December 31 of the calendar year in which submitted.

Our Policy

It is the policy of the City of Fairview to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability. The City of Fairview accepts applications from potential board/commission members throughout the year and will hold applications until vacancies exist on specific boards/commissions.

Thank you for completing this application form and for your interest in volunteering with us.

Application for Boards/Commission

RECEIVED
NOV 28 2018
CITY OF FAIRVIEW

Contact Information

Name:	Hollie Holcombe
Street Address:	[redacted]
Mailing Address:	[redacted]
City/State/Zip Code:	Fairview OR 97024
Home Phone:	[redacted]
Work Phone:	[redacted]
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	3.5 years
Place of Employment:	n/a
Occupation:	Parent
Educational Background:	2008 Masters of Architecture, University of Pennsylvania. 2003 Bachelor of Science in Architecture, University of Minnesota. 2017 Permaculture Design Certificate, OSU.
Prior Civic Activities:	Current member of PRAC, 2016 to present. Planning Commission, 2017 to present.

Boards/Commissions of Interest

Please check all of the following Boards/Commissions that interest you:

If checking more than one, please prioritize your interest (1, 2, 3, etc.)

- City Council
- Budget Committee
- X Planning Commission
- Economic Development Advisory Committee (EDAC)
- Parks and Recreation Advisory Committee (PRAC)
- Public Safety Advisory Committee (PSAC)
- Arts and Community Events Advisory Committee (ACEAC)
- Other short-term task groups or focus groups that would meet for a specific purpose and then disband when the business is completed

Last Update: 2/21/2014

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

I have special training in creative problem solving and teamwork, skills in architectural design, and experience dealing with planning and zoning requirements on multiple projects in three states. Since becoming a planning commissioner in Fairview, I have attended all the trainings offered. I have also been involved with the urban renewal committee, which has deepened my knowledge about planning here in Fairview.

Motivation

Discuss your motivation for serving on this Board/Commission.

Since I was young I have wanted to be of great service to my community. I believe I have special training, skills and experience dealing with complex problems requiring deep listening and understanding, and creative problem solving, which is what Planning is all about. I wish to continue being of service to Fairview, and see through our upcoming code review and updates.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at Fairview City Hall indicating the type of information you will be required to disclose if you are appointed. Applicants may be subject to a background check pursuant to Chapter 2.45 of the Fairview Municipal Code

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Hollie Holcombe

Signature [redacted]

Date 11-26-2018

Applications expire December 31 of the calendar year in which submitted.

Our Policy

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Thank you for completing this application form and for your interest in volunteering with us.

Last Update: 2/21/2014

Application for Committees/Commission

RECEIVED
NOV 28 2018
CITY OF FAIRVIEW

Contact Information

Name:	Steven Hook
Street Address:	[redacted] Fairview OR 97024
Mailing Address:	Same
City/State/Zip Code:	
Home Phone:	[redacted]
Work Phone:	
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	3
Place of Employment:	Providence St. Joseph Health
Occupation:	Clinical Analyst - Epic
Educational Background:	Bachelor of Science in Healthcare Management (2015) Master Business Administration (grad Feb 2019)
Prior Civic Activities:	Fairview Planning commission - Current Portland Police Cadet - Field Training officer

Committees/Commission of Interest

Please check all of the following Boards/Commissions that interest you:

If checking more than one, please prioritize your interest (1, 2, 3, etc.)

___ **Budget Committee**

1 **Planning Commission**

___ **Community Engagement Committee (CEC)**

___ **Economic Development Advisory Committee (EDAC)**

___ **Parks and Recreation Advisory Committee (PRAC)**

___ **Public Safety Advisory Committee (PSAC)**

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

Current Planning commissioner.

Motivation

Discuss your motivation for serving on this Board/Commission.

The ability to continue to shape the City of Fairview into a community that we can be proud of. This include making code language more clear and understanding for citizens and developer.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at Fairview City Hall indicating the type of information you will be required to disclose if you are appointed. Applicants may be subject to a background check pursuant to Chapter 2.45 of the Fairview Municipal Code.

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Steven Hook
Signature	[redacted]
Date	November 25, 2018 for 2019 openings

Applications expire December 31 of the calendar year in which submitted.

Our Policy

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Thank you for completing this application form and for your interest in volunteering with us.

Application for Committees/Commission

RECEIVED
JAN 04 2019
CITY OF FAIRVIEW

Contact Information

Name:	Steve Owen
Street Address:	[redacted]
Mailing Address:	[redacted]
City/State/Zip Code:	Fairview, OR 97024
Home Phone:	[redacted]
Work Phone:	[redacted]
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	22
Place of Employment:	CDK Global
Occupation:	Sr. Director / General Manager
Educational Background:	Western Business College
Prior Civic Activities:	City Councilor - City of Fairview 17 years, Chaired Budget Committee and Council President during my tenure. Involved in many other committees appointed by Mayor. Board of Directors - Lake Merwin Campers Hideaway, non profit 501C, 5 years; served as President and currently serving as Treasurer. Term expires September 2019. Boy Scouts of America - 12 years, Fairview Troop 588 Asst. Scout Master, Pack 651 Scout Master

Boards/Commissions of Interest

Please check all of the following Boards/Commissions that interest you:

If checking more than one, please prioritize your interest (1, 2, 3, etc.)

- ☐ **Budget Committee**
- ☒ **Planning Commission**
- ☐ **Community Engagement Committee (CEC)**
- ☐ **Economic Development Advisory Committee (EDAC)**
- ☐ **Parks and Recreation Advisory Committee (PRAC)**
- ☐ **Public Safety Advisory Committee (PSAC)**
- ☐ **East County Recreation Board**

Last Update: 05/25/2018

Special Skills or Qualifications

Summarize any special training, skills or experience you may have pertinent to the Board/Commission to which you are applying.

I served 17 years as a City Councilor in Fairview. This was a time when Fairview experienced significant residential growth. The Town Center was just starting to materialize during the first part of my tenure on City Council. I was on the City Council when the Comprehensive Plan as approved in 2004. I am diligent about reviewing and researching material needed to make a decision.

I am currently near the end of my term at Lake Merwin Campers Hideaway. I have been involved with Clark County Building regarding development during my tenure the past 5 years.

Motivation

Discuss your motivation for serving on this Board/Commission.

Fairview is a great community with limited land available for development. Fairview is limited to 3 1/2 square miles of land and waterways. I am interested in the Halsey corridor and development on Sandy boulevard. These are the two primary areas for development that will shape our city. While these two areas are important, I want to make sure all areas in Fairview receive equal consideration when it comes to development.

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at Fairview City Hall indicating the type of information you will be required to disclose if you are appointed. Applicants may be subject to a background check pursuant to Chapter 2.45 of the Fairview Municipal Code

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Steve Owen
Signature	[redacted]
Date	January 2, 2019

Applications expire December 31 of the calendar year in which submitted.

Our Policy

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Thank you for completing this application form and for your interest in volunteering with us.

Last Update: 05/25/2018

RECEIVED
OCT 25 2018
CITY OF FAIRVIEW

Application for Committees/Commission

Contact Information

	Darryl S. Symonds
Street Address:	[redacted]
Mailing Address:	the same as street address
City/State/Zip Code:	Fairview, OR 97024
Home Phone:	[redacted]
Work Phone:	[redacted]
E-Mail Address:	[redacted]

Background

Years of Residence in Fairview:	19
Place of Employment:	US Bank
Occupation:	Mortgage Loan Originator
Educational Background:	B.S. - Communications Management / University of Portland
Prior Civic Activities:	Beaverton Chamber of Commerce, Raleigh Hills Business Association, Financial Beginnings of Oregon

Boards/Commissions of Interest

- [ ] **Budget Committee**
- [1] **Planning Commission**
- [3] **Community Engagement Committee (CEC)**
- [2] **Economic Development Advisory Committee (EDAC)**
- [ ] **Parks and Recreation Advisory Committee (PRAC)**
- [ ] **Public Safety Advisory Committee (PSAC)**
- ~~[4] **Urban Renewal Planning Committee**~~

Last Update: 05/25/2018

Special Skills or Qualifications

I moved to Portland in 1984 after graduating from high school in Hawaii to attend college at the University of Portland. I have experienced the big economic changes the area has experienced which has reminded me of Hawaii's change. I have been in the mortgage lending industry for 29 years primarily in originations (6 of the years was in loss mitigations helping distressed homeowners stay in their homes). I have seen & experienced the changes in our real estate market, zoning and the growth.

Motivation

I have lived in Fairview for 19 years. My kids are now young adults and out of the home and on their own. One of them will be looking to buy their 1st home in the area in the beginning of 2019 along with many of his friends from the area. I have a special place in my heart in helping young adults with their 1st home purchase along with helping ALL people with their quest of the American Dream (Homeownership).

Special Notice

Please be advised that members of the City Council and Planning Commission are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the Administration Office at Fairview City Hall indicating the type of information you will be required to disclose if you are appointed. Applicants may be subject to a background check pursuant to Chapter 2.45 of the Fairview Municipal Code

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Darryl S. Symonds
Signature	[redacted]
Date	10/25/2018

Applications expire December 31 of the calendar year in which submitted.

Our Policy

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Thank you for completing this application form and for your interest in volunteering with us.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	Work Session #2 & 4.e.	2019-10

TO: Mayor and City Council

FROM: Allan Berry, Public Works Director

THRU: Nolan K. Young, City Administrator

DATE: January 10, 2019

ISSUE:
The city has the need to enter into a revised IGA with the City of Gresham for Building Services.

RELATED COUNCIL GOALS:
Goal #7: Work with other local, regional and state organization to enhance the community.
Objective A: Identify and pursue opportunities to consolidate public services with other area providers.

PREVIOUS AGENDA STAFF REPORTS:
The Building Services Contract and Building Official Designation were discussed at the April 15, 2015 City Council Meeting and approved under Resolution 11-2015.

ATTACHMENTS:
A. Draft Resolution 8-2019
B. Draft Intergovernmental Agreement between City of Gresham and City of Fairview

BACKGROUND:
The City of Gresham provides Building Official, building inspection and plan review services to the cities of Fairview, Wood Village, and Troutdale. Certain clarifications have been identified that made revisions to the IGA necessary. Related to this, the actual costs of these services has been reviewed in detail and an increase in the hourly rate is needed to allow Gresham to continue to provide these services.

To-date, these services have been very good and have allowed us to meet the needs of our community in a cost-effective manner and with exceptional customer service. Using Gresham for these services has allowed us to increase the availability of building services to the citizens of Fairview. Gresham has assisted us with technical support and advice. We have updated our building program forms, handouts, processes, and electronic plan review.

RECOMMENDED ACTION:
1. Authorize the City Administrator to sign an agreement with the City of Gresham for building services and granting the City's Building Official authority to Sean Blaire.

BUDGET IMPLICATIONS:

The change in building services provider will have an impact on the budget in that the base rate for these services will increase to $115 per hour. The building fund only pays for building related services and is solely funded through building permit fees. Permit fees are therefore intended to cover the costs of plan review and inspection services. Those fees will not change as a result of this resolution, and we feel the current fund balance can handle this increase in hourly rate. However, we will continue to monitor our fees for these services and make recommendations for any adjustment accordingly.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** Move to adopt Resolution 8-2019. This will authorize the City Administrator to sign an agreement with the City of Gresham to provide building inspection services and grant the City's Building Official authority to Sean Blaire.
2. Do not continue using the City of Gresham to provide building services.
    - Further research cost effective ways to provide building services than those currently available

R E S O L U T I O N
(8-2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL AUTHORIZING THE CITY ADMINISTRATOR TO SIGN AN AGREEMENT WITH THE CITY OF GRESHAM FOR BUILDING INSPECTION SERVICES AND GRANTING THE CITY'S BUILDING OFFICIAL AUTHORITY TO SEAN BLAIRE

WHEREAS, the City of Fairview provides inspection program services to perform building, mechanical, electrical and plumbing inspections; and

WHEREAS, Fairview does not presently have on staff a Building Codes Division Certified Building Official and Building Codes Division Certified Inspector, to provide plan review and inspections as provided in ORS Chapter 456; and

WHEREAS, the City of Gresham has certified staff capable of providing the indicated services; and

WHEREAS, the City of Fairview and the City of Gresham mutually desire to enter into an intergovernmental agreement, wherein the City of Fairview compensates the City of Gresham for building permit services provided to the City of Fairview.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 Fairview hereby grants City of Gresham the authority to enforce and administer the Uniform Building, Electrical, Mechanical, and Plumbing Codes hereinafter named Oregon Specialty Codes, as adopted by Fairview, and all other activity subject to the City of Fairview's Building Code Division and all other related and applicable codes.

Section 2 The Assistant Building Official for City of Gresham, Sean Blaire, shall act as the Building Official for Fairview for purposes of administering the Oregon Specialty Codes including issuing stop work and similar orders.

Section 3 The City Administrator is hereby directed to sign the intergovernmental agreement with the City of Gresham for building services attached hereto as Exhibit A.

Section 4 This resolution is and shall be effective from and after its passage by the Council.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

Exhibit A

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITIES OF GRESHAM AND FAIRVIEW

City of Gresham Contract No. _____

This agreement (Agreement) is made and entered into by and between the City of Gresham (Gresham) and the City of Fairview (Fairview) effective as of February 1, 2019.

RECITALS

A. Fairview has an operational need for additional staffing of a Building Department to perform residential, commercial and/or industrial building permit related services based on actual and projected workloads including Building Official, plans examiner(s), structural/mechanical building inspector(s), specialty code inspectors (electrical, plumbing), life safety and structural engineering. In addition, Fairview has an occasional need for advisory only services related to potential non-building code enforcement case(s) that are not associated with active building permit(s).

B. Gresham and Fairview have for the past couple years had an established and successful contract relationship for the provision of Building Inspection services, and desire to continue and build upon this existing partnership.

C. Development and construction activity in Multnomah County, Gresham and Fairview will continue to experience variations in the demand for Building Services over the course of the next several fiscal years.

D. Gresham and Fairview agree that the IGA enables the sharing of resources, better serves the public, and voids unnecessary duplication of staff, equipment, and training and will continue to promote efficiency and effectiveness in local government administration and service delivery.

E. By the authority granted in Oregon Revised Statutes (ORS) 190.010 et. seq., local government agencies may enter into cooperative agreements with other units of local government for the performance of work on certain types of projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

Now therefore, it is agreed by and between Gresham and Fairview as follows:

TERMS OF AGREEMENT

1. Services:
   1.1. Gresham shall provide Fairview qualified plans examiner(s), structural/mechanical building code inspector(s), specialty code inspector(s) for electrical & plumbing, structural engineering plans examiner and building official staff (collectively Staff) with sufficient expertise and experience to perform the services, when requested by Fairview.

   1.2. Gresham will, to the best extent possible, endeavor to provide the necessary Staff, upon request, to attend appointments in Fairview with one business day advance notice.

   1.3. Most other plan review and administrative related work performed by Staff that is associated with this IGA will take place at Gresham City Hall. Permit technician services are not included in this scope of work.

   1.4. When requested, Gresham will provide Fairview occasional advisory only services related to a potential non-building code enforcement case that is not associated with an active building permit.

2. Inspections and Plan Review:
   2.1. Inspections: Gresham will provide residential, commercial and industrial building(structural), mechanical, plumbing, and electrical inspections in accordance with Fairview's Operating Plan filed with the State of Oregon Building Codes Division. Gresham will endeavor to perform requested inspections no more than one business day after the request is received. Should Gresham need to reschedule an inspection to the following business day because of operational limitations, Gresham Staff will notify Fairview as well as the person(s) requesting the inspection. Unless otherwise agreed upon, in the event an inspection request is received after working hours, on weekends or holidays, the request shall be treated as received on the next regular business day. The assigned Fairview Permit Technician will coordinate with Gresham Staff each morning about inspection workload for the given day.

   2.2. Plan Review: Gresham will provide residential, commercial and industrial plan review services for Fairview for all disciplines (building, mechanical, plumbing, and electrical) as required by applicable Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs). Gresham will also provide any necessary structural engineering review with a licensed professional engineer as requested. The assigned Fairview Permit Technician will coordinate the responsibility of routing plans between Fairview and Gresham.

2.3. Performance Standards for Gresham Plan Review will be as follows:

2.3.1. Most residential plans and commercial plans identified as "simple" shall be reviewed within 10 business days of Gresham's receipt, and not more than 5 business days of Gresham's receipt for the review of a resubmittal.

2.3.2. All commercial plans not deemed simple, and complex residential plans shall be initially reviewed and comments provided within 15 business days of Gresham's receipt and not more than 5 business days of Gresham's receipt for the review of a resubmittal.

2.3.3. In the event that Gresham cannot perform in accordance with this standard, Fairview, after providing Gresham seven (7) calendar days written notice and an opportunity to cure, has the right to select from a mutually agreed upon list of firms, and at its own expense, a State of Oregon Building Codes Division approved Third-Party Plan Review and Inspection Business, to complete the plan reviews and/or inspections not performed by Gresham.

2.3.4. If Fairview elects to obtain Third-Party Plan Review and Inspection services, Gresham will remain the Building Official and retains the right to review and approve the Third-Party Plan Review and Inspection Business' service work, to ensure compliance with the Building Code.

2.4. Policies: Fairview policies and procedures will apply to permit fees and processing, plan review comments, scheduling of inspections and recording of inspection results. Gresham will lead an ongoing effort throughout the term of this agreement to work with Fairview in establishing, to the best extent possible, consistent administrative policies, methodologies and processing standards related to the execution of daily building permit related responsibilities. Examples include but are not limited to assessing of reinspection fees, issuance of temporary or permanent certificate of occupancies, inspection request types, inspection scheduling, stop work orders, deferred submittals, etc.

2.5. Communication: For communication to its customers, Fairview will establish email addresses for identified Gresham Staff along with letterhead for any written communications. Before Gresham Staff approves a Fairview issued certificate of occupancy, temporary or permanent, Gresham Staff shall request and receive confirmation from Fairview that all fees and other development related obligations have been satisfied.

2.6. Hour Adjustments. Any adjustment to hours shall be at the mutual agreement of the Fairview City Administrator or designee and the Gresham Community Development Director.

2.7. Building official duties, plan reviews and inspections performed will be limited to those job functions contained within Gresham's Job Classification(s) and generally include but are not limited to intake and processing of planning and building applications, reviewing building permit submittals for compliance with applicable codes and standards, inspection of work to verify conformance with applicable codes and standards, administrative duties as building official for the jurisdiction, calculation of fees associated with permit applications, serving as a liaison with building inspectors and applicants, and maintenance of associated files.

2.8. Rates. Services, including any applicable travel time, will be provided at an hourly rate (rounded up to the nearest quarter hour) payable to the City of-Gresham, in accordance with the schedule shown below:

- Plans Examiner/Building Inspector/Structural Engineer/Building Official/Administrative Assistant/Community Development Director - $79.69 per hour through February 28, 2019.
- Plans Examiner/Building Inspector/Structural Engineer/Building Official/Administrative Assistant/Community Development Director - $115.00 per hour beginning March 1, 2019 through June 30, 2020.
- Beginning July 1, 2020, for Fiscal Year 2020/2021 and for each fiscal year thereafter, the hourly rate for service will be adjusted beginning July 1 of each fiscal year utilizing an agreed upon methodology as shown in Exhibit A to this agreement.
- If Services are requested outside typical business hours (Monday-Friday 7:30 AM – 4:30 PM), an overtime premium of $30 per hour will be added to the hourly rates above.

2.9. Gresham Implementation Requirements. Gresham implementation of the Scope of Work includes providing the public with information about code requirements, interpretation of the codes, plan review, inspections and limited code enforcement.

2.10. Gresham will pursue code enforcement related to active building permits only. Gresham will pursue code enforcement for a maximum of 30 days, in accordance with Fairview 's policies and procedures and the applicable code. If the code enforcement issue is not resolved after the expiration of 30 days, Gresham will refer the issue to Fairview for further enforcement action.

2.11. When requested by Fairview, and with written consent by the applicants, Gresham will review a building permit application that has

already undergone partial planning review but has not received full planning approval. The applicant's consent must acknowledge that they accept the inherent risk of proceeding prior to full planning approval and the potential that final planning approval and/or Gresham's building permit review might require additional fees and services to be paid for by the applicant prior to the issuance of the building permit.

3. Billing and Payment. Gresham will invoice Fairview each month for the prior month of service with a billing period of 21st of the month through the 20th of the following month, with billing based on time sheets submitted by Staff to Gresham, for services performed on an hourly basis. Invoices and supporting documentation will be delivered by email in a PDF format attached file, and will be received by Fairview no later than the 10th calendar day following the month of service (Example: Hours worked from January 21 – Feb 20 will be invoiced by March 10). The time sheets shall include time actually worked (rounded up to the nearest quarter hour increment) by Gresham. Fairview agrees to pay the invoice within 30 calendar days from receipt of the invoice.

4. Assumption Plan. Gresham agrees to evaluate the Fairview Building Department program assumption plan in accordance with OAR 918-020-0095 and ORS 455.148 or ORS 455.150, making recommendations for the modifications of the plan, if any. Fairview will be responsible for the submittal of the plan and the plan contents. Reporting required under the plan shall be completed by Fairview with Gresham providing all required information not available to Fairview.

5. While performing Services, Staff will be subject to the direction and control of the Fairview City Administrator or designee as it relates to the above stated scope of work. This requirement; however, does not supersede any authority or responsibility conferred by law, statute or rule upon the Building Official acting in his/her capacity on behalf of the City of Fairview. Staff shall follow all applicable state laws, Fairview file management, administrative forms and procedures, code compliance software and Fairview will ensure that Staff use of software or copyrighted material is allowed under any applicable license. Staff will remain full-time or part-time employees of Gresham and will continue to be compensated and provided benefits, as applicable, by Gresham and shall not be entitled to any benefits or other compensation from the City of Fairview. Nothing herein is intended to nor does it create an employment relationship between Gresham Staff and Fairview.

6. All fees for, and revenue generated by the work performed by Staff while working at Fairview will be collected and retained by Fairview.

7. Staff's work will be evaluated by the Fairview City Administrator or designee and communicated to the Gresham Community Development Director on a not-less-than a monthly basis. Responsibility for addressing grievances, disciplining Staff or resolving other personnel-related problems will be the responsibility of

the Gresham Community Development Director, with the full cooperation and assistance of the Fairview City Administrator or designee.

8. This Agreement expires June 30, 2023. Either party may terminate the Agreement at any time prior to that expiration date by providing a minimum one hundred eighty (180) days written notice to the other party. This Agreement may be extended in one-year increments with not less than ninety (90) days prior written notice and the mutual consent of both parties' city managers in writing.

9. Subject to the limitations of the Oregon Tort Claims Act, each party agrees to indemnify, defend and hold harmless the other party and its officers, agents, employees and elected officials from any and all liability, loss, and costs arising out of or resulting from the acts of the individual City, their officers, agents, employees and elected officials, including intentional or willful misconduct, in the performance of this Agreement.

   9.1. In addition to Section 9, The City of Fairview agrees to indemnify, defend, hold harmless, and make whole the City of Gresham, City of Gresham Staff, and the City of Gresham's officers, agents, employees, and elected officials (indemnified parties) from any and all liability, loss, or cost, including the fees of attorneys and expert witnesses related in any way to the denial, condition, suspension, revocation, or refusal to issue or renew any indemnified party's license, registration, or certificate provided for or required by the Building Code Division (OAR Chapter 918) but only to the extent arising out of or in any way related to the acts of the City of Fairview, its officers, agents, employees and elected officials, including but not limited to intentional or willful misconduct.

10. In accordance with ORS 455.148, 455.150, 455.210 and OAR 918.020 and any other applicable state statutes and administrative rules, Fairview shall provide Gresham any requested budgetary and financial records that would demonstrate, to Gresham's satisfaction, that any dedicated program revenues and associated expenditures for building permit related activity are used for the administration and enforcement of a building inspection program for which Fairview has assumed responsibility.

11. The Gresham Community Development Director and Fairview City Administrator or designee may establish rules and practices necessary carry out this Agreement. Such rules and practices shall be put in writing and bear the signatures of the Gresham Community Development Director and Fairview City Administrator or designee to signify mutual agreement. Rules and practices adopted under this paragraph shall not modify the terms of this Agreement.

12. Fairview agrees to provide all necessary equipment to perform the Services including desktop computers located in Fairview offices, office supplies and materials, but not including vehicles, cell phones or laptop computers. Any personal protective gear unique to Staff shall be provided by Gresham. In the

event Staff needs Gresham equipment to perform the Services, Fairview shall not be required to compensate Gresham for Staff use of Gresham equipment, including use of city vehicles.

13. Each jurisdiction is a subject employer under the Oregon Workers' Compensation Law, and at all times shall comply wi.th ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon Law for all their subject workers. Each party agrees to maintain insurance consistent with the Oregon Tort Claims Act, ORS 30.270 and customary for public agencies of the same size and type.

14. Fairview and Gresham agrees this Agreement does not constitute a transfer of a public employees pursuant to ORS 236.605 through 236.640.

15. This Agreement and attached exhibits constitute the entire agreement between Gresham and Fairview on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement will bind either party unless in writing and signed by all parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, will be effective only in the specific instances and for the specific purpose given. This Agreement is personal to Fairview and Gresham and is not intended to confer upon any other person or entity any rights or remedies whatsoever.

16. This Agreement supersedes and replaces Intergovernmental Agreement #____ between Fairview and Gresham.

Note: Agreement continues and signatures on following page.

The parties by execution of this Agreement hereby acknowledge that their respective city managers have read and understand this Agreement, that each has the authority to sign and bind respectively Gresham and Fairview and that Gresham and Fairview shall be bound by its terms and conditions.

CITY OF GRESHAM

_____

Erik Kvarsten, City Manager
City of Gresham

_____

Date

APPROVED AS TO FORM:
CITY OF GRESHAM

_____

City Attorney's Office

CITY OF FAIRVIEW

_____

_____, City Administrator
City of Fairview

_____

Date

APPROVED AS TO FORM:
CITY OF FAIRVIEW

_____

City Attorney

Exhibit A

Rate Methodology - Composite Hourly Rate as of July 1, 2020:

Beginning July 1, 2020, for Fiscal Year 2020/2021 and for each fiscal year thereafter, the composite hourly rate for service for a given fiscal year shall be calculated using the methodology described below, or $115 per hour, whichever is greater:

Per Gresham's Projected Budget for fiscal year 20__/20__,

Hourly rates for each position below:

(Taking into account budgeted salary and fringes-no overheads)

- Assistant Building Official $A per hour
- Building Inspector II $B per hour
- Building Inspector III $C per hour
- Plans Examiner II $D per hour
- Plans Examiner III $E per hour
- Structural Engineer $F per hour
- Program Technician $G per hour

Calculate the average hourly rate: (A + B + C + D + E + F + G) / 7 = "**H**" (base composite hourly rate)

Multiply "**H**" by Department Overhead (40%) and reduced Central Service Allocation (15%): **H** * 1.40 * 1.15 = "**CHR**" (Adjusted Composite Hourly Rate*)

Note: * Calculated CHR does not include any permit technician services nor does it include any accounting for any potential future use of Gresham's permitting and plan review software. Should either be required as part of the IGA, or if the scope of services is altered, Gresham will propose a new rate to account for the additional services.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM	REFERENCE NUMBER
January 16, 2019	# Work Session #3	2019-14

TO: Mayor and City Council

FROM: Allan Berry, Public Works Director

THRU: Nolan K. Young, City Administrator

DATE: January 10, 2019

ISSUE:
Council update on Well 10 preliminary design and next steps in the process.

RELATED COUNCIL GOALS:
#4: Maintain and enhance the City's public infrastructure in a cost efficient manner.
Objective C: Complete pre--design for Well #10.

UPDATE:
The city has a need for additional ground water production to meet its needs for current and future firm capacity, and to fulfill all available water rights. These production needs can only be met by the construction of a new Well (#10).

Work for FY 2018-19, was planned to involve the preparation of site specific technical specifications and a site evaluation to determine the feasibility of the well location. Aquifer data will also be reviewed to corroborate the siting. Currently, staff is gathering up field data and has prepared a base-map to support the pre-design work.
The next steps are:

1. Site Well: This requires confirmation of required set-backs from all utilities and natural and constructed water resources. The proposed site will ultimately need a review by the Oregon Health Authority. The current proposed site (south of Anthem Church) is complicated by its location near an existing storm water detention pond. We are investigating innovative ways to incorporate that feature into the site.
2. Design Well: The well design will be performed in coordination with a required water source submittal to the State. We will be developing specifications which include the casing design, screen locations and depth. We have the site base map but will be adding the design features to that base map including the well and the well house.
3. Drill Well: The well drilling will include a pump test and will thereby prove the source. We will include WSE testing in the scope to identify issues with iron bacteria, etc.
4. Design Well house: Subsequent to the well design, or possibly in concert with the well design, we will engage a firm to design the well house and associated piping. This will also

include the aforementioned innovative approach to dealing with the adjacent storm water facilities.

5. Construct Well House: This will require contract documents and a competitive bid process.

QUESTIONS TO ANSWER DURING THE UPCOMING MONTHS:

- Can we re-work the existing detention pond and meet state requirements?
- Do we need to do anything special with the sanitary sewer line in the pond vicinity?
- Discuss Pump/$C1_2$ for final pump installation.
- Sentinel well to provide notice of potential EDB migration from its' current location (see related issues below).

RELATED ISSUES:

As a result of DEQ reviews of the local aquifer, it has been determined that there may be a source of ethylene dibromide (EDB) in the vicinity of Townsend Farms. To mitigate the potential for contamination of the aquifer, and to satisfy DEQ requirements, Townsend Farms is reconstructing their well to current state standards. To identify any impacts on our water system, we will be siting a sentinel well as a means to monitor pollutant plumes prior to their entry into our system. This sentinel well will be sited in coordination with the new well 10 design, with likely construction at the same time as well 10.

MINUTES
CITY OF FAIRVIEW
CITY COUNCIL

December 19, 2018

Council Members
Ted Tosterud, Mayor *(by phone)*
Cathi Forsythe
Mike Weatherby
Keith Kudrna
Lisa Barton Mullins
Natalie Voruz
Brian Cooper

Staff
Nolan Young, City Administrator
Allan Berry, Public Works Director
Lesa Folger, Finance Director
Jason Gates, Chief Deputy
Heather Martin, City Attorney
Devree Leymaster, City Recorder

WORK SESSION (6:00 PM)

1. REVIEW LEVEE READY COLUMBIA IGA

City Administrator Young explained the proposed IGA would be effective for up to five years or until a new governance district is formed. Fairview's contribution would be 3.5%; approximately $20,000 annually. Fairview's current contribution is $9,000.

Council President Weatherby inquired about the contribution of Metro and the Port of Portland. In scale, their contributions seem small. CA Young replied Metro is not required to participate. They are partnering to help resolve a regional issue. The Port does have a vested interest, as they have property within the districts but they don't have the same level of responsibility. The Port is not treated as a municipality but is participating as a regional partner.

Mayor Tosterud asked how the contributions were decided. CA Young answered, based on the area within in the drainage district. Mayor Tosterud argued Fairview's portion is too high. The Port should be contributing a larger percent. If we don't push back now, it could impact Fairview's participation contribution in the future, with construction.

CA Young explained Metro, Multnomah County and the Port are participating as regional partners. They each agreed to pay an equal portion with the remaining amount being divided between the districts and municipalities. This partnership, and allocations, are consistent with what has been done in the past. CA Young iterated how important it is to be at the table and the value in being part of the partnership.

Councilor Cooper asked about Troutdale's position. CA Young replied at this time they are supportive. They did express concern for future capital improvements.

Councilor Forsythe clarified we will be bound to 3.5% annually. CA Young replied yes, over the next five years or until a new district is found. He reiterated the contribution percentage is only for the operation of Levee Ready Columbia. It does not translate to capital improvements.

Councilor Cooper inquired who is responsible for what. CA Young answered the districts are responsible for flood control and the municipalities for the portion of the levee within their city. CA Young noted 25% of Fairview's population lives within the flood plain protected by the levee.

Mayor Tosterud asserted Fairview's percentage is too high compared to our population. He proposed the city push back to get the percentage reduced. Council Weatherby agreed. CA Young commented at this time Fairview has a seat at the table, the same as the others. There is value in the partnership. Being a good faith partner now, may give us more negotiating clout as we move through this complex issue.

Councilor Forsythe remarked she sees the value of CA Young's comments. The value of being in the partnership and of being a good partner. Councilor Voruz commented she too is disappointed at the percentage contribution and that the Port is not contributing more considering the value of the property they hold within the area, but she also understands CA Young's comments about being a good partner.

CA Young proposed he would share with the LRC that the Council expressed some concern with the contribution amount and schedule a work session on January 2 and adoption for January 16. This will give the new Council more time to review the information and to share the concerns with LRC. Council supported the proposal.

Council President Weatherby asked about the status of the railroad embankment. CA Young commented the railroad argues the embankment was not constructed to be part of the levee. The LRC refers to it as a legacy issue. Council Weatherby remarked if it is not resolved, it will be a weak spot. CA Young remarked the Corp has made it clear the issue will have to be resolved. Though there has not been resolution, the railroad is talking with them.

2. DEVELOPMENT INCENTIVE FOR NE CORNER OF HALSEY & 223RD TO COORDINATE WITH MAIN STREETS ON HALSEY & URBAN RENEWAL PLAN

CA Young explained that the Planning Commission recently approved a land use application for a development at the NW corner of Halsey and 223rd Ave. (Halsey Crossing). The project is eligible for the Development Incentive Program (DIP) if building permits are submitted by June 30, 2019. In reviewing the project staff identified four opportunities that could benefit the development and the Main Streets on Halsey project with assistance from Urban Renewal. These include flood plain challenges, PGE power lines, sidewalk design, and a roundabout. The proposed request is to extend the DIP for the Halsey Crossing project one year to investigate solutions for these four items. Building permits would need to be submitted by June 30, 2020 and Urban Renewal will reimburse the utilities for the amount of the waived SDC's.

Councilor Forsythe and Council President Weatherby expressed concern for traffic navigating through a roundabout at 223rd and Halsey. Councilor Kudrna commented it is an option being explored; nothing has been decided.

Council indicated support for the extension. The resolution will be considered during Council Business.

3. UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES

CA Young reported he will send out an updated goal list and will answer any questions at the January 2 meeting. He noted he hopes to schedule the annual Council Goal Setting Session for the first part of February.

COUNCIL MEETING (7:00 PM)

1. CALL TO ORDER

ROLL CALL
PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA

a. Minutes of November 7, 2018

b. Accept November 6, 2018 General Election Results as Certified by Multnomah

Councilor Barton Mullins moved to approve the consent agenda and Councilor Cooper seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

3. PRESENTATION

a. East County Recreation Quarterly Report

Mike Abbate, Interim Recreation Manager & Jairo Rios-Campos, Recreation Manager, presented the report as summarized in *Exhibit A*.

Councilor Barton Mullins inquired what types of items were included in the budget. Mr. Abbate replied 1.5 FTE's, funding for program instructors, marketing, advertising, class guide, scholarships ($5,000), etc.

Council President Weatherby asked about efforts to get apartment residents more involved. Mr. Abbate' replied they hope to increase engagement through direct outreach and cross marketing with the SUN program.

Council requested bi-annual reports and the ERC Board meeting minutes be included in their packets.

b. MCSO Monthly Report – October & November

Deputy Chief Gates presented the monthly reports. He provided an update on the MCSO Citizen Patrol program and the inclusion of Fairview residents who want to continue as Citizen on Park Patrol volunteers through the MCSO program.

Deputy Chief Gates announced he is retiring. His last day is February 19, 2019. He shared he has been honored and privileged to serve as a resident and advocate of East County.

c. Mt. Hood Cable Regulatory Commission: Frontier Franchise Extension Request

Rich Goheen, MHCRC Commissioner, spoke regarding the request for the Frontier franchise four-year extension recommended by MHCRC. He noted it will give Frontier and MHCRC the opportunity to work through issues.

4. COUNCIL BUSINESS

a. Authorize the Extended Term of the Frontier Cable Franchise: Resolution 63-2018

Councilor Cooper moved to approve Resolution 63-2018 and Councilor Kudrna seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

b. Extend the Development Incentive Program for the Halsey Crossing Project: Resolution 64-2018

Councilor Kudrna moved to approve Resolution 64-2018 and Councilor Cooper seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

c. Appoint Members to the Fairview Community Engagement Committee: Resolution 59-2018

Councilor Barton Mullins moved to re-appoint Kathy Kudrna to position six. Councilor Cooper seconded. The motion passed unanimously.

AYES: 6
NOES: 0
ABSTAINED: 1 – Councilor Kudrna *(City Council Rules 9.A.4.)*

Councilor Barton Mullins moved to appoint Chelsea Jones to position seven. Councilor Kudrna seconded. The motion passed by majority.

AYES: 6
NOES: 1 – Mayor Tosterud
ABSTAINED: 0

Councilor Kudrna moved to appoint Darryl Symonds to position three. Councilor Cooper seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

d. Appoint Members to the Fairview Economic Development Advisory Committee: Resolution 62-2018

Councilor Voruz moved to appoint Michelle Ellis to position six. Councilor Barton Mullins seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Voruz moved to appoint Nick Button to position seven. Councilor Forsythe seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

e. Appoint Members to the Fairview Parks & Recreation Advisory Committee: Resolution 60-2018

Councilor Barton Mullins moved to re-appoint Steve Marker for a fourth term to position five. Councilor Voruz seconded. The motion passed by majority.

AYES: 6
NOES: 1 – Mayor Tosterud
ABSTAINED: 0

Councilor Voruz moved to re-appoint Stuart Johnson to position seven. Councilor Forsythe seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Voruz moved to appoint Michelle Ellis to position three. Councilor Barton Mullins seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

f. Appoint Members to the Fairview Public Safety Advisory Committee: Resolution 61-2018

Councilor Cooper moved to approve Resolution 61-2018, re-appointing Grant Murrell and Deborah Aronson. Councilor Voruz seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

5. PUBLIC HEARING

a. Amend FMC Chapter 19 to Comply with Oregon SB 1051 and to Make Additional Amendments Related to Accessory Dwelling Units: Ordinance 7-2018

CR Leymaster read the second reading of the ordinance by title. Senior Planner Selden clarified the amended language maintains one ADU per detached single family dwelling.

Council President Weatherby opened the public hearing. There was no comment. Council President Weatherby closed the public hearing.

Councilor Cooper moved to approve Ordinance 7-2018 and Councilor Forsythe seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

6. ADJOURNMENT

Councilor Barton Mullins moved to adjourn the meeting and Councilor Cooper seconded. The motion passed, and the meeting adjourned at 8:02 PM.

AYES: 7
NOES: 0
ABSTAINED: 0

EXECUTIVE SESSION

Council convened into Executive Session under the authority of ORS 192.660(2)(e) – Real Property Transactions – at 8:07 PM and adjourned at 8:20 PM.

_____
Devree Leymaster
City Recorder

_____
Mike Weatherby
Council President

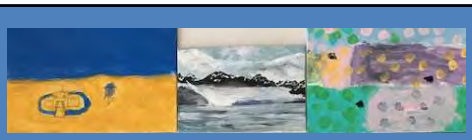
_____
Date of Signing

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

PLAYEAST!
East County Recreation

Report to Fairview City Council
December 14, 2018

Mike Abbate, Interim Recreation Manager
Jairo Rios-Campos, Incoming Recreation Manager



There has been long-time interest in recreation programs by citizens and Councils of both Wood Village and Fairview, particularly for youth. Most recently:

- **April 2016** Hatfield Fellow hired (Katherine Ashford) and Two Cities Recreation Task Force established
- **June 2017** City Councils passed Resolutions authorizing IGA to "develop a recreation program that will meet the recreation needs in both communities"
- **June 2017** IGA establishing East County Recreation signed by City Administrator and City Manager for the two cities

PLAYEAST! East County Recreation

HISTORY

KEY PROVISIONS OF IGA

- Jointly funded by cities of Wood Village (40%) and Fairview (60%) of needed public funding
- Program "will provide youth from Kindergarten to 8th Grade with an opportunity for affordable access to a variety of organized recreation activities"
- Established a 3 year pilot program, through June 30, 2020
- Program Oversight is by an appointed 7 person Board made up of 3 from each city and 1 from Reynolds School District

PLAYEAST! East County Recreation

INTER-GOVERNMENTAL AGREEMENT

BOARD

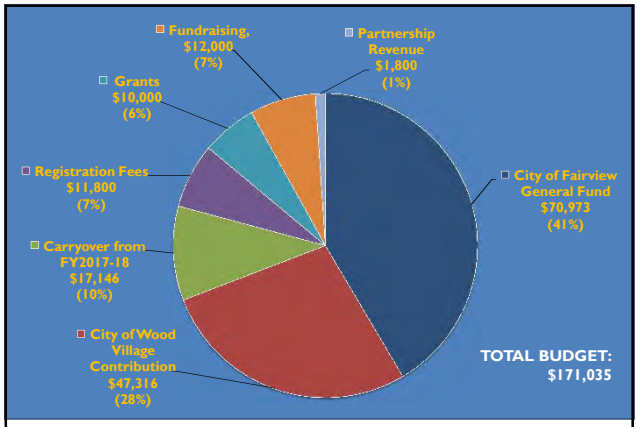
- 1 Elected Official from Each City
  Councilor Patricia Smith and Councilor Mike Weatherby
- 2 Representatives from Each City
  Scott Harden and Tom Miles, Darren Riordan and Mike Abbate (on leave)
- 1 Representative of Reynolds School District
  unfilled

STAFF

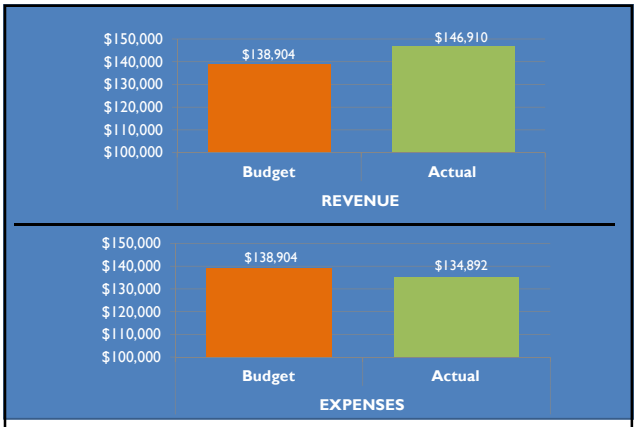
- City Administrator Nolan Young and City Manager Bill Peterson
- Interim Recreation Manager Mike Abbate
- New Recreation Program Manager Jairo Rios-Campos
- (effective 11/26/18)

PLAYEAST! East County Recreation

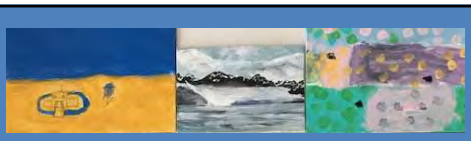
BOARD & STAFF



PLAYEAST! **FY2018-19 BUDGETED FUNDING SOURCES**



PLAYEAST! **FY2017-18 FINANCIAL REPORT**



- **June 2017** Recreation Program manager hired; under supervision of Fairview City Administrator
- **Summer 2017** Recreation Programs begin
- **January 2018** Brand and Logo Developed
- **May 2018** First Private Fundraising Event nets $11,169
- **Summer 2018** 237 summer registrations for second year of programming

PLAYEAST! **SUCCESSES: MILESTONES**

61 Classes or Activities since inception:

MUSIC: Piano, Rock Band, Guitar, Ukulele

DANCE: Ballet & Jazz, Hip Hop Dance, Family Hip Hop & Groove,

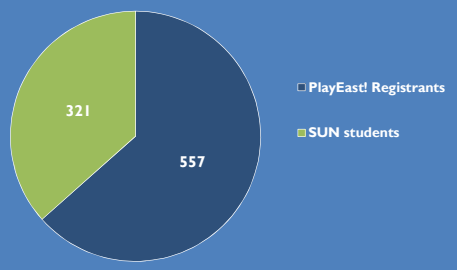
ARTS: Children's Art Camp.
Family Art Camp,
Painting & Printmaking Camp,
Art Exploration,
Printing & Printmaking

ATHLETICS: Soccer (3 age groups),
Intergenerational Soccer, Volleyball

OTHER REC: Nia Movement, Yoga in the Park, Taekwondo

PLAYEAST! **SUCCESSES: PROGRAMS**

878 Total Participants since inception:



PLAYEAST!

SUCCESSES: PARTICIPANTS

SUN

"Schools Uniting Neighborhoods"
builds student success and strengthens communities by expanding school-based services to include academic enrichment, recreation, and health and social services for students, parents, and neighborhood residents.

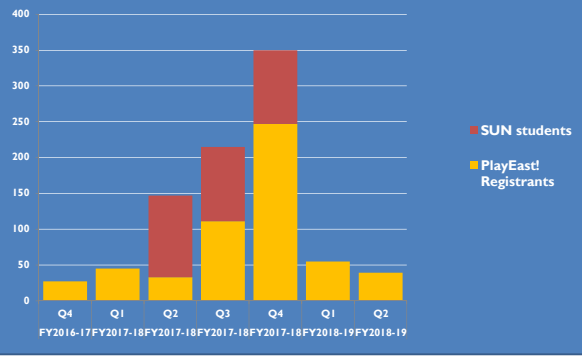
Fairview Elementary School
Principal: Jonathan Steinhoff
SUN Site Coordinator: Yahaira Meza

Woodland Elementary School
Principal: Rob Robinson
SUN Site Coordinator: Tina Moe

PLAYEAST!

SUCCESSES: KEY PARTNERSHIPS

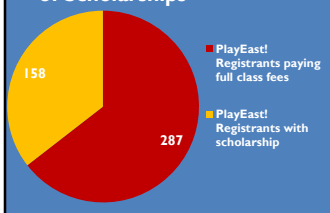
Registrants by Quarter:



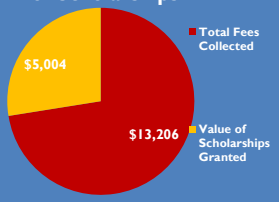
PLAYEAST!

PARTICIPANTS

Scholarships granted to PlayEast Registrants:



36%



27%

PLAYEAST!

SUCCESSES: SCHOLARSHIPS

Designed by Eduardo Norell, Norell Design

SUCCESSES: BRANDING

www.playeast.org

SUCCESSES: ONLINE REGISTRATION

Multnomah County
STRYVE Grant
Commissioner Lori Stegmann & Chair Deborah Kafoury
SUN School Programs

Wood Village Baptist Church
STRYVE Grant Recipients
Pastor Tom Miles
Futsal Court
(funding: US Soccer Foundation, W.J. Silverstein Family Trust)

Smith Memorial Presbyterian Church
Location for popular Piano Classes
Pastor Rev. Brad Busiek

Free Arts NW
Mobile Arts Bus
Kristine Bella

SUCCESSES: KEY PARTNERSHIPS

Advanced Metal and Wire Products
Cooper Tractor and Diesel
Joy Teriyaki
Kohler, Myers, and O'Halloran
Lovett Construction
Miller and Main LLC
Morasch Meats
Multnomah County Chair Deborah Kafoury
Multnomah County Commissioner Lori Stegmann
former Multnomah County Commissioner Diane McKeel
The Professional Minority Group
Reynolds Education Association
Silverstein Family Trust
Singh Corporation Wood Village Union 76

SUCCESSES: COMMUNITY PARTNERS

1. Increasing Partnership with Reynolds School District
2. Expanding Community Awareness through Marketing Efforts
3. Securing Additional Facilities, particularly for sports and athletic programs
4. Adding Basketball this Winter, provided we secure a gym

PLAYEAST! East County Recreation

CHALLENGES & OPPORTUNITIES

PLAYEAST!
East County Recreation

Questions for Council:

1. How would you like to be kept updated on an on-going basis?
2. Do you have some ideas for ways to get the word out to residents about these programs?
3. Do you have questions for us?

MINUTES
CITY OF FAIRVIEW
CITY COUNCIL

January 2, 2019

Council Members
Brian Cooper, Mayor
Cathi Forsythe
Mike Weatherby
Keith Kudrna
Balwant Bhullar
Natalie Voruz
Darren Riordan

Staff
Nolan Young, City Administrator
Allan Berry, Public Works Director
Lesa Folger, Finance Director
Harry Smith, Police Chief
Heather Martin, City Attorney
Devree Leymaster, City Recorder

WORK SESSION (6:00 PM)

1. REVIEW LEVEE READY COLUMBIA IGA

City Administrator Young briefed Council on the proposed Levee Ready Columbia IGA. The agreement will be between the four drainage districts, four cities in which the districts are located, and regional partners; Multnomah County, Metro and the Port of Portland. The agreement will begin when the current agreement expires June 30 2019 and will be for five years or until a new agency is formed. Fairview's contribution will be 3.5% annually; approximately $20,500 per year.

Council indicated support for approving the IGA. CA Young noted it will be on the January 16 agenda under consent, unless otherwise directed.

2. DISCUSS PROPOSED PLASTIC BAG BAN ORDINANCE

Councilor Bhullar proposed letting taking no action and waiting to let it be regulated at the County level or through Metro. Mayor Cooper suggested tabling the issue for six months and seeing what progress is made.

Councilor Kudrna inquired if Target could simply be asked to enact their plan. CA Young replied, Target indicated they would like to charge for alternate bags i.e. paper. Feel without some motivation habits don't change. Part of their plan is to put signs up in the parking lot to remind shoppers to bring their bags in and to have bags readily available for sale. CA Young noted he checked with a Portland Target store and they not charge for paper bags.

Councilor Voruz suggested verifying if Metro is going to place this on their agenda in the near future. She volunteered to reach out to Metro Councilor Shirley Craddick.

Councilor Riordan asked if there would be additional costs. CA Young replied staff time and educational pieces.

Mayor Cooper suggested writing a letter of support and including the topic on the upcoming four city meeting agenda.

CA Young summarized the direction is to defer the issue for six months, include it in the four city meeting agenda, write a letter of support from the Council, Councilor Voruz will contact Councilor Craddick to see what the priority it is for Metro, and staff will reach out to Metro staff. Council concurred.

Councilor Craddick arrived as part of the audience. Councilor Voruz inquired about Metro's position. Councilor Craddick replied Metro is supporting the Oregon State Legislature to enact a ban state wide. If the State does not move it forward, then Metro will. She suggested sending the letter of support to Representative Carla Piluso.

3. REVIEW DRAFT CHRONIC NUISANCE PROPERTY ORDINANCE

City Attorney Martin commented the language was drafted using Grants Pass as an example and has similar code language to Gresham; mirrors state law.

Councilor Forsythe shared the Public Safety Advisory Committee supports the ordinance. Chief Smith remarked it works towards being a solution oriented and would not be easily weaponized to use against neighbors. The language is workable and has the Police Chief, City Attorney and court working together.

Mayor Cooper asked if Grants Pass or Gresham had given feedback as to how the code worked in practice. CA Young replied no, but staff would ask and report.

Council supported moving forward with the ordinance, with the first reading on January 16.

4 UPDATE STATUS & PRIORITIES OF GOAL OBJECTIVES

CA Young explained the use of the Council issue tracker and the Council goal summary sheet identifying the action and status of each goal.

Council discussed scheduling the annual Goal Setting Session and agreed to meet February 9 from 10:00am to 2:00pm.

Mayor Cooper commented on the need to recruit and fill the Mt. Hood Cable Regulatory Commission position.

SWEARING-IN CEREMONY

Newly elected Councilor's Balwant Bhullar and Darren Riordan, re-elected Councilor Natalie Voruz, and Mayor Brian Cooper were each sworn in to the office they were elected to.

COUNCIL MEETING (7:00 PM)

1. CALL TO ORDER

ROLL CALL

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. CONSENT AGENDA

None.

4. PRESENTATION

None.

5. CITY ADMINISTRATOR AND DIRECTOR REPORTS

a. Code Enforcement Quarterly Report

Associate Planner Rutledge presented the quarterly report as summarized in *Exhibit A*. Mayor Cooper commented on a reoccurring parking issue on 7th Street. AP Rutledge responded if this is an on-street parking issue, it will be referred to MCSO for follow up.

6. MAYOR/COMMITTEE REPORTS AND COUNCIL REPORTS

Councilor Kudrna commented on the success of the Christmas Tree Lighting event and thanked the Community Engagement Committee for all their work on it.

Mayor Cooper shared a recent request for help on Next Door was immediately responded to by many citizens. It reflects how the community is coming together; he hopes to build on and strengthen this in the future.

7. COUNCIL BUSINESS

a. Nominate & Appoint Council President

Councilor Bhullar nominated Councilor Voruz for Council President and Councilor Forsythe seconded. The motion passed unanimously.

AYES: 7
NOES: 0
ABSTAINED: 0

b. Amend FMC 19.170 Sign Regulations Re: Billboards: Ordinance 1-2019

CR Leymaster read the first reading of the ordinance by title. AP Rutledge presented the staff report. *(Exhibit B)*. The request is to amend FMC Chapter 19.170 Sign Regulations to allow legal, non-conforming existing billboards to be reconstructed on the property in order to improve the structural and aesthetic nature of the signs. The amendments would only apply to the three existing billboards in Fairview. Part of the proposal is to increase the height allowed. This may visually impact a residential neighborhood adjacent to one of the signs.

Councilor Voruz asked if residents at an adjacent Manufactured Home Park were notified. AP Rutledge replied not formally, but staff can reach out.

Councilor Kudrna inquired who proposed the height increase. AP Rutledge answered the request was from the applicant.

Councilor Weatherby remarked the Council in 1997 voted for the ordinance to prohibit these signs. The code is very explicit. Not clear why the issue is being raised again. AP Rutledge commented the code does have a process for an applicant to request a code change be considered. The applicant has followed the process.

Mayor Cooper suggested the Council minutes and staff reports from 1997 be included in the information for the next meeting. This Council is being asked to change the prior vision and comprehensive plan, having this information could be beneficial. AP Rutledge noted he would gather the information.

Mayor Cooper requested clarification if it is the land owner or billboard owner forwarding the application. AP Rutledge replied the application representative is the billboard owner, but the property owner is required to sign the land use application and did so.

8. PUBLIC HEARING

None.

9. ADJOURNMENT

Councilor Kudrna moved to adjourn the meeting and Councilor Forsythe seconded. The motion passed, and the meeting adjourned at 7:43 PM.

AYES: 7
NOES: 0
ABSTAINED: 0

_____ _____

Devree Leymaster
City Recorder

Brian Cooper
Mayor

_____

Date of Signing

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

CODE COMPLIANCE QUARTERLY UPDATE

October – December 2018

CITY OF FAIRVIEW
City Council Presentation
January 2, 2019

PROGRAM OVERVIEW

- Improve quality of life for Fairview residents
- Improve quality of Fairview neighborhoods
- Protect natural resources and ensure a safe built environment

8.10.050 Specific nuisances prohibited.

A. It shall be unlawful for any person to maintain or allow to exist the following things, practices or conditions on any property or within public road rights-of-way adjacent to that property, which shall be nuisances:

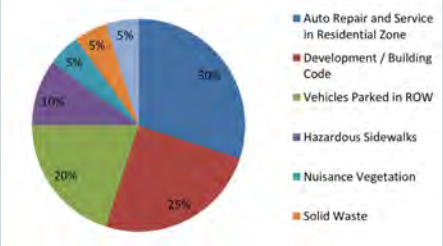
1. A pond or pool of stagnant water which emits an obnoxious odor or is a source of vector breeding or otherwise presents a threat to the public health, safety and welfare;

2. An animal carcass not buried, destroyed or otherwise disposed of in a lawful manner within 24 hours after death;

3. Accumulation, collection or storage of solid waste without prior approval of lawful authority, unless the person is licensed thereby to operate a business specifically for those purposes;

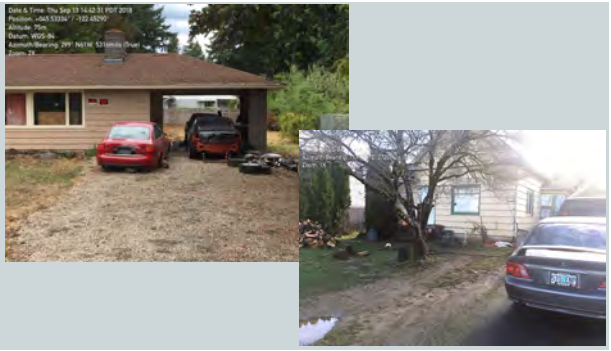
Q4 COMPLAINT SUMMARY

- 21 new complaints received



COMMON VIOLATIONS – AUTO REPAIR AND SERVICING

COMMON VIOLATIONS– AUTO STORAGE ON PRIVATE PROPERTY



COMMON VIOLATIONS – BUILDING AND DEVELOPMENT CODE

COMMON VIOLATIONS – SIDEWALKS

RECENT ENFORCEMENT ACTIONS

- Three cases taken to municipal court
  - Residential building code violation
  - Auto repair and serving in residential zone
  - Overgrown weeds

FAIRVIEW CITY COUNCIL PUBLIC HEARING

Ordinance 1-2019 First Reading
LU #2018-61-TA

Meadow Outdoor Advertising
January 2, 2019

APPLICATION SUMMARY

- Development code text amendment to FMC 19.170 Sign Regulations.
  - Allow reconstruction of existing billboards
  - Increase allowed height of existing billboards
  - Require a smaller ground footprint

APPLICATION TIMELINE

- Dec 12, 2017 Planning Commission Work Session
- Aug 22, 2018 Application Submitted
- Oct 9, 2018 Planning Commission Hearing
- Jan 2, 2019 City Council – First Reading
- Jan 16, 2019 City Council - Hearing

HEARING PROCEDURES

- Type IV Application with a quasi-judicial hearing

NOTICES/REFERRALS/TESTIMONY

Notice of Public Hearing

- Sept 7: Notice mailed to property owners & affected agencies
- Sept 17: Notice mailed to property owners w/in 250 ft.
- Sept 18: Notice published in Gresham Outlook
- Sept 28: Notice posted to the site

Referrals

- ODOT Outdoor Advertising Program, Department of Land Conservation & Development, and Metro

Testimony

- One verbal testimony in support of the application, no written testimony received

SITE LOCATION

SITE LOCATION

1

Sign 1	
Year Built	1975
Area	576 SF
Height	37'
Address	21414 NE Sandy
Zone	CC

2

Sign 2	
Year Built	1971 & 1994
Area	560 SF
Height	77'
Address	22820 NE Sandy
Zone	GI

3

Sign 3	
Year Built	1971 & 1990s
Area	672 SF
Height	69'
Address	23400 NE Sandy
Zone	CC

APPLICABLE CRITERIA

Application Review Procedures

19.412 Description of Permit Procedures
19.413 Procedures
19.470 Land Use District Map & Text Amendment

Design Standards

19.205 Amendments

EXISTING BILLBOARD REGULATIONS

- Existing regulations adopted in 1997
- New billboards prohibited
- Legally existing billboards can only be repaired

PROPOSED TEXT AMENDMENT

Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted January 16, 2018 shall be permitted to remain, ~~and~~ be maintained in reasonable repair, and be rebuilt by the existing billboard owner in the same location. ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified.~~ Existing billboards may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:

a) The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and

b) The modification results in a smaller footprint on the ground.

Changes in message shall not affect nonconforming status.

STAFF FEEDBACK: NONCONFORMING USE

- Allowing non-conforming signs to be reconstructed is uncommon
- Common approaches to non-conforming signs:
  - Repair but not replace
  - Remove by certain date

Sign Code Comparison	
Jurisdiction	**Non-Conforming Signs**
Fairview	Must comply with the sign code when structural alterations, relocation, or replacement of a sign occurs.
Wood Village	Must comply with the sign code when structural alterations, relocation, or replacement of a sign occurs.
Gresham	Must comply with the current code when structural alterations, changes of face sign, or relocation or replacement occur. Nonconforming signs that result from changes in code are given ten years to comply with new code or to be removed.
Troutdale	Must be brought into compliance when moved, replaced, or structurally altered.
Multnomah County	Nonconforming signs that are moved, replaced, or structurally altered shall be brought into conformance with current sign regulations.

STAFF FEEDBACK: HEIGHT

Address / Property	Existing height above grade	Existing height above freeway grade	Allowed height above freeway grade	Change
21414 NE Sandy / Eastwinds Industrial Park	37 ft.	30 ft.	40 ft.	**10 ft.**
22820 NE Sandy / Townsend	77 ft.	31 ft.	40 ft.	**9 ft.**
23012 NE Sandy / Townsend	69 ft.	34 ft.	40 ft.	**6 ft.**

STAFF FEEDBACK: SIGN LOCATION

STAFF FEEDBACK: SUPPORTING STRUCTURES

APPROVAL CRITERIA

- Compliance with statewide planning goals (FMC 19.413.040(G)(1))
  - Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- All existing billboards in commercial and industrial zones.

APPROVAL CRITERIA

- Amendment will not interfere with the livability, development or value of other land in the vicinity of the site-specific proposal (FMC 19.205.020.(A))
- Amendment will not be detrimental to the general interests of the community (FMC 19.205.020.(B))

APPROVAL CRITERIA

APPROVAL CRITERIA

- Compliance with Comp Plan (FMC 19.470.300(B)(1))
  - Chapter 5: Open Spaces, Scenic and Historic Areas, and Natural Resources
  - Chapter 9: Economic Development
- Evidence of change in the community or mistake in the comp plan (FMC 19.470.300(B)(3))

CITY COUNCIL ALTERNATIVES – JAN 16

- Approve application #2018-61-TA and adopt Ordinance 1-2019 subject to the findings in the staff report and planning commission hearing
- Approve application #2018-61-TA and adopt Ordinance 1-2019, with revised council findings
- Deny application #2018-61-TA and do not adopt Ordinance 1-2019, with council findings
- Continue the Public Hearing to if additional information is needed.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2018	#4.b.	2019-06

TO: Mayor and City Council

FROM: Nolan K. Young, City Administrator

DATE: January 8 2018

ISSUE:
Approve Levee Ready Columbia IGA.

RELATED COUNCIL GOALS:
Goal #7: Work with other local, regional and state organizations to enhance the community.
Objective B: Actively participate in the Columbia River Levee recertification and governance process.

PREVIOUS AGENDA STAFF REPORTS:
December 19, 2018 Work Session ASR 2018 –99
January 2, 2018 Work Session ASR 2019-04 – page CP3

BACKGROUND:
The attached Intergovernmental Agreement (IGA) is on the consent agenda for the Council to authorize the City Administrator to sign via Resolution 2-2019. It becomes effective when the current agreement expires on June 30, 2019. It will be for up to five years or until a new agency is formed.

BUDGET IMPLICATIONS:
Under the IGA, Fairview's contribution in FY 2019-20 to Levee Ready Columbia, for the work they are doing, will be $20,439.

R E S O L U T I O N
(2-2019)

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN INTERGOVENMENTAL AGREEMENT WITH LEVEE READY COLUMBIA FOR INTERIM GOVERNANCE

WHEREAS, Levee Ready Columbia was formed in 2013 with a group of stakeholders under the Oregon Solutions program to do the work necessary to maintain levee certification and accreditation of the Levee System; and

WHEREAS, when the Oregon Solutions project expires on June 30, 2019, the investigation, planning, and outreach phase will be completed and the implementation phase will begin, and

WHERAS, Levee Ready Columbia also examined the governance structure of the Districts and concluded that some form of revision to governance was necessary to ensure that both short-term capital needs can be addressed to ensure long-term robust governance and maintenance; and

WHEREAS, deciding on and implementing a long-term governance solution is likely to take years; and

WHEREAS, the Parties of those governmental entities with financial interest in or jurisdictional responsibility to implement certification and accreditation of the Levee System and to establish a long-term governance and funding structure sufficient to build, improve, operate, maintain, and fund the flood-control system for the long term desire to enter into an Agreement in in order to continue the work begun under the Oregon Solutions program by developing a capital improvement plan, identifying funding options, and establishing the roles and responsibilities among the Parties; and

WHEREAS, the Interim Governance IGA will be in effect for up to five years (June 30, 2024) or until a new agency is formed; and

WHEREAS, the City Council reviewed and discussed the proposed IGA at their December 19, 2018 and January 2, 2019 work sessions.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The City Administrator is authorized to sign the Levee Ready Columbia Interim Governance Intergovernmental Agreement attached here in substantially the same form as Exhibit A.

Section 2 The Levee Ready Columbia Interim Governance Intergovernmental Agreement will become effective when the Cost-Sharing IGA and the first amendment to the Cost Sharing IGA expire June 30, 2019.

Section 3 This resolution is and shall be effective from and after the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

Exhibit A

INTERGOVERNMENTAL AGREEMENT
LEVEE READY COLUMBIA
INTERIM GOVERNANCE

This Intergovernmental Agreement (this "Agreement") is made and entered into in accordance with ORS 190.010 by and among the City of Portland ("Portland"), an Oregon municipal corporation; the City of Gresham ("Gresham"), an Oregon municipal corporation; the City of Fairview ("Fairview"), an Oregon municipal corporation; the City of Troutdale ("Troutdale"), an Oregon municipal corporation; the Port of Portland (the "Port"), an Oregon port district organized under ORS Chapter 778; Multnomah County (the "County"), a political subdivision of the State of Oregon; Metro, a metropolitan service district of the State of Oregon operating under its charter; Multnomah County Drainage District No. 1 ("MCDD"), a drainage district of the State of Oregon organized under ORS Chapter 547; Peninsula 1 Drainage District ("PEN 1"), a drainage district of the State of Oregon organized under ORS Chapter 547; Peninsula 2 Drainage District ("PEN 2"), a drainage district of the State of Oregon organized under ORS Chapter 547; Sandy Drainage Improvement Company ("SDIC"), a nonprofit drainage improvement company of the State of Oregon organized under ORS Chapter 554; and the Columbia Levee System Joint Contracting Authority (the "JCA"), an intergovernmental entity created by MCDD, PEN 1, PEN 2, and SDIC to obtain, contract for, and expend funds for the benefit of the Districts (collectively, the "Parties").

RECITALS

A. MCDD, PEN 1, PEN 2, and SDIC (each individually a "District," and collectively, the "Districts") operate and maintain an approximately 27-mile levee system and drainage facilities along and in the vicinity of the Columbia River that lie within their respective jurisdictional boundaries ("Levee System"). The Levee System was originally constructed around 1916 and has been periodically upgraded by the U.S. Army Corps of Engineers (the "Corps") since then. Through intergovernmental agreements, MCDD has general management authority over the Districts. All references to MCDD in this Agreement will mean MCDD acting on its behalf and on behalf of the Districts.

B. The Federal Emergency Management Agency ("FEMA") provides federal assistance, in the form of flood insurance, to property owners located within areas at risk of flooding, provided the communities in which those properties are located participate in the National Flood Insurance Program (the "NFIP"). FEMA recognizes levees as providing flood protection to a particular area only if they are "certified" by a qualified private engineer or an eligible federal agency such as the Corps, and then "accredited" by FEMA.

C. The Corps evaluated and certified the levees in 2007, which led to their accreditation by FEMA. Expiration of the certification could lead to de-accreditation by FEMA. Certifications must be renewed to remain accredited by FEMA. In 2012, the Corps substantially revised its Rehabilitation and Inspection Program ("RIP") for levee certification as a result of the 2005 failure of the levee systems protecting the City of New Orleans caused by Hurricane Katrina. In order to obtain certification, the RIP requires that levees be inspected, tested, studied,

and potentially repaired to ensure that they will perform well against a 1-percent-annual-chance flood.

D. There are severe economic consequences if FEMA accreditation of a levee system is not maintained. Properties located within a flood zone that are protected by a nonaccredited levee system lose access to the lower insurance rates offered through FEMA's NFIP. Without adequate flood insurance, those properties cannot access loans issued by federal agencies (e.g., Federal Housing Administration and Small Business Administration) and loans backed by the federal government (e.g., Veterans Administration, Fannie Mae, and Freddie Mac). In addition, local ordinances could severely restrict development in those areas.

E. Lands protected by the Levee System have regional and statewide economic significance. These lands currently contain approximately 50 percent of the Portland metropolitan region's manufacturing and warehouse jobs and 10 percent of all jobs in Multnomah County. These lands also include much of the region's undeveloped industrial land base, providing employment lands for future growth and thereby protecting forest and farm lands outside the metropolitan urban growth boundary from encroachment. These lands also include Portland International Airport, which is critically important to the economy of Oregon as a whole. The current assessed value of the lands protected by the Levee System is over $6 billion. The lands protected by the Levee System also contain important ecological resources that benefit flora and fauna and the people of the region and the state.

F. In light of the significance of the lands protect by the Levee System and concerns about the Districts' structural and financial ability to do the work necessary to maintain levee certification and accreditation under the post-Katrina regulatory scheme, a group of stakeholders came together in 2013 under the auspices of the Oregon Solutions program and formed Levee Ready Columbia. Stakeholders included the Parties, other effected governmental organizations, such as the State of Oregon and the Corps, and affected neighborhood, community, environmental, and business groups.

G. Levee Ready Columbia government partners worked to obtain funding from Business Oregon's Infrastructure Finance Authority ("IFA") to obtain and pay for two loans to help fund the engineering analysis of the levee system's flood-control capacity in order to obtain certification. The Levee Ready Columbia government partners also entered into an intergovernmental agreement to fund non-IFA-loan-eligible Levee Ready Columbia projects.

H. Levee Ready Columbia also examined the governance structure of the Districts and concluded that some form of revision to governance was necessary to ensure that both short-term capital needs can be addressed to ensure long-term robust governance and maintenance. Deciding on and implementing a long-term governance solution is likely to take years.

I. When the Oregon Solutions project expires on June 30, 2019, the investigation, planning, and outreach phase will be completed and the implementation phase will begin. The Parties are those governmental entities with financial interest in or jurisdictional responsibility to implement certification and accreditation of the Levee System and to establish a long-term governance and funding structure sufficient to build, improve, operate, maintain, and

fund the flood-control system for the long term. The Parties desire to enter into this Agreement in order to continue the work begun under the Oregon Solutions program by developing a capital improvement plan, identifying funding options, and establishing the roles and responsibilities among the Parties.

ARTICLE 1
ORGANIZATION

1.1 Name. The name of this operation shall continue to be "Levee Ready Columbia," a joint organization of the Parties ("LRC").

1.2 Public Purposes. LRC will further the following public purposes:

(a) To further the collaborative work on flood-risk reduction that the LRC partners have undertaken since LRC was organized in 2013 and to implement the solutions identified during this process.

(b) To assist the Parties in obtaining, managing, ensuring, and maintaining certification and accreditation of the Levee System.

(c) To work toward a final long-term governance and funding structure that will ensure that the Levee System can be operated, maintained, and improved for the foreseeable future by an entity or entities that have the legal and financial ability to do.

(d) To assist the Parties in raising, developing, implementing, and allocating the funding for capital projects that have been identified through the engineering analysis as being necessary to obtain certification and accreditation of the Levee System no later than June 30, 2024.

(e) To assist the Parties in addressing capital costs and responsibilities associated with deferred capital maintenance in order to ensure a fair distribution of costs under the existing or a new governance structure.

(f) Consistent with the original Levee Ready Columbia Declaration of Cooperation, to assist the Parties in balancing the varied community goals, including flood protection, ecosystem values, recreation, equity, and economic stability, and to take into consideration impacts from variables such as climate change and the Columbia River Treaty.

(g) To assist the Parties in achieving the goals set forth in Article 3 of this Agreement.

(h) To engage in all other activities necessary or beneficial to accomplishing the purposes of this Agreement.

1.3 Establishment. LRC is an intergovernmental organization by and among the Parties in accordance with ORS 190.010 and effective as of the date of the final signature on this Agreement. It is not an intergovernmental entity under ORS 190.085.

ARTICLE 2
COMMITMENTS OF THE PARTIES

2.1 Participation. Each Party will appoint a representative to the LRC Board of Directors (the "Board") as set forth in Article 4.

2.2 Additional Parties. No additional parties will be added to LRC unless all the Parties approve and authorize LRC to add an additional party, and that party accepts all the terms and conditions in this Agreement.

2.3 Administrative Costs. Current administrative costs of operating LRC not directly related to the levee analysis are covered by an intergovernmental agreement among the Parties and several additional entities titled "Intergovernmental Agreement for Cost-Sharing Levee Ready Columbia Expenses Not Covered by IFA Loans" (the "Cost-Sharing IGA"), dated January 13, 2016. (The costs related to the levee analysis are provided for in intergovernmental agreements dated June 1, 2014, and January 13, 2016, plus amendments.) The Cost-Sharing IGA and the first amendment to the Cost-Sharing IGA cover LRC expenses for 2018-2019. The Parties agree to continue to share the administrative costs of LRC from termination of the Cost-Sharing IGA through termination of this Agreement on June 30, 2024, as set forth below. The Parties agree as follows:

(a) Allowable Expenses. The allowable expenses of LRC include outreach, public involvement, and coordination costs as detailed below ("Administrative Expenses"). Administrative Expenses do not include costs for managing capital improvement projects, such as those listed in Section 3.2(b). Public improvement expenses will be allocated and paid for as part of the project costs. Allowable Administrative Expenses include:

(i) Projects and Project Planning.

(1) Rehabilitation and inspection program.

(2) Risk-based decision-making consulting services.

(3) Facilitation.

(ii) Capital Outlay. Levee improvement program engineering investigations and FEMA certification preparation and submittal.

(iii) Professional Services.

(1) Audit fees and consultation.

(2) Communications consulting.

(3) General consulting.

(4) Governance and government-relations consulting services.

(5) Legal advice relating to governance.

(6) Consultant services relating to the investigation and implementation of funding strategies.

(iv) General Administration.

(1) Advertising/notices.

(2) Dues and subscriptions.

(3) General liability insurance.

(4) Bank fees.

(5) Office supplies and printing.

(v) Staffing.

(1) Project management (program manager, .8 FTE; project manager, .8 FTE).

(2) Administration staff (.25 FTE).

(3) Public affairs and communications manager (.8 FTE).

(b) Project Management. The work described in Section 2.3(a) will be conducted by consultants and staff hired by the JCA or provided by MCDD, PEN 1, PEN 2, or SDIC, or provided as in-kind services by other Parties.

(c) Determination of Annual Administrative Expenses Budget.

(i) Budget Approval Process. MCDD will prepare an annual budget for Administrative Expenses for each fiscal year during the term of this Agreement and present the budget to the Board no later than March 1 prior to the fiscal year for which the budget is prepared. The Board will review the proposed budget and may approve, modify, or request more information regarding the budget. The Board will adopt an Administrative Expenses Budget no later than May 1, and will refer the Administrative Expenses Budget to each Party for approval and payment.

(ii) Annual Budget Increase of More Than 5 Percent to Be Presented As Separate Budget Request. If MCDD proposes an annual budget for Administrative Expenses that is more than 5 percent higher than the annual budget for the preceding fiscal year, MCDD will explain the basis for the increase and include the increase over 5 percent in a separate budget request ("Separate Budget Request"). MCDD will present an annual budget and a Separate Budget Request to the Board as provided in Section 2.3(c)(i) for separate vote. If the

Board does not unanimously approve the Separate Budget Request, it will not be referred to the Parties for approval. If the Parties do not unanimously approve the Separate Budget Request, no Party shall be required to fund the Separate Budget Request.

(d) Allocation of Annual Administrative Expenses Budget. The Parties agree to contribute amounts annually sufficient to pay for the Administrative Expenses Budget over the life of this Agreement.

(i) Each Party's share of Administrative Expenses is based on the following methodology first derived in the Cost-Sharing IGA.

(1) Regional Partner Contributions. The three regional partners—Metro, Multnomah County, and the Port—will each contribute $50,000 annually to pay the annual Administrative Expenses Budget. Nothing in this section precludes one or more regional partners from deciding to contribute an amount greater than $50,000.

(2) Drainage District Contributions. The four Districts will pay 50 percent of the remainder of the Administrative Expenses Budget after deducting regional partner contributions. This amount will be allocated among the Districts based on the percentage of Levee System miles in each District, as follows:

(A) PEN 1: 9 percent

(B) PEN 2: 11 percent

(C) MCDD: 22.5 percent

(D) SDIC: 7.5 percent

(3) City Contributions. The four cities will pay the remaining 50 percent of the Administrative Expenses Budget after deducting the regional partner contributions. This amount will be allocated among the cites based on the percentage of acreage behind the Levee System in each city, as follows:

(A) Fairview: 3.5 percent

(B) Gresham: 1.5 percent

(C) Portland: 40 percent

(D) Troutdale: 5 percent

(e) Fiscal Year Budget Exhibit; Updates. The fiscal year ("FY") 2019-2020 Administrative Expenses Budget and each Party's allocated payment under Section 2.3(d)

is set forth in Exhibit A. Upon approval by all the Parties, the Administrative Expenses Budget and Party allocations for succeeding fiscal years during the term of this Agreement will be attached as an exhibit to this Agreement (e.g., FY 2020-2021 budget and allocations will be attached as Exhibit B, FY 2021-2022 as Exhibit C, and so on).

(f) Payment of Administrative Expenses. The JCA will invoice the parties for Administrative Expenses on or after July 1 of each fiscal year during the term of this Agreement. The Parties agree to pay within 60 days of the date of the invoice. Parties may make arrangements with the JCA to pre-pay before July 1. If this Agreement is terminated any time before July 1, 2024, the obligation to pay Administrative Expenses will terminate for all fiscal years following the date of termination. At the date of such termination, the JCA will refund any unexpended Administrative Expenses to the Parties in accordance with the distribution formula set forth in Section 2.3(d) of this Agreement.

(g) Nonappropriation. The Parties recognize all amounts payable, including in-kind contributions, in future fiscal years are subject to appropriation by their respective governing bodies, but agree to make good-faith efforts to ensure that the Administrative Expenses are included in each of their annual budgets.

ARTICLE 3
GOALS OF THE PARTIES

3.1 Permanent Governance Structure. The Parties agree to pursue creation of a new governance structure that has the financial and regulatory ability to provide capital construction and maintenance of the Levee System. The Parties' goal is to achieve this new structure no later than June 30, 2020. The Parties recognize that achieving this goal will require the support of the Parties and could require legislative or elective action.

3.2 Achieving Certification and Accreditation.

(a) Application for Certification and Accreditation. The Parties will work in collaboration to achieve certification and accreditation for the Levee System.

(i) Joint Application. The preferred alternative is joint application by the designated map holders under FEMA regulations with support of the other Parties. The application process will be coordinated and funded by LRC.

(ii) Individual Applications. A District and the applicable map holder(s) may decide to submit a certification package to FEMA for accreditation for only that portion of the Levee System prior to other Districts' completing their certification requirements if the Levee System within the District can be shown to be hydrologically independent of the adjacent Districts. If a District and map holder(s) decide to file an individual application, the District and map holder(s) shall:

(1) Consult and coordinate with the other Parties to ensure that the individual application does not cause a FEMA-initiated study and

update of Flood Insurance Rate Map panels that would affect the other Parties.

(2) Be solely responsible for the cost of the individual application. Notwithstanding the foregoing, any District and map holder that decides to proceed with an individual application may utilize the work and documentation developed by LRC under the Oregon Solutions process and under this Agreement without charge or reimbursement.

(b) Capital Projects Required for Certification and Accreditation. The Parties agree that the engineering analyses identified the following capital projects (each individually a "Project," and collectively, the "Projects") that need to be completed to achieve accreditation/certification:

(i) Remediation of the railroad embankment in PEN 1.

(ii) Remediation of the portion of the Levee System with insufficient freeboard located in the northeast corner of PEN 1.

(iii) Remediation of the portion of the Levee System with insufficient freeboard located in the northeast corner of PEN 2, at the former site of the Columbia Edgewater Clubhouse.

(iv) Remediation on the PEN 2/MCDD cross-levee along the Peninsula Drainage Canal.

(v) Remediation of the portion of the Levee System on the south side of the Columbia Slough in MCDD.

(vi) Remediation of the Levee System in MCDD located in the City of Fairview, south of the Salmon Creek confluence with the Columbia River.

(vii) Remediation of the flow-control gate tower structure on the MCDD/SDIC cross-levee. This structure includes two pipes that pass through the Levee System and a control valve that is no longer operable.

(c) Prioritization and Planning of Projects.

(i) The Parties will prioritize the Projects supported by a risk framework based on cost-effective risk reduction, policy direction, results of engineering and technical studies, and consideration of the Corps feasibility study.

(ii) By June 30, 2020, the Parties agree to develop short- and long-term capital improvement plans ("CIPs") to complete the Projects. These CIPs will:

(1) Identify all the Projects, which may include projects in addition to those listed in Section 3.2(b) as new information becomes

available, as additional or modified projects are identified through the Corps feasibility study, as new regulations are enacted, or as provided in Section 3.2(e).

(2) Estimate the cost of each identified project.

(3) Determine the method of, and responsibility for, the funding of each identified project.

(4) Include a projected timeline for completion of the projects.

(iii) Nothing in this section is intended to preclude a Party or Parties from deciding to independently fund and construct a Project listed in the short- or long-term CIP out of sequence or before the timeline indicated in the CIP if the Party determines that it is in its best interests to do so.

(d) Project-Funding Responsibility. The Administrative Expenses distribution formula does not apply to the Projects. The Parties understand and agree that certain Projects may have greater or exclusive benefit to one or more of the Parties depending on the nature and location of the Project. The funding for and management of the individual Projects will be determined as part of the CIPs. The Board will determine the cost allocation for the Project, subject to approval of the Party or Parties determined to be responsible for the cost of construction of the Project.

(e) Addressing Long-Term Changes in Circumstance. The Parties recognize that future river conditions could warrant improvements or changes to the Levee System that differ or exceed those listed in Section 3.2(b) in order to maintain flood safety. In addition, the community could decide, for these reasons or others, to adopt a standard requiring a higher level of flood protection than required by the Corps or FEMA for accreditation and certification. The Parties commit to addressing these issues as more information becomes available or future decisions are made.

3.3 Ongoing Flood Management. The Parties will determine the actions needed to maintain continuing control of flood management and stormwater facilities, including:

(a) Acquiring and perfecting easements.

(b) Providing for the capital repair or replacement of the Portland International Raceway pump station and the Sandy pump station.

(c) Coordinating development-review procedures to ensure that new development does not damage or impair the integrity of the flood-management and stormwater systems.

3.4 MCDD, PEN 1, PEN 2, SDIC, and the JCA will continue to be responsible for activities associated with operation and maintenance of, and capital improvements to, the Levee

System and stormwater management systems in each of the Districts, pending implementation of the CIPs and/or a new governance structure.

ARTICLE 4
BOARD OF DIRECTORS

4.1 Duties. The Board shall manage the business coming before LRC. No decision, order, ruling, or any other determination of any kind by the Board is legally binding on any Party, except for Board decisions to expend resources previously allocated by the decision of the individual Parties.

4.2 Number. The Board will consist of 11 members (each, a "Director").

4.3 Appointment and Term. Each Party except the JCA will appoint one member of the Board. Each Board member will serve at the pleasure of his or her appointing Party and may be replaced by written notice of the appointing Party to the Board.

4.4 Vacancies and Absences. In the event of a vacancy, the appointing Party will appoint a successor. In the event that a Director will be absent from a meeting or meetings, the appointing Party may appoint an alternate, who shall exercise the powers and duties of the Director in the Director's absence. The appointing Party will inform the Board of the designated alternate.

4.5 Chair. At each annual meeting of the Board, the Directors will elect a Director to serve as the Chair of the Board (the "Chair").

4.6 Vice-Chair. At each annual meeting of the Board, the Directors will elect a Director to serve as Vice-Chair of the Board (the "Vice-Chair"). The Vice-Chair shall preside over meetings of the Board in which the Chair is unable to be present.

4.7 Regular Meetings. The Board will hold regular meetings, with the specific date, time, and place to be determined by the Chair.

4.8 Special Meetings. Special meetings of the Board may be called by the Chair or by a majority of the Board members.

4.9 Public Meetings Law; Executive Session. Board meetings will comply with the requirements of Oregon Public Meetings Law, ORS 192.610 to .690. The Board may consider matters in executive session as provided in the Public Meetings Law.

4.10 Quorum; Vote. A majority of the Directors in office at the time of a meeting of the Board will constitute a quorum for the transaction of business at any meeting of the Board. The act of a majority of the Directors then in office will be the act of the Board. A minority of the Directors in the absence of a quorum may adjourn and reconvene from time to time, but may not transact any business.

4.11 Meeting by Telephone or Videoconference. The Board may hold a meeting by telephone or videoconference or by means of similar equipment in compliance with the Public

Meetings Law, including without limitation, requirements relating to notice, agendas, materials, and access to the public. A Director may also attend any meeting of the Board by telephone or videoconference, if available. A Director participating by telephone or videoconference may engage in discussion or vote, and will count toward a quorum in the same manner as if the Director attended the meeting in person.

4.12 Subcommittees. The Board may appoint one or more subcommittees of LRC as it deems necessary or beneficial to serve its purposes.

4.13 Ex-Officio Members. The Board may appoint ex-officio members to the Board or subcommittees as it deems necessary or beneficial to serve its purposes. Ex-officio members may include without limitation a representative of the State of Oregon. Ex-officio members may participate in discussion but may not vote.

ARTICLE 5
POLICIES AND PROCEDURES

The Board may adopt policies and procedures from time to time as it deems necessary or convenient.

ARTICLE 6
AMENDMENT

The Parties may amend or repeal any or all provisions of this Agreement by written agreement executed by all the Parties.

ARTICLE 7
DURATION, TERMINATION, AND DISSOLUTION

7.1 Term. This term of this Agreement (the "Term") is from the Effective Date, as defined below, until June 30, 2024, or upon creation of a successor governance structure and the successor's assumption of the duties herein, whichever occurs first.

7.2 Early Termination. LRC may be terminated before expiration of the Term by unanimous vote of the Board.

7.3 Extension. This Agreement may be extended by unanimous vote of the Board before expiration of the then-current Term. Upon approval by the Board, the Board members are hereby delegated the authority to execute a written addendum extending this Agreement for the period determined by the Board.

ARTICLE 8
MISCELLANEOUS

8.1 No Cost-Sharing Precedent Established. This Agreement is not intended to establish a precedent for any future cost-sharing agreements among any of the Parties pertaining to the Levee System. Any such additional agreements will be subject to negotiation among the Parties at the time.

8.2 Books and Records. The Oregon Public Records Law shall apply to the books and records of LRC. MCDD or its successor agency will serve as the public-records custodian for LRC. MCDD will comply with the Public Records Law and the applicable rules of the Oregon Secretary of State in carrying out its duties as records custodian.

8.3 Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this Agreement and shall not affect the validity of the remainder of this Agreement.

8.4 Headings. The headings of the sections of this Agreement are inserted for convenience of reference only and shall not in any manner affect the construction or meaning of anything contained herein.

8.5 Effective Date. This Agreement shall become effective on July 1, 2019 (the "Effective Date"), provided that all Parties have approved and executed this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

CITY OF PORTLAND

By: _____

Title: _____

Date: _____

Approved as to form:

_____
Deputy City Attorney

CITY OF GRESHAM

By: _____

Title: _____

Date: _____

Approved as to form:

_____
City Attorney

CITY OF FAIRVIEW

By: _____

Title: _____

Date: _____

Approved as to form:

_____
City Attorney

CITY OF TROUTDALE

By: _____

Title: _____

Date: _____

Approved as to form:

_____
City Attorney

METRO

By: _____

Title: _____

Date: _____

Approved as to form:

_____
Assistant Metro Attorney

PORT OF PORTLAND

By: _____

Title: _____

Date: _____

Approved as to Legal Sufficiency:

_____
Assistant General Counsel

MULTNOMAH COUNTY

By: _____

Title: _____

Date: _____

Approved as to form:

_____
County Attorney

MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1

By: _____

Title: _____

Date: _____

SANDY DRAINAGE IMPROVEMENT COMPANY

By: _____

Title: _____

Date: _____

PENINSULA DRAINAGE DISTRICT NO. 1

By: _____

Title: _____

Date: _____

PENINSULA DRAINAGE DISTRICT NO. 2

By: _____

Title: _____

Date: _____

COLUMBIA LEVEE SYSTEM JOINT CONTRACTING AUTHORITY

By: _____

Title: _____

Date: _____

EXHIBIT A

FISCAL YEAR 2019-2020 ADMINISTRATIVE EXPENSES BUDGET AND PARTY ALLOCATION

Levee Ready Columbia Party	Percent Contribution	FY19-20 Contribution
PEN 1	9.0%	$ $ 52,558
PEN 2	11.0%	$ 64,237
MCDD	22.5%	$ 131,394
SDIC	7.5%	$ 43,798
City of Portland	40%	$ 233,590
City of Gresham	1.5%	$ 8,759
City of Fairview	3.5%	$ 20,439
City of Troutdale	5.0%	$ 29,198.
Metro		$ 50,000
Multnomah County		$ 50,000
Port of Portland		$ 50,000
TOTAL		$733,975

See Agreement Section 2.3(d) for allocation methodology.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	4.c.	2019-07

TO: Mayor and City Council

FROM: Devree Leymaster, City Recorder

THRU: Nolan K. Young, City Administrator

DATE: January 9, 2019

ISSUE:
City of Fairview representative and alternate members to the East Multnomah County Transportation Committee (EMCTC).

BACKGROUND:
The East Multnomah County Transportation Committee (EMCTC) provides a forum for discussion and consensus building on transportation issues, plans and projects, and coordination of transportation capital improvement programs, and other transportation standards and procedure. It acts as a formal organization to provide direction on transportation issues and make recommendations on plans and projects when appropriate.

EMCTC is comprised of one representative designated by each jurisdiction. Voting members shall be designated elected officials or their alternates. Alternate members may be either elected representatives or staff representatives at the discretion of the member jurisdiction.

Historically, the Mayor and/or City Councilors have been the designated representative and alternate members. Since the proposal is for a staff representative to serve as the alternate, Council is being asked to declare City Administrator Nolan Young as the alternate member and for transparency, validate Mayor Brian Cooper as the representative member.

RECOMMENDED ACTION:
Adopt Resolution 4-2019 affirming City Administrator Nolan Young as the EMCTC alternate and confirming Mayor Brian Cooper as the EMCTC representative.

COUNCIL ALTERNATIVES:
1. **Staff Recommendation:** Adopt Resolution 4-2019.
2. Not adopt Resolution 4-2019 and provide direction for filling the alternate member position.

R E S O L U T I O N
(4-2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL APPOINTING REPRESTATIVES TO THE EAST MULTNOMAH COUNTY TRANSPORTATION COMMITTEE

WHEREAS, the East Multnomah County Transportation Committee (EMCTC) provides a forum for discussion and consensus building on transportation issues, plans and projects, and coordination of transportation capital improvement programs, and other transportation standards and procedures; and

WHEREAS, acting as a formal organization, EMCTC will provide direction on transportation issues and make recommendations on plans and projects when appropriate; and

WHEREAS, EMCTC is comprised of one representative designated by each jurisdiction and voting members shall be designated elected officials or their alternates; and

WHEREAS, alternate members may be either elected representatives or staff representatives at the discretion of the member jurisdiction; and

WHEREAS, the City Council wishes to declare a staff representative as the alternate member and validate the Mayor as the representative member.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The Council affirms City Administrator Nolan Young as the alternate EMCTC representative for the City of Fairview.

Section 2 The Council confirms Mayor Brian Cooper as the EMCTC representative for the City of Fairview.

Section 3 This resolution is and shall be effective from the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____ _____
City Recorder, City of Fairview Date
Devree Leymaster

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	4.d.	2019-08

TO: Mayor and City Council

FROM: Devree Leymaster, City Recorder

THRU: Nolan K. Young, City Administrator

DATE: January 9, 2019

ISSUE:
Appoint Metro Policy Advisory Committee representative for 2019 and 2020.

BACKGROUND:
The Metro Policy Advisory Committee (MPAC) advises the Metro Council on growth management and land use issues at the policy level. By charter MPAC is mandated to have the committee made up of 6 non-voting members and 21 voting members of which one position represents the four smaller cities of Multnomah County including Fairview, Wood Village, Troutdale, and Maywood Park.

The four cities have agreed, and the practice has been, to rotate the representative and alternate appointments every two years. Former Troutdale City Councilor Larry Morgan acted as the representative for 2017 and 2018 and the alternate position has been vacant. Per the rotation schedule, Fairview is eligible to present a candidate to act as MPCA representative with the agreement of all four Councils. Fairview City Councilor Darren Riordan has requested to represent the cities on MPAC.

RECOMMENDED ACTION:
Adopt Resolution 5-2019 appointing Fairview City Councilor Darren Riordan as the MPAC representative for the years of 2019 and 2020.

COUNCIL ALTERNATIVES:
1. **Staff Recommendation:** Move to adopt Resolution 5-2019.
2. Not adopt Resolution 5-2019 and provide direction for filling the position.

R E S O L U T I O N
(5-2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL APPOINTING METRO POLICY ADVISORY COMMITTEE (MPAC) REPRESENTATIVE FOR 2019 AND 2020

WHEREAS, the Metro Policy Advisory Committee (MPAC) advises the Metro Council on growth management and land use issues at the policy level; and

WHEREAS, MPAC is a charter-mandated committee made up of 6 non-voting members and 21 voting members of which one position represents the four smaller cities of Multnomah County including Fairview, Wood Village, Troutdale, and Maywood Park; and

WHEREAS, the Mayors and Councils have agreed to appoint Fairview City Councilor Darren Riordan to represent the cities on MPAC.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The City Council hereby confirms the appointment of Fairview City Councilor Darren Riordan as the MPAC representative for the years of 2019 and 2020.

Section 2 This resolution is and shall be effective from and after its passage by the Council.

Resolution adopted by the City Council of the City of Fairview, this 16th day of July, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	4.f.	2019-11

TO: Mayor and City Council

FROM: Lesa Folger, Finance Director

THRU: Nolan K. Young, City Administrator

DATE: January 10, 2019

ISSUE:
Disposition of surplus property.

BACKGROUND:
Per Resolution 26-2008, "disposition of surplus property requires that for any item deemed to have a depreciated capital asset value of greater than $5,000, requires (sic) the approval of the City Council".

The City owns a 2004 Chevrolet Avalanche that is valued by Kelley Blue Book at over $5,000. Staff would like to surplus this vehicle as it no longer serves the City in any capacity.

This vehicle was initially purchased by the Fairview Police Department to be utilized by the Detective. It was used in this capacity for several years. When the Fairview Police Department consolidated with the Multnomah County Sheriff's Office (MCSO), MCSO declined to transfer this vehicle to their fleet.

Staff attempted to utilize the vehicle as an additional pool car. However, utilization as such was not a good fit. The vehicle was found to be unreliable due to electrical issues. The City has attempted to repair these issues at least twice with no success. Additionally, the vehicle is large, which made some staff uncomfortable and made the vehicle less than optimal for pool car use due to parking constraints. Finally, due to its size and engine, the fuel economy on this vehicle is not optimal.

RECOMMENDED ACTION:
Staff recommends approval of Resolution 3-2019, authorizing the surplus and disposition of the 2004 Chevrolet Avalanche.

BUDGET IMPLICATIONS:
Sale of this vehicle will increase the revenue to the Equipment Replacement Fund by the sales price, which is expected to be between $5,000 and $6,000. Additionally, if the vehicle is sold, maintenance costs will cease and insurance coverage will be removed, decreasing the associated expense.

COUNCIL ALTERNATIVES:

1. Staff Recommendation: Move to approve Resolution 3-2019. This will authorize the surplus and disposition of the 2004 Chevrolet Avalanche.

2. City Council could vote not to approve Resolution 3-2019. However, an unspecified amount would need to be invested in the vehicle to ensure its reliability. Additionally, a large dent and scrape in the paint would need to be repaired to discourage rust (this blemish was apparently caused by the Police Department and was not reported to Finance to be fixed utilizing the City's insurance policy).

R E S O L U T I O N
(3 - 2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL AUTHORIZING THE DECLARATION AS SURPLUS AND SUBSEQUENT DISPOSITION OF THE 2004 CHEVROLET AVALANCHE

WHEREAS, resolution 26-2008 reads, in part, "disposition of surplus property requires that for any item deemed to have a depreciated capital asset value of greater than $5,000, requires (sic) the approval of the City Council"; and

WHEREAS, the City owns a 2004 Chevrolet Avalanche and the vehicle is valued in excess of $5,000 per Kelley Blue Book; and

WHEREAS, staff attempted to utilize this vehicle as an additional pool car and found it less than optimal due to maintenance requirements, size, and reliability; and

WHEREAS, the vehicle will be disposed of via online auction and will be awarded to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The Council hereby resolves to authorize the surplus and disposition of the 2004 Chevrolet Avalanche.

Section 2 This resolution is and shall be effective from and after the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____ _____
City Recorder, City of Fairview Date
Devree Leymaster

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	4.g.	2019-13

TO: Mayor and City Council

FROM: Devree Leymaster

THRU: Nolan K. Young, City Administrator

DATE: January 9, 2019

ISSUE:
Appoint an elected official member representative to the East County Recreation Board.

BACKGROUND:
The cities of Fairview and Wood Village entered into an Intergovernmental Agreement (IGA) for a Recreation Program. This IGA created a Recreation Board to direct governance of the recreational program. Each city will have at least one (1) board member be an elected official from that city.

RECOMMENDED ACTION:
Adopt Resolution 7-2019 appointing Councilor Darren Riordan to the East County Recreation Board.

COUNCIL ALTERNATIVES:
1. **Staff Recommendation:** Move to adopt Resolution 7-2019.
2. Not adopt Resolution 7-2019 and defer appointment.

R E S O L U T I O N
(7-2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL APPOINTING A MEMBER TO THE EAST COUNTY RECREATION BOARD

WHEREAS, the Fairview City Council authorized entering into an Intergovernmental Agreement (IGA) with Wood Village for a Recreation Program;

WHEREAS, the IGA creates a Recreation Board to direct governance of the recreational program; and

WHEREAS, the Board will have one (1) elected official from each city; and

WHEREAS, the appointment is made by the City Council through adoption of a resolution; and

WHEREAS, the position will term with the initial term of the IGA on June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1 The Council hereby appoints Councilor Darren Riordan to serve on the East County Recreation Board.

Section 2 This resolution is and shall be effective from the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Ted Tosterud

ATTEST

_____ _____
City Recorder, City of Fairview Date
Devree Leymaster

Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

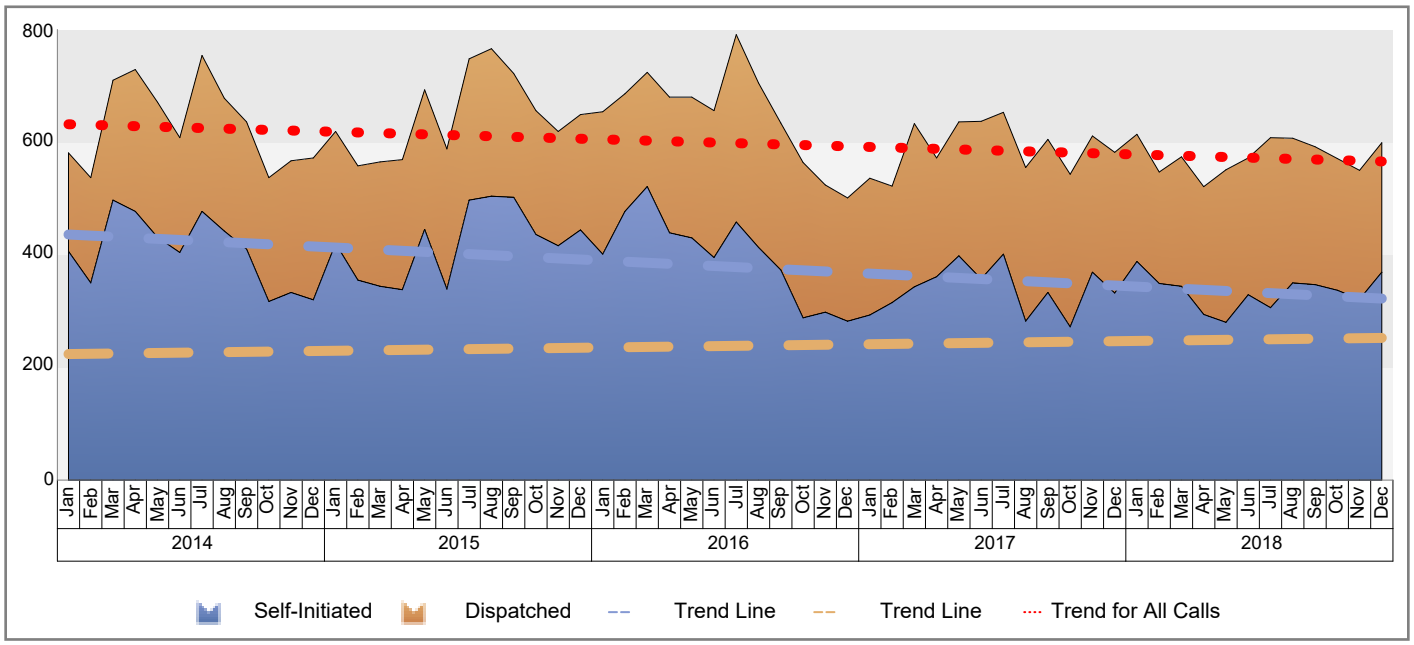
Dec 1, 2018 to Dec 31, 2018

(31 days in period)

Calls for Service by Call Type

	24-Month Chart	Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
Area Check		6	8	8.6
Burglary		--	3	3.9
Premise Check		5	10	9.9
Stolen Vehicle		13	9	7.7
Subject Stop		20	35	30.2
Suspicious Sub/Veh/Cir		46	47	53.0
Theft		35	19	23.1
Traffic Accident		14	18	17.4
Traffic Stop		213	193	179.8
Vacation Home Check		13	5	3.8
Vandalism		15	10	6.5
Vice		3	3	1.6
Welfare Check		20	16	18.6
All Other Call Types		196	192	220.9
Total		**599**	**568**	**585.1**

Calls for Service by Month: 5-Year View



Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

Dec 1, 2018 to Dec 31, 2018

(31 days in period)

Dispatched vs. Self-Initiated Calls for Service

	Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
Dispatched	230	238	247.3
Self-Initiated	369	330	337.8

Calls for Service by Call Priority (dispatched calls only)

	Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
P1-2 (Emergency)	39	60	46.6
P3-7 (Non-Emergency)	175	172	191.2

Average Response Time by Call Priority (from dispatched to on-scene)

	Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
P1-2 (Emergency)	3 minutes 31 seconds	4 minutes 25 seconds	5 minutes 1 second
P3-7 (Non-Emergency)	9 minutes 13 seconds	7 minutes 49 seconds	9 minutes 32 seconds

Total Time Spent on all Calls for Service (from on-scene to cleared)

Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
193 hours 7 minutes	191 hours 1 minute	210 hours 0 minutes

Average Time Spent per Call for Service (from on-scene to cleared)

Current 31 Day Period	Previous 31 Day Period	Previous Year's 31 Day Avg.
19 minutes 58 seconds	20 minutes 32 seconds	22 minutes 16 seconds

Multnomah County Sheriff's Office

Law Enforcement Activity Report

Fairview

Dec 1, 2018 to Dec 31, 2018

(31 days in period)

Traffic Accidents Reported between Dec 1, 2018 and Dec 31, 2018

Date and Time	Accident Type	Accident Location
Monday, Dec 3, 2018 5:30 AM	Non-Injury	MARINE & 223RD RAMP / 223RD & MARINE RAMP
Wednesday, Dec 5, 2018 9:39 PM	Hit & Run	21500 BLOCK NE HALSEY ST
Saturday, Dec 8, 2018 12:47 PM	Hit & Run	20200 BLOCK NE SAN RAFAEL ST
Tuesday, Dec 11, 2018 5:22 AM	Injury	NE FAIRVIEW PKWY / I84 FWY
Tuesday, Dec 11, 2018 7:45 AM	Injury	NE PARK LN / NE 223RD AVE
Thursday, Dec 13, 2018 11:35 PM	Unknown Injury	NE FAIRVIEW PKWY / I84 FWY [SO
Friday, Dec 14, 2018 5:02 PM	Unknown Injury	NE 223RD AVE / NE SANDY BLVD
Saturday, Dec 15, 2018 8:02 PM	Non-Injury	EB I84 FWY AT / NE 223RD AVE
Tuesday, Dec 18, 2018 6:48 PM	Non-Injury	NE HALSEY ST / NE MARKET DR
Tuesday, Dec 18, 2018 7:24 PM	Hit & Run	0 BLOCK BRIDGE ST
Friday, Dec 21, 2018 10:06 AM	Hit & Run	22200 BLOCK NE SANDY BLVD
Monday, Dec 24, 2018 5:59 PM	Injury	NE SANDY BLVD / FAIRVIEW AVE
Monday, Dec 31, 2018 1:11 PM	Injury	NE 229TH CT / BRIDGE ST
Monday, Dec 31, 2018 5:58 PM	Non-Injury	NE 223RD AVE / NE MASON ST

Community Policing Contacts and Meetings between Dec 1, 2018 and Dec 31, 2018

Date and Time	Time Spent	Contact Type	Location
Monday, Dec 3, 2018 5:56 PM	96 minutes	Community Meeting	954 NE CLEAR CREEK WAY
Saturday, Dec 8, 2018 9:00 AM	237 minutes	Community Policing	21500 NE HALSEY ST
Friday, Dec 14, 2018 10:50 AM	92 minutes	Community Policing	905 NE PACIFIC DR
Saturday, Dec 15, 2018 2:07 AM	6 minutes	Community Contact	50 BRIDGE ST

Law Enforcement Activity Reporting

IGA between MCSO & City of Fairview
For Contract Law Enforcement Services
December 2018

A. Traffic Stops made in the City of Fairview:

FAIRVIEW TRAFFIC STOPS	
DISPOSITION	**DECEMBER**
WARNING ISSUED	156
CITATION ISSUED (NON-CRIMINAL)	33
ARREST (PHYSICAL)	10
ASSIGNMENT COMPLETED	8
ARREST (CITE-IN-LIEU)	2
REPORT WRITTEN (NO ARREST)	2
NO CLEARANCE CODE GIVEN (DISPATCH ONLY)	1
UNABLE TO LOCATE PERSON OR LOCATION	1
TOTAL:	**213**

B. Other Deputy Activity Reporting Summary:

- Total Calls for Service: **599**
- Total time spent on calls: **193 hours 7 minutes**
- Avg. time spent per call: **19 minutes 58 seconds**
- Dispatched: **230**
- Self-Initiated: **369**
- Traffic Stops: **213**
- Subject Stops: **20**

C. Response Time (from dispatched to arriving on scene):

	Average[1]	Median
Emergency (Priority 1 and 2):	**3 minutes 31 seconds**	**3 minutes 13 seconds**
Non-Emergency (Priority 3 to 7):	**9 minutes 31 seconds**	**6 minutes 10 seconds**

[1] The average response time calculation can be significantly influenced by a small number of calls in which a response was slower than usual. When looking at a small number of records (such as a month's worth of call data) the influence of these outliers is much greater. The median provides the "middle point" of the data, where half of the response times were faster and half were slower.

Law Enforcement Activity Reporting

IGA between MCSO & City of Fairview
For Contract Law Enforcement Services
December 2018

D. Detective Case Activity:

NEW FAIRVIEW CASES ASSIGNED TO DETECTIVES		
DATE ASSIGNED	**CRIME**	**STATUS**
PROPERTY CRIME = 0		
PERSON CRIME = 6		
12/03/2018	SUSPICIOUS	ACTIVE
12/04/2018	DOMESTIC DISTURBANCE	ACTIVE
12/06/2018	ASSAULT	ACTIVE
12/14/2018	ASSAULT	ACTIVE
12/14/2018	ASSAULT	ACTIVE
12/14/2018	DOMESTIC DISTURBANCE	ACTIVE

DISPOSITION OF FAIRVIEW CASES ASSIGNED TO DETECTIVES	
DISPOSITION	**COUNT**
Cleared	
Cleared by Arrest	
Declined by District Attorney	
No Complaint	
Referred to City Attorney	
Referred to District Attorney	
Suspended	
Unfounded	
DECEMBER CASES DISPOSED	0
OTHER CASES DISPOSED	0
TOTAL CASES DISPOSED:	**0**

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	7.b.	2019-09

TO: Mayor and City Council

FROM: Devree Leymaster, City Recorder

THRU: Nolan K. Young, City Administrator

DATE: January 9, 2019

ISSUE:
Appoint Mt. Hood Cable Regulatory Commission representative for Fairview.

BACKGROUND:
The Mt. Hood Cable Regulatory Commission (MHCRC) was created by an Intergovernmental Agreement (IGA) among the cities of Fairview, Gresham, Portland, Troutdale, Wood Village, and Multnomah County ("Jurisdictions") in an effort to provide enhanced public benefits from cable communications franchising and regulation, and economies of scale in its operation. The MHCRC is made up of eight dedicated citizen volunteers, backed by professional office staff. The MHCRC negotiates and enforces cable services franchise agreements; manages the public benefit resources and assets derived from the franchises; and advocates on behalf of the public interest on communications policy issues at local, state, and federal levels.

Pursuant to the IGA establishing the MHCRC, each jurisdiction, except Portland, selects and appoints one representative to serve as its Commissioner. Portland selects and appoints three representatives to serve as its commissioners. Commissioners serve three year terms.

The current MHCRC representative for the City of Fairview, Rich Goheen, has wished to retire from his position since 2017. The term date for this position is June 30, 2020.

Two potential candidates have expressed interest in this appointment. At the time of the January 16 Council packet distribution applications had not been officially received. Staff expects to forward the applications to Council on Monday, January 14.

RECOMMENDED ACTION:
Adopt Resolution 6-2019 appointing _____ to the MHCRC for a term to begin immediately and term June 30, 2020.

COUNCIL ALTERNATIVES:
1. **Staff Recommendation:** Move to adopt Resolution 6-2019 identifying the candidate.
2. Not adopt Resolution 6-2019 and defer the appointment.

R E S O L U T I O N
(6 - 2019)

A RESOLUTION OF THE FAIRVIEW CITY COUNCIL APPOINTING A FAIRVIEW REPRESENTATIVE TO THE MT. HOOD CABLE REGULATORY COMMISSION

WHEREAS, the cities of Portland, Gresham, Troutdale, and Wood Village and Multnomah County have entered into an Intergovernmental Agreement in 1998 establishing the Mt. Hood Cable Regulatory Commission (MHCRC); and

WHEREAS, pursuant to the Intergovernmental Agreement, each MHCRC jurisdiction, except Portland, appoints one representative to serve as its Commissioner and Portland appoints three representatives to serve as its Commissioners; and

WHEREAS, Rich Goheen, the current representative for the City of Fairview on the Mt. Hood Cable Regulatory Commission, wishes to retire from the position; and

WHEREAS, applications for the remaining term of the position have been received and reviewed by the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRVIEW CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby approves the appointment of _____to the MHCRC for a term that shall begin immediately and end on June 30, 2020.

Section 2 This resolution is and shall be effective from the day of its passage.

Resolution adopted by the City Council of the City of Fairview, this 16th day of January, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	7.c.	2019-16

TO: Mayor and City Council

FROM: City Administrator Nolan Young

DATE: January 8, 2019

ISSUE:
First reading of the Chronic Nuisance Property Ordinance.

RELATED COUNCIL GOALS:
Goal #2: enhance service levels of public safety programs.

PREVIOUS AGENDA STAFF REPORTS:
November 7, 2018 Work Session: ASR 2018-91
January 2, 2019 Work Session: ASR 2019-02 – page CP 27-28

BACKGROUND:
Attached as Exhibit A, is the Chronic Nuisance Ordinance that was reviewed by the Council at their January 2 work session. The first reading is scheduled for the January 16 meeting.

It is modeled in part on Grants Pass and Gresham's chronic nuisance ordinances (two of the cities whose ordinances were contemplated at previous work sessions). The Council asked that we check with the police chiefs at those two cities to find out if there have been any enforcement problems with their chronic nuisance property ordinances. Chief Smith made an inquiry of both cities and received the following responses:

- Gresham: They recalled three times where they have used their ordinance and were happy with the compliance it gained. They were unaware of any successful legal challenges to the ordinance.
- Grants Pass: Their ordinance has been used many times successfully and they have not had any successful legal challenges. They said some have challenged them in court on the charges presented in the ordinance violation (due process), but they have not had the ordinance challenged on its face.

RECOMMENDED ACTION:
Proceed with the first reading of the ordinance.

ORDINANCE
(3-2019)

AN ORDINANCE OF THE FAIRVIEW CITY COUNCIL AMENDING THE FAIRVIEW MUNICIPAL CODE TO ADD CHAPTER 8.12 ESTABLISHING REGULATIONS FOR CHRONIC NUISANCE PROPERTIES

WHEREAS, the City desires to enable residents to enjoy ownership, use, and possession of property without negative impacts caused by chronic nuisance properties; and

WHEREAS, some individuals who own or are in charge of property in the City of Fairview allow their property to be used for illegal purposes with the result that these properties have become chronic nuisance properties; and

WHEREAS, the current nuisance provisions of Chapter 8.10 of the Fairview Municipal Code (Code) do not provide adequate tools for abating chronic nuisances resulting from the use of properties for illegal purposes; and

WHEREAS, chronic nuisance properties present serious health, safety, and welfare concerns and interfere with the quality of life, comfort, and solitude of other persons residing in the City; and

WHEREAS, chronic nuisance properties cause a financial burden upon the City through numerous calls for service to the properties because of the illegal activities that repeatedly occur or exist on such properties; and

WHEREAS, the City Council has discussed regulating chronic nuisances at a Work Session on November 7, 2018 and desires to take action to regulate chronic nuisance properties.

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 Chapter 8.12 of the Code is hereby adopted as set forth in substantially the same form as the attached Exhibit A.

Section 2 The ordinance is and shall be effective thirty (30) days from its passage.

Ordinance adopted by the City Council of the City of Fairview, this ____ day of _____, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

{00650283; 1 }

Exhibit A

Chapter 8.12 Chronic Nuisance Property

8.12.010 Title.
8.12.020 Definitions.
8.12.030 Chronic nuisance property prohibited.
8.12.040 Remedy.
8.12.050 Procedure.
8.12.060 Commencement of actions; Burden of proof; Defenses; Mitigation of civil penalty.
8.12.070 Closure during pendency of action.
8.12.080 Enforcement of closure order; Costs; Civil penalty.
8.12.090 Assessment lien created.

8.12.010 Title.

This chapter shall be known as the Fairview Chronic Nuisance Code.

8.12.020 Definitions.

As used in this chapter unless the context requires otherwise:

A. "Administrator" means the city administrator or designee.
B. "Chief of Police" or "Police Chief" means the chief of police or the chief's designee
C. "Chronic Nuisance Property" means any property where:
   1. Three or more nuisances activities have occurred at or near the property during any 30-day period;
   2. Four or more of the nuisance activities have occurred at or near the property during any 90-day period; or
   3. Five or more of the nuisance activities have occurred at or near the property during any 365-day period.
D. "Nuisance Activity" means any of the following activities, behaviors, or conduct:
   1. Driving under the influence of intoxicants as defined under state law (currently ORS 813.010);
   2. unlawful prostitution procurement activities, prostitution, or related offenses as defined under state law (currently ORS 167.007 through ORS 167.017);
   3. noise as defined under FMC Chapter 9.25;
   4. assault or menacing as defined under state law (currently ORS 163.160 through ORS 163.19);
   5. recklessly endangering another person as defined under state law (currently ORS 163.195);
   6. assaulting a public safety officer as defined under state law (currently ORS 163.208);
   7. endangering the welfare of a minor as defined under state law (currently ORS 163.575);
   8. sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined under state law (currently ORS 163.415 through ORS 163.445);
   9. public indecency as defined under state law (currently ORS 163.465);
   10. criminal trespass as defined under state law (currently ORS 164.243 through ORS 164.265);
   11. criminal mischief as defined under state law (currently ORS 164.345 through ORS 164.365);

12. graffiti related offense as defined under FMC 8.10.050 and under state law (currently ORS 164.381 through ORS 164.386);
13. unlawful use of an electrical stun gun, tear gas or mace as defined under state law (currently ORS 163.212 and ORS 163.213);
14. disorderly conduct as defined under state law (currently ORS 166.023 and ORS 166.025);
15. riot as defined under state law (currently ORS 166.015);
16. harassment as defined under state law (currently ORS 166.065 through ORS 166.070);
17. interfering with peace officer as defined under state law (currently 162.247);
18. alcoholic liquor violations as defined under state law (currently ORS 471.105 through ORS 471.482);
19. unlawful manufacture, delivery, or possession of a controlled substance or related offenses as defined under state law (currently ORS 167.203, ORS 475.005 through ORS 475.285, and/or ORS 475.752 through ORS 475.979);
20. intimidation as defined under state law (currently ORS 166.155 through 166.165);
21. unlawful discharge of a firearm as defined under FMC Chapter 9.10;
22. possession and use of weapons as defined under state law (currently ORS 166.180 through 166.250);
23. offensive littering as defined under FMC 8.05 and under state law (currently ORS 164.805);
24. theft as defined under state law (currently ORS 164.015 through ORS 164.140);
25. arson or related offenses as defined under state law (currently ORS 164.315 through ORS 164.335);
26. animal offenses as defined under state law: animal abuse or neglect (currently ORS 167.315 through ORS 167.330); animal abandonment (currently ORS 167.340); animal fighting, (currently ORS 167.355); or dog fighting (currently ORS 167.365);
27. curfew as defined under FMC Chapter 9.05;
28. homicide/murder as defined under state law (currently ORS 163.005 through ORS 163.095); or
29. any violation of ORS Chapter 163 not enumerated above; or
30. any attempt to commit (as defined in ORS 161.405) and/or conspiracy to commit (as defined in ORS 161.450 and ORS 161.455) any of the above activities, behaviors, or conduct.

    Any of the above activities will be deemed to have occurred on the property for purposes of this definition if engaged in within 300 feet of the property by any person associated with the property.

E. "Person in Charge" means any person, in actual or constructive possession of a property, including but not limited to an owner or occupant of property under his or her ownership or control.

8.12.030 Chronic nuisance property prohibited.

In addition to any other remedy available by law, any property that becomes chronic nuisance property or any owner or person in charge who permits property to be a chronic nuisance property shall be in violation of this Chapter and subject to civil penalties and closure of the property pursuant to this section.

8.12.040 Remedy.

The city may commence a civil action in any court of competent jurisdiction for a determination that property has become chronic nuisance property. The court may order any or all of the following:

1. That the property be closed and secured against all use and occupancy for a period of not less than thirty but not more than one hundred eighty days;
2. Impose civil penalties upon the owner or person in charge in an amount up to five hundred dollars ($500.00) per day for each day the person had actual knowledge the property was chronic nuisance property and permitted or allowed the property to remain so; and
3. Any other remedy deemed appropriate to abate the nuisance.

8.12.050 Procedure.

A. When the chief determines that property is chronic nuisance property, the chief shall cause a notice to be prominently posted on the property and mail a copy thereof by first-class mail to both the person in charge of the property where the nuisance exists and to the owner, if different. If the person in charge of the property is not the owner a copy of the notice shall be sent by first-class mail to the person listed as the owner on the County's tax records.
B. The notice shall contain the following:
    1. The street address and description sufficient for identification of the property; and
    2. A statement that the chief of police has determined the property to be chronic nuisance property with a concise description of the condition(s) leading to the determination.
C. The chief shall execute a statement setting out the date of posting and mailing of the notice. The failure of any person or owner to receive actual notice of the determination that the property is chronic nuisance property by the chief of police shall not invalidate or otherwise affect the proceedings under this Chapter.
D. Concurrent with the procedures set forth above, the chief of police shall send a copy of the notice to the city administrator as well as such other documentation the chief believes appropriate to support their determination and any recommendation concerning closure of the property and imposition of civil penalties. The city administrator shall review the material submitted and may, if it is deemed by the administrator to be appropriate, authorize the city attorney to commence judicial proceedings seeking a declaration that the property is a chronic nuisance property and any such remedy(ies) as are described in 8.12.040 that are deemed by the city administrator to be appropriate.

8.12.060 Commencement of actions; Burden of proof; Defenses; Mitigation of civil penalty.

A. In an action seeking the closure of a chronic nuisance property, the city shall have the initial burden of proof to show by a preponderance of evidence that the property is chronic nuisance property.
B. It is a defense to an action seeking closure of chronic nuisance property that the owner or person in charge at the time in question could not, in the exercise of reasonable care and diligence, determine the property had become chronic nuisance property or could not, in spite of the exercise of reasonable care and diligence control the conduct leading to the finding that the property is chronic nuisance property.

C. In establishing the amount of any civil penalty requested, the court may consider any of the following factors:

1. The actions taken by the owner(s) or person(s) in charge to mitigate or correct the conditions constituting the nuisance at the property;

2. The financial condition of the owner(s) or person(s) in charge;

3. Whether the conditions constituting the nuisance at the property were repeated or continuous;

4. The magnitude or gravity of the conditions constituting the nuisance;

5. The cooperativeness of the owner(s) or person(s) in charge with the city;

6. The cost to the city of investigating and correcting or attempting to correct the condition constituting the nuisance; and

7. Any other factor deemed by the court to be relevant.

8.12.070 Closure during pendency of action.

If the city administrator, after consultation with the chief determines chronic nuisance property presents an imminent threat to the public's health, safety and welfare the city may seek apply to the court for such relief deemed by the city administrator to be appropriate to alleviate the imminence of the threat. In such an event, the notification procedures set forth in 8.12.050 need not be complied with and the city may immediately commence an action with the court.

8.12.080 Enforcement of closure order; Costs; Civil penalty.

A. If a court finds that property constitutes chronic nuisance property, it may order closure as set out in 8.12.040(1).
B. In the event the Court determines the owner or person in charge had knowledge of the activity(ies) or condition(s) constituting violation of this chapter and nonetheless permitted, suffered, or allowed the activities to occur, the court may impose a civil penalty consistent with 8.12.040(2).
C. The court may authorize the city to physically secure the property against use or occupancy in the event that the owner(s) or person(s) in charge fail to do so within the time specified by the court. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to effect closure shall become an assessment lien upon the property and entered in the city's lien docket. As used in this subsection, "costs" means costs actually incurred by the city for the physical securing of the property.

8.12.090 Assessment Lien Created.

A. Liens imposed by this chapter shall be collected in all respects as provided for street improvement liens and bear interest at the rate of nine percent per annum from ten days after the entry in the lien docket.
B. Any person assessed the costs of closure and/or a civil penalty by the court shall be personally liable for the payment thereof to the city.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2019	8.a.	2019-12

TO: Mayor and City Council

FROM: Eric Rutledge, Associate Planner

THRU: Allan Berry, Public Works Director

DATE: January 10, 2019

BACKGROUND:

Floods are the nation's most common and costly natural disaster, causing millions of dollars in damage each year. Homeowners and renters insurance typically does not cover flood damage. The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA) and is intended to address this issue and reduce the impact of flooding on public and private structures.

The NFIP helps to reduce the impact of flooding on local communities by offering flood insurance to eligible property owners, renters, and businesses and providing emergency federal assistance during a flood disaster. In order for community members to qualify for the benefits of the NFIP, the local jurisdiction is required to adopt and enforce floodplain management regulations that meet or exceed federal standards. The purpose of this text amendment is to comply with updated federal standards and continue participation in the NFIP.

APPLICATION PROCESS AND TIMELINE:

The text amendment is required to be effective by February 1, 2019 in order for Fairview to continue participation in the NFIP. The application is following a Type IV legislative procedure, requiring a public hearing before the Planning Commission and City Council. The Planning Commission held a public hearing on the matter on January 8, 2019 and recommended unanimous approval of the Ordinance as written. The commission was supportive of the text amendment and passed the ordinance with minimal discussion.

The text amendment is brought to City Council as an Emergency Ordinance in order to meet the February 1, 2019 deadline and maintain participation in the NFIP. Given the potential impact to the Fairview community if participation is suspended, staff strongly recommends approval of the emergency ordinance. The proposed changes were developed in close coordination with FEMA and the Oregon Department of Land Conservation and Development (DLCD) to ensure compliance with state and federal regulations. As discussed in the Planning Commission staff report dated December 31, 2018 (Exhibit B), the proposal meets the decision making considerations and will continue a critical program for residents, businesses, and property owners in the City.

SUMMARY OF PROPOSED CHANGES:

The proposed amendment will combine the City's two existing flood regulation chapters by removing FMC 16.05 Flood Damage Prevention and incorporating it into FMC 19.105 Floodplain Overlay. The standards under FMC 16.05 are primarily related to development standards are best located under Title 19 Development Code. In addition, the following changes will be made to the text language:

- Updating and expanding the purpose statement to match federal language verbatim
- Revising some of the definitions to match federal definitions verbatim
- Clarifying and expanding administrative rules
- Changing the variance and appeal procedures to match procedures in the development code (explain)
- Removing performance standards related to development, excavation and fill in the flood management area
- Removing the option for stream habitat restoration in floodways
- Removing the allowed uses section and placing under conditional uses

The proposed changes are minor in nature and are not expected to result in greater restrictions on development. Most importantly, the proposed changes will bring floodplain standards into conformance with the NFIP and strengthen the City's ability to prevent and respond to flooding events.

BUDGET IMPLICATIONS

The proposed amendment will have no impact on current or future budgets.

CITY COUNCIL ALTERNATIVES:

1. Adopt Ordinance 2-2019 as written
2. Adopt Ordinance 2-2019 with changes and Council findings
3. Do not adopt Ordinance 2-2019
4. Continue the Public Hearing to if additional information is needed

EXHIBITS

A. Draft Ordinance 2-2019

Exhibit 1: Proposed Code Language with Markup

Exhibit 2: Proposed Code Language without Markup

B. Planning Commission Staff Report and Exhibits dated December 31, 2018

ORDINANCE
(02-2019)

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.105 FLOODPLAIN OVERLAY AND REMOVING CHAPTER 16.05 TO ENSURE PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM, CONSOLIDATING FLOODPLAIN REGULATIONS, AND DECLARING AN EMERGENCY

WHEREAS, floods are the nation's most common and costly natural disaster; and

WHEREAS, the Federal Emergency Management Agency (FEMA) administers the voluntary National Flood Insurance Program (NFIP) in order to minimize the impact of flooding on local communities by offering affordable flood insurance and setting floodplain regulation standards; and

WHEREAS, the City of Fairview participates in the program to strengthen flood protection regulations and better prevent and respond to hazardous flood events; and

WHEREAS, FEMA has provided an updated Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and updated floodplain regulations; and

WHEREAS, the City is required to adopt and enforce floodplain regulations that match or exceed the federal regulations by February 1, 2019 in order continue participation in the National Flood Insurance Program necessitating a declaration of emergency; and

WHEREAS, the Oregon Department of Land Conservation and Development has reviewed the proposed changes on behalf of FEMA and concluded the changes comply with federal floodplain regulations; and

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 The City adopts the findings as set forth in the staff report dated December 31, 2018 (File No. 2018-79-TA) in support of the Ordinance 2-2019

Section 2. The City replaces Chapter 19.105 of the Fairview Municipal Code with the provisions as set forth in substantially the same form as the attached Exhibit 1 (Exhibit 2 provided for legibility – document without markup).

Section 3 The City repeals Ordinance 10-2009 and removes Chapter 16.05 from the Fairview Municipal Code.

Section 4. The City declares an emergency to meet FEMA requirements and as such this Ordinance is effective immediately upon its adoption.

Ordinance adopted by the City Council of the City of Fairview, this January day of 16, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

{00654627; 1 }

Chapter 19.105

FLOODPLAIN OVERLAY

Sections:

19.105.010 Purpose.
19.105.020 Definitions.
19.105.0~~20~~30 General provisions.~~Area affected.~~
19.105.0~~3~~40 Administration. ~~Compliance.~~
~~19.105.040 Procedures.~~
~~19.105.050 Permitted uses.~~
19.105.0~~6~~50 Conditional uses.
19.105.0~~7~~60 Prohibited uses.
19.105.0~~8~~70 General standards for flood hazard reduction ~~Performance standards.~~
19.105.0~~9~~80 Variance and appeal procedure

19.105.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (1) Protect human life and health; (2) Minimize expenditure of public money and costly flood control projects; (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (4) Minimize prolonged business interruptions; (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; (6) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and (8) Ensure that those whom occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 6-2001 § 1)

19.105.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them their meaning in common usage and give these regulations their most reasonable application/scope.

As used in this chapter, unless the context requires otherwise:

A. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

B. "Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

C. "Area of Special Flooding Hazard" means the land in the flood plain within a community subject to a one percent 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed

ratemaking has been completed in preparation for publication of flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

D. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

E. "Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.

F. "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet (2') 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 four feet (4') at any point.

G. "Breakaway Wall" means a wall not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

H. "City" means the City of Fairview, Oregon.

I. "Council" or "City Council" means the Fairview City Council or such person(s) or entity(ies) designated by that body to perform the appeal or variance review functions given it buy the terms of this Chapter.

J. "Critical Facility" means a facility where a slight chance of flooding may be too great. Critical facilities include:
1. Schools;
2. Nursing homes;
3. Hospitals;
4. Police, fire and other emergency response installations; and
5. Installations producing, using or storing hazardous materials or waste.

K. "Director" means the City's Community Development Director or designate.

L. "DEQ" means the Oregon Department of Environmental Quality.

M. "Development" means any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

N. "DLCD" means the Oregon Department of Land Conservation and Development.

O. "Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

P. "Flood or Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters.
   b. The unusual and rapid accumulation or runoff of surface waters from any source.
   c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)~~a)~~(b~~2.~~) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Q. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

R. "Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

S. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (one foot (1')~~)~~.

T. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

U. "Manufactured Dwelling" means a structure transportable in one or more sections built on a permanent chassis and designed for use with or without a permanent foundation when attached to required utilities. The term "manufactured dwelling" does not include a "recreational vehicle." The term "manufactured dwelling" is synonymous with the term "manufactured home".

V. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

W. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures~~-~~.

X. "Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Y. "Start of Construction" includes substantial improvement, and means the date the building permit was lawfully issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement", the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Z. "State Building Code" means the combined specialty codes.

AA. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

BB. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

CC. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not , however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's designation as a "historic structure".

DD. "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

EE. "Water Dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

~~**19.105.020 Area affected.**~~
~~**This section shall apply to all areas designated as areas of special flood hazard by the federal insurance administration on its current flood hazard boundary map (FHBM), applicable to and including all areas within the boundaries of the city of Fairview or more current information such as Metro flood management maps, if demonstrated to be accurate. (Ord. 6-2001 § 1)**~~

19.105.030 General provisions.

A. This Chapter applies to all areas of "special flood hazards" within the City as described in subsection (B) below.

B. The areas of "special flood hazard" are those areas identified by the Federal Insurance Administration in a report entitled "*The Flood Insurance Study for the Multnomah County, Oregon and Incorporated Areas*" (dated February 1, 2019) (hereinafter Study) along with accompanying FIRMs. Those documents are adopted by reference and declared to be part of this Chapter. A copy of the Maps and Study are on file in the Office of the Public Works Director. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued.

C. No structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. The City may seek any remedy lawfully available to it to effect compliance and in the event the City is compelled to seek judicial redress for violation(s) of this Chapter, the City shall be entitled to recover its reasonable attorneys and expert witness fees both at trial and on appeal.

D. This Chapter is not intended to repeal, abrogate, or impair existing easements, covenants or deed restrictions. Where these regulations and another local, state or federal law conflict, the more restrictive shall control.

E. If any section clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional, then said holding shall in no way affect the validity of the remaining portions hereof.

F. These regulations shall be considered minimum requirements, liberally construed in favor of the city, and not deemed to either limit or repeal any other powers granted the city by state or federal law or its inherent plenary powers.

G. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

~~**19.105.030 Compliance.**~~
~~No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of Chapter 16.05 FMC. (Ord. 6-2001 § 1)~~

19.105.040 Administration.

A. Development Permit Required. A development permit shall be obtained prior to construction or development within any area of special flood hazard. The permit shall be for all structures and development as defined in Section 19.105.020.

B. Application for Development Permit. Application(s) for a development permit shall be on forms furnished by the city, submitted to the director and include plans in duplicate drawn to scale showing:
   1. The nature, location, dimensions and elevations of the development area;
   2. Existing and/or proposed structures;
   3. Fill;
   4. Storage of materials; and
   5. Drainage facilities.
   6. In addition to the foregoing, the following information is to be provided on the plans at the time application is made:
      a. Elevation of the lowest floor (including basement) of all structures in relation to mean sea level;
      b. Elevation in relation to mean sea level of flood-proofing in any structure;
   c. Certification by a registered professional engineer or Oregon licensed architect that flood-proofing methods for nonresidential structure(s) meet the requirements set out in 19.105.080(A)(2); and
   d. Description of the extent (if any) to which a watercourse may be altered as a result of the development.

C. Designation and Duties of Floodplain Administrator. The Director is hereby appointed to administer and implement this Chapter by granting or denying development permit applications with its provisions; duties include (but are not limited to) the following:

   1. Review of all development permit applications and all resulting permits to ensure compliance with requirements imposed by this chapter;
   2. Determine whether appropriate federal, state, and/or local regulatory permits have been obtained;
   3. Maintain all records pertaining to the provisions of this chapter for public inspection;
   4. Notify adjacent communities, DLCD, and other appropriate state and federal agencies prior to the alteration/relocation of a watercourse and cause the submission of evidence thereof to the Federal Insurance Administration as well as requiring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
   5. Make interpretations as to the location of boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal;
   6. Determine if the proposed development is located in the floodway. If the proposed development is located in a floodway, ensure the appropriate provisions of 19.105.07~~8~~0 are met;

7. When base flood elevation data has not been provided (A and V Zones), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources in order to administer 19.105.078~~8~~0;
8. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or otherwise, the Director shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures and whether the structure contains a basement; and
9. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in this section :
   a. Verify and record the actual elevation (in relation to mean sea level); and
   b. Maintain flood-proofing certifications required by this section.

10. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.

11. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement under this chapter.

D. Requirement to Submit New Technical Data

1. Notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
2. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing application fees to FEMA.
3. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

~~**19.105.040 Procedures.**~~
~~A development permit shall be obtained before construction or development begins within any area of special flood hazard. Requirements for the permit as well as specific and general standards are outlined in Chapter 16.05 FMC. (Ord. 6-2001 § 1)~~

~~**19.105.050 Permitted uses.**~~
~~The following uses are permitted outright in accordance with the specific and general standards outlined in this chapter:~~

~~A. Excavation and fill required to plant any new trees or vegetation.~~

~~B. Restoration or enhancement of floodplains, riparian areas, upland and streams. (Ord. 6-2001 § 1)~~

19.105.055~~6~~0 Conditional uses.
The following uses are permitted conditionally in accordance with the specific and general standards outlined in this chapter:

A. All uses allowed in the base zone or existing flood hazard overlay zone.

B. Excavation and fill required to plant any new trees or vegetation.

C. Restoration or enhancement of floodplains, riparian areas, upland and streams ~~(Ord. 6-2001 § 1)~~

19.105.06~~7~~0 Prohibited uses.
The following uses are not permitted:

A. Any use otherwise prohibited in the base zone or existing flood hazard overlay zone.

B. Any uncontained area of hazardous materials as defined by DEQ. ~~(Ord. 6-2001 § 1)~~

~~**19.105.090 Performance standards.**~~
~~A. Any development should maintain or increase the capacity of the flood management area.~~

~~B. All fill placed at or below design flood elevation shall be balanced with at least an equal amount of soil material removal.~~

~~C. Excavation of areas that would be filled with water in non-stormwater conditions is not to be counted as part of the floodplain balance referenced in subsection B of this section.~~

~~D. Temporary fills permitted during construction shall be removed in a timely manner. (Ord. 6-2001 § 1)~~

19.105.07~~8~~0 General standards for flood hazard reduction.

A. In all areas of special flood hazards, the following is required:
   1. Anchoring.
      a. All new construction and substantial improvement(s) shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
      b. All manufactured dwellings shall be anchored to prevent flotation, collapse, or lateral movement and installed using methods and practices designed to minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (*see*, FEMA's "Manufactured Home Installation in Flood Hazard Areas").

   2. Construction Materials and Methods.
      a. All new construction and substantial improvement(s) shall be constructed with materials and utility equipment resistant to flood damage;
      b. All new construction and substantial improvement(s) shall be constructed using methods and practices designed to minimize flood damage; and
      c. Electrical, heating, ventilation, plumbing, air-conditioning and other service equipment/facilities shall be designed and/or elevated or located to prevent water from entering or accumulating within the components during flooding.

   3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with rules adopted by DEQ.

4. Subdivision Proposals.
   a. All subdivision proposals shall be consistent with the need to minimize flood damage;
   b. All subdivision proposals shall have public utilities/facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
   c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
   d. Where base flood elevation data has not been provided nor available from an authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. Review of Building Permits. Where elevation data is unavailable through the Flood Insurance Study, FIRM or other authoritative source, building permit applications shall be reviewed with the aim of promoting safety from flooding. Use of historical data, high water marks, photographs of past flooding, etc. should be used where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

B. In areas of special flood hazard where base flood elevation data has been provided (Zones A1-30, AH, AE, and A~~ and V~~), the following requirements are to be met:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above the base flood elevation. Fully enclosed areas subject to flooding below the lowest floor are either prohibited or 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
   a. 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;
   b. The bottom of all openings shall be no higher than one foot (1') above grade; and
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

2. Nonresidential Construction. New construction and/or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
   a. Be flood-proofed such 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; and
   c. Be certified by a Oregon 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/or review of the structural design, specifications and plans.

3. Elevated nonresidential structures. All elevated nonresidential structures not flood-proofed and with space below the lowest floor are either prohibited or must 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
   a. 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;
   b. The bottom of all openings shall be no higher than one foot (1') above grade; and
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

4. Persons flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot (1') below.)

5. Manufactured Dwellings.
   a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with 19.105.050(B)(1) above;
   b. The bottom of the longitudinal chassis frame beam shall be at or above the BFE;
   c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
   d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

6. Recreational Vehicles.
   Recreational vehicles placed on sites in special flood hazard zones are required to:

   a. Be on the site for fewer than 180 consecutive days; and
   b. Be licensed and ready for highway use on its wheels or jacking system and attached to the site only by quick disconnect type utility and security devices; and
   c. Have no permanently attached additions; or, alternatively,
   d. Meet the requirements for manufactured dwellings in 19.105.080(B)(5) above, including but not limited to the elevation and anchoring requirements for

manufactured dwellings.

7. Below-grade crawl spaces.
   Below-grade crawlspaces are allowed subject to standards found in FEMA's Technical Bulletin 11-01 "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*":

   a. The building must be designed and anchored to resist flotation, collapse, and lateral movement as a result of hydrodynamic and/or hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can be addressed through openings described below.
   b. Crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless designed by an Oregon registered/licensed architect or professional engineer.
   c. The crawlspace is an enclosed area below the base flood elevation (BFE) and must have openings equalizing hydrostatic pressures by allowing the automatic entry and exit of floodwaters with the bottom of each flood vent opening no more than one foot (1') above the lowest adjacent exterior grade.
   d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
   e. Any building utility systems within the crawlspace must be elevated above BFE or designed so floodwaters cannot enter or accumulate within the system components. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
   f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.
   g. The height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet (4') at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas.
   h. There must be a drainage system providing for removal of floodwaters from the interior area of the crawlspace such that the area is drained within a reasonable time after a flood event. The system will vary as a result of the site gradient and other drainage characteristics. Possible options include natural drainage through porous, well-drained soils and installation of drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone top allow for drainage by gravity or mechanical means.
   i. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace. For velocities in excess of five feet (5') per second, other foundation types should be used.

   For more detailed information refer to FEMA Technical Bulletin 11-01.

8. Floodway Not Established. Where a regulatory floodway has not been designated, no new construction, substantial improvement(s) or other development (including fill) is permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that

the cumulative effect(s) of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City.

9. Floodway Established. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply to areas designated as floodways.
   a. No encroachments (including fill), new construction, substantial improvement(s) and other development shall occur unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments will not result in any increase in base flood or floodway elevations during a base flood discharge.
   b. If 19.105.080(B)(9)(a) above is satisfied, all new construction and substantial improvement(s) shall comply with all applicable flood hazard reduction provisions.
   c. Manufactured dwellings may be located in floodways only under the following circumstances:
      i. If there is an existing manufactured dwelling, placement was permitted at the time of the original installation and its continued use is not a threat to life, health, property, or the general welfare of the public; or
      ii. A new manufactured dwelling is replacing an existing one where the original placement was permitted at the time and the replacement will not be a threat to life, health, property or the general welfare of the public; and
      iii. The location of the dwelling meets all the following:
         A. Demonstration that the manufactured dwelling and any accessory building(s), structure(s) or other improvement(s) will not result in any increase in flood levels during the occurrence of a base flood discharge;
         B. The replacement dwelling and any accessory building(s)/structure(s) are elevated so that the bottom of the longitudinal chassis frame beam is at or above the BFE;
         C. The replacement dwelling is placed, anchored and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City;
         D. The replacement dwelling, its foundation supports and any accessory building(s)/structure(s) or property improvement(s) do not displace water so as to cause a rise in water level or divert water in a manner likely to cause erosion/damage to other properties;
         E. The replacement dwelling is appropriately zoned; and
         F. Location of the replacement dwelling will not violate any other local, state or federal law.

10. Shallow Flooding Areas.
    The following restrictions apply in Shallow Flooding Areas:

    a. New construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot (1') above the depth number specified on the FIRM and at least two feet (2') if no depth number is specified.

b. New construction and substantial improvements of nonresidential structures shall either:
   i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified); or
   ii. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level such that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
d. Recreational vehicles placed on sites must either:
   i. Be on the site for fewer than 180 consecutive days, and
   ii. 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 have no permanently attached additions; or
   iii. Meet the elevation and anchoring requirements for manufactured dwellings set out above.

11. Critical Facilities.
   a. Construction of new critical facilities shall, to the extent possible, be located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).
   b. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the facility should be protected to the height noted. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

19.105.0~~89~~0 Variance and appeal procedure.

All variance requests are processed by the city according to the specifications set forth below.

A. The planning commission shall hear and decide requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination by the Planning Commission in the enforcement or administration of this chapter.

C. These aggrieved by a decision of the planning commission who have standing in the land use procedure may appeal such decision to the city council.

D. Generally, the only condition under which a variance from the elevation standard may be

issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in subsections (E)-(N) below have been fully considered. As the lot size increases the technical justification for issuing the variance increases.

E. In reviewing an application for variance to the floodplain standards, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of any proposed development and its contents to flood damage and the impact of such damage on the owner(s) thereof;
4. The importance of services provided by the proposed development facility to the City and community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative location(s) for the proposed use not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

F. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to procedures set forth in this section, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

G. Variances ~~may~~shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

H. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

I. Variances will only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of the variance will not result in increased flood heights, additional threat(s) to public safety, extraordinary public expense, creation of a nuisance,

cause fraud on or victimization of the public nor otherwise conflict with existing local laws or regulations.

J. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

K. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 19.105090(D) and otherwise complies with 19.105.080.

L. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.-

M. Upon consideration of the factors of subsection (E) above, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

N. The local floodplain administrator/Director shall maintain records of all written notices, appeal actions, variance actions, including justification for their issuance, and shall ~~and~~ report such~~and~~ variances to the Federal Insurance Administration upon request.

Chapter 19.105

FLOODPLAIN OVERLAY

Sections:

19.105.010 Purpose.
19.105.020 Definitions.
19.105.030 General provisions.
19.105.040 Administration.
19.105.050 Conditional uses.
19.105.060 Prohibited uses.
19.105.070 General standards for flood hazard reduction
19.105.080 Variance and appeal procedure

19.105.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (1) Protect human life and health; (2) Minimize expenditure of public money and costly flood control projects; (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (4) Minimize prolonged business interruptions; (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; (6) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and (8) Ensure that those whom occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 6-2001 § 1)

19.105.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them their meaning in common usage and give these regulations their most reasonable application/scope.

As used in this chapter, unless the context requires otherwise:

A. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

B. "Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

C. "Area of Special Flooding Hazard" means the land in the flood plain within a community subject to a one percent 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE,

AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

D. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

E. "Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.

F. "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet (2') 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 four feet (4') at any point.

G. "Breakaway Wall" means a wall not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

H. "City" means the City of Fairview, Oregon.

I. "Council" or "City Council" means the Fairview City Council or such person(s) or entity(ies) designated by that body to perform the appeal or variance review functions given it buy the terms of this Chapter.

J. "Critical Facility" means a facility where a slight chance of flooding may be too great. Critical facilities include:
   1. Schools;
   2. Nursing homes;
   3. Hospitals;
   4. Police, fire and other emergency response installations; and
   5. Installations producing, using or storing hazardous materials or waste.

K. "Director" means the City's Community Development Director or designate.

L. "DEQ" means the Oregon Department of Environmental Quality.

M. "Development" means any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

N. "DLCD" means the Oregon Department of Land Conservation and Development.

O. "Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

P. "Flood or Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters.
   b. The unusual and rapid accumulation or runoff of surface waters from any source.
   c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Q. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

R. "Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

S. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (one foot (1').

T. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

U. "Manufactured Dwelling" means a structure transportable in one or more sections built on a permanent chassis and designed for use with or without a permanent foundation when attached to required utilities. The term "manufactured dwelling" does not include a "recreational vehicle." The term "manufactured dwelling" is synonymous with the term "manufactured home".

V. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

W. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures.

X. "Recreational Vehicle" means a vehicle which is:
   1. Built on a single chassis;
   2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Y. "Start of Construction" includes substantial improvement, and means the date the building permit was lawfully issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement", the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Z. "State Building Code" means the combined specialty codes.

AA. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

BB. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

CC. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not , however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's designation as a "historic structure".

DD. "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

EE. "Water Dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

19.105.030 General provisions.

A. This Chapter applies to all areas of "special flood hazards" within the City as described in subsection (B) below.

B. The areas of "special flood hazard" are those areas identified by the Federal Insurance Administration in a report entitled "*The Flood Insurance Study for the Multnomah County, Oregon and Incorporated Areas*" (dated February 1, 2019) (hereinafter Study) along with accompanying FIRMs. Those documents are adopted by reference and declared to be part of this Chapter. A copy of the Maps and Study are on file in the Office of the Public Works Director. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued.

C. No structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. The City may seek any remedy lawfully available to it to effect compliance and in the event the City is compelled to seek judicial redress for violation(s) of this Chapter, the City shall be entitled to recover its reasonable attorneys and expert witness fees both at trial and on appeal.

D. This Chapter is not intended to repeal, abrogate, or impair existing easements, covenants or deed restrictions. Where these regulations and another local, state or federal law conflict, the more restrictive shall control.

E. If any section clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional, then said holding shall in no way affect the validity of the remaining portions hereof.

F. These regulations shall be considered minimum requirements, liberally construed in favor of the city, and not deemed to either limit or repeal any other powers granted the city by state or federal law or its inherent plenary powers.

G. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

19.105.040 Administration.

A. Development Permit Required. A development permit shall be obtained prior to construction or development within any area of special flood hazard. The permit shall be for all structures and development as defined in Section 19.105.020.

B. Application for Development Permit. Application(s) for a development permit shall be on forms furnished by the city, submitted to the director and include plans in duplicate drawn to scale showing:
   1. The nature, location, dimensions and elevations of the development area;
   2. Existing and/or proposed structures;

3. Fill;
4. Storage of materials; and
5. Drainage facilities.
6. In addition to the foregoing, the following information is to be provided on the plans at the time application is made:
    a. Elevation of the lowest floor (including basement) of all structures in relation to mean sea level;
    b. Elevation in relation to mean sea level of flood-proofing in any structure;

c. Certification by a registered professional engineer or Oregon licensed architect that flood-proofing methods for nonresidential structure(s) meet the requirements set out in 19.105.080(A)(2); and

d. Description of the extent (if any) to which a watercourse may be altered as a result of the development.

C. Designation and Duties of Floodplain Administrator. The Director is hereby appointed to administer and implement this Chapter by granting or denying development permit applications with its provisions; duties include (but are not limited to) the following:

1. Review of all development permit applications and all resulting permits to ensure compliance with requirements imposed by this chapter;
2. Determine whether appropriate federal, state, and/or local regulatory permits have been obtained;
3. Maintain all records pertaining to the provisions of this chapter for public inspection;
4. Notify adjacent communities, DLCD, and other appropriate state and federal agencies prior to the alteration/relocation of a watercourse and cause the submission of evidence thereof to the Federal Insurance Administration as well as requiring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
5. Make interpretations as to the location of boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal;
6. Determine if the proposed development is located in the floodway. If the proposed development is located in a floodway, ensure the appropriate provisions of 19.105.070 are met;
7. When base flood elevation data has not been provided (A and V Zones), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources in order to administer 19.105.070;
8. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or otherwise, the Director shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures and whether the structure contains a basement; and
9. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in this section :
    a. Verify and record the actual elevation (in relation to mean sea level); and
    b. Maintain flood-proofing certifications required by this section.

10. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.

11. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement under this chapter.

D. Requirement to Submit New Technical Data

1. Notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
2. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing application fees to FEMA.
3. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

19.105.050 Conditional uses.
The following uses are permitted conditionally in accordance with the specific and general standards outlined in this chapter:

A. All uses allowed in the base zone or existing flood hazard overlay zone.

B. Excavation and fill required to plant any new trees or vegetation.

C. Restoration or enhancement of floodplains, riparian areas, upland and streams

19.105.060 Prohibited uses.
The following uses are not permitted:

A. Any use otherwise prohibited in the base zone or existing flood hazard overlay zone.

B. Any uncontained area of hazardous materials as defined by DEQ.

19.105.070 General standards for flood hazard reduction.

A. In all areas of special flood hazards, the following is required:
   1. Anchoring.
      a. All new construction and substantial improvement(s) shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
      b. All manufactured dwellings shall be anchored to prevent flotation, collapse, or lateral movement and installed using methods and practices designed to minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (*see*, FEMA's "Manufactured Home Installation in Flood Hazard Areas").

   2. Construction Materials and Methods.

a. All new construction and substantial improvement(s) shall be constructed with materials and utility equipment resistant to flood damage;
b. All new construction and substantial improvement(s) shall be constructed using methods and practices designed to minimize flood damage; and
c. Electrical, heating, ventilation, plumbing, air-conditioning and other service equipment/facilities shall be designed and/or elevated or located to prevent water from entering or accumulating within the components during flooding.

3. Utilities.
a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with rules adopted by DEQ.

4. Subdivision Proposals.
a. All subdivision proposals shall be consistent with the need to minimize flood damage;
b. All subdivision proposals shall have public utilities/facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
d. Where base flood elevation data has not been provided nor available from an authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. Review of Building Permits. Where elevation data is unavailable through the Flood Insurance Study, FIRM or other authoritative source, building permit applications shall be reviewed with the aim of promoting safety from flooding. Use of historical data, high water marks, photographs of past flooding, etc. should be used where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

B. In areas of special flood hazard where base flood elevation data has been provided (Zones A1-30, AH, AE, and A), the following requirements are to be met:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above the base flood elevation. Fully enclosed areas subject to flooding below the lowest floor are either prohibited or 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:

a. 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;
b. The bottom of all openings shall be no higher than one foot (1') above grade; and
c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

2. Nonresidential Construction. New construction and/or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
   a. Be flood-proofed such 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; and
   c. Be certified by a Oregon 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/or review of the structural design, specifications and plans.

3. Elevated nonresidential structures. All elevated nonresidential structures not flood-proofed and with space below the lowest floor are either prohibited or must 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
   a. 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;
   b. The bottom of all openings shall be no higher than one foot (1') above grade; and
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

4. Persons flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot (1') below.)

5. Manufactured Dwellings.
   a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with 19.105.050(B)(1) above;
   b. The bottom of the longitudinal chassis frame beam shall be at or above the BFE;
   c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
   d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

6. Recreational Vehicles.

Recreational vehicles placed on sites in special flood hazard zones are required to:

a. Be on the site for fewer than 180 consecutive days; and
b. Be licensed and ready for highway use on its wheels or jacking system and attached to the site only by quick disconnect type utility and security devices; and
c. Have no permanently attached additions; or, alternatively,
d. Meet the requirements for manufactured dwellings in 19.105.080(B)(5) above, including but not limited to the elevation and anchoring requirements for manufactured dwellings.

7. Below-grade crawl spaces.
Below-grade crawlspaces are allowed subject to standards found in FEMA's Technical Bulletin 11-01 "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas"*:

a. The building must be designed and anchored to resist flotation, collapse, and lateral movement as a result of hydrodynamic and/or hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can be addressed through openings described below.
b. Crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless designed by an Oregon registered/licensed architect or professional engineer.
c. The crawlspace is an enclosed area below the base flood elevation (BFE) and must have openings equalizing hydrostatic pressures by allowing the automatic entry and exit of floodwaters with the bottom of each flood vent opening no more than one foot (1') above the lowest adjacent exterior grade.
d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
e. Any building utility systems within the crawlspace must be elevated above BFE or designed so floodwaters cannot enter or accumulate within the system components. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.
g. The height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet (4') at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas.
h. There must be a drainage system providing for removal of floodwaters from the interior area of the crawlspace such that the area is drained within a reasonable time after a flood event. The system will vary as a result of the site gradient and other drainage characteristics. Possible options include natural drainage through porous, well-drained soils and installation of drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone top allow for drainage by gravity or mechanical means.

i. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace. For velocities in excess of five feet (5') per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

8. Floodway Not Established. Where a regulatory floodway has not been designated, no new construction, substantial improvement(s) or other development (including fill) is permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect(s) of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City.

9. Floodway Established. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply to areas designated as floodways.
   a. No encroachments (including fill), new construction, substantial improvement(s) and other development shall occur unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments will not result in any increase in base flood or floodway elevations during a base flood discharge.
   b. If 19.105.080(B)(9)(a) above is satisfied, all new construction and substantial improvement(s) shall comply with all applicable flood hazard reduction provisions.
   c. Manufactured dwellings may be located in floodways only under the following circumstances:
      i. If there is an existing manufactured dwelling, placement was permitted at the time of the original installation and its continued use is not a threat to life, health, property, or the general welfare of the public; or
      ii. A new manufactured dwelling is replacing an existing one where the original placement was permitted at the time and the replacement will not be a threat to life, health, property or the general welfare of the public; and
      iii. The location of the dwelling meets all the following:
         A. Demonstration that the manufactured dwelling and any accessory building(s), structure(s) or other improvement(s) will not result in any increase in flood levels during the occurrence of a base flood discharge;
         B. The replacement dwelling and any accessory building(s)/structure(s) are elevated so that the bottom of the longitudinal chassis frame beam is at or above the BFE;
         C. The replacement dwelling is placed, anchored and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City;
         D. The replacement dwelling, its foundation supports and any accessory building(s)/structure(s) or property improvement(s) do not displace water so as to cause a rise in water level or divert water in a manner likely to cause erosion/damage to other properties;
         E. The replacement dwelling is appropriately zoned; and
         F. Location of the replacement dwelling will not violate any other local, state or federal law.

10. Shallow Flooding Areas.
    The following restrictions apply in Shallow Flooding Areas:

    a. New construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot (1') above the depth number specified on the FIRM and at least two feet (2') if no depth number is specified.
    b. New construction and substantial improvements of nonresidential structures shall either:
        i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified); or
        ii. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level such that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
    c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
    d. Recreational vehicles placed on sites must either:
        i. Be on the site for fewer than 180 consecutive days, and
        ii. 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 have no permanently attached additions; or
        iii. Meet the elevation and anchoring requirements for manufactured dwellings set out above.

11. Critical Facilities.
    a. Construction of new critical facilities shall, to the extent possible, be located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).
    b. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the facility should be protected to the height noted. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

19.105.080 Variance and appeal procedure.

All variance requests are processed by the city according to the specifications set forth below.

A. The planning commission shall hear and decide requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination by the Planning Commission in the enforcement or administration of this chapter.

C. These aggrieved by a decision of the planning commission who have standing in the land use procedure may appeal such decision to the city council.

D. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in subsections (E)-(N) below have been fully considered. As the lot size increases the technical justification for issuing the variance increases.

E. In reviewing an application for variance to the floodplain standards, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of any proposed development and its contents to flood damage and the impact of such damage on the owner(s) thereof;
4. The importance of services provided by the proposed development facility to the City and community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative location(s) for the proposed use not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

F. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to procedures set forth in this section, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

G. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

H. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

I. Variances will only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of the variance will not result in increased flood heights, additional threat(s) to public safety, extraordinary public expense, creation of a nuisance, cause fraud on or victimization of the public nor otherwise conflict with existing local laws or regulations.

J. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

K. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 19.105090(D) and otherwise complies with 19.105.080.

L. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

M. Upon consideration of the factors of subsection (E) above, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

N. The local floodplain administrator/Director shall maintain records of all written notices, appeal actions, variance actions, including justification for their issuance, and shall report such variances to the Federal Insurance Administration upon request.

PLANNING COMMISSION STAFF REPORT
TYPE IV TEXT AMENDMENT
FINDINGS AND STAFF RECOMMENDATION

Date of Report:	December 31, 2018
Staff Contact:	Eric Rutledge, Associate Planner rutledgee@ci.fairview.or.us 503-674-6205
Application Number:	2018-79-TA
Property Owner:	N/A
Applicant:	City of Fairview
Site Address:	N/A
Proposal:	Amend the City's flood code regulations to comply with the National Flood Insurance Program. Amended code chapters include FMC 16.05 Flood Damage Prevention and FMC 19.105 Floodplain Overlay.
Recommendation:	Approval
Exhibits:	**A. Ordinance** A1 Draft Ordinance 2-2019 A2 Draft Code Language (Chapter 16.05 and 19.105 combined into a new single chapter) **B. Supporting Materials** B1 Updated Flood Insurance Rate Map (2/1/19) B2 Updated Flood Insurance Study (2/1/19) **C. Written Comments**

C1 Email communication from DLCD
C2 DLCD/FEMA comments and revisions for FMC 16.05 Flood Damage Prevention
C3 DLCD/FEMA comments and revisions for FMC 19.105 Floodplain Overlay

I. NOTICES & REFERRALS

Application Date: N/A

Application Deemed Complete: N/A

Planning Commission Public Hearing Date: January 9, 2019

City Council Hearing Date: January 16, 2019

Referrals: The draft code language has been reviewed by the Oregon Department of Land Conservation and Development on behalf of the Federal Emergency Management Agency.

The Oregon Department of Land Conservation and Development was sent the required 35-day notice of public hearing and draft amendments on December 10, 2018.

II. APPLICABLE CRITERIA

- FMC 19.205 Amendments
- MC 19.413 Procedures
- FMC 19.470 Land Use District Map & Text Amendments

III. BACKGROUND

Issue

Floods are the nation's most common and costly natural disaster. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP); a program intended to reduce the impact of flooding on public and private structures. The NFIP helps to reduce the impact of flooding on local communities by offering flood insurance to eligible property owners, renters, and businesses and providing emergency federal assistance during a flood disaster. The NFIP also requires local jurisdictions to adopt and enforce floodplain management regulations that meet or exceed federal standards. The purpose of this text amendment is to comply with updated federal standards.

FEMA has recently provided a new Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and revised code regulations for floodplain development. The FIS and FIRM are enacted automatically by FEMA, and the City is required to update flood regulations to meet or exceed the new requirements. The deadline for adoption is February 1, 2019.

Summary of Changes

FIS – The FIS is a compilation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. FEMA automatically updated the FIS report that contains detailed flood elevation data in flood profiles and data tables which will become effective on February 1, 2019. See Exhibit B2 – Flood Insurance Study.

FIRM – The FIRM is the official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. The City of Fairview is divided into six separate FIRM "panels", or smaller areas of the larger FIRM map. FEMA automatically updated four out of six FIRM panels, which will become effective on February 1, 2019. No significant changes were made to the FIRM since the last revision. See Exhibit B1 (updated FIRM panels 210, 214, 216, and 218).

Municipal Code – The Fairview Municipal Code is required to meet or exceed the flood regulations developed by FEMA. The City's flood regulations are currently located in two separate titles, Title 16 Environmental Regulations and Title 19 Development Code. The two chapters have been combined into a single chapter within the development code, and updated to meet the current federal standards.

FEMA requires that the definitions in the local flood code match verbatim the language in the federal regulations. A number of definitions were updated as part of this code revision. Other changes to the code include clarifying administrative rules, updating reporting requirements when new technical data is available, and other changes. See all proposed changes in Exhibit A2 (note – Exhibit A2 includes all changes to Chapter 19.105, including changes made by incorporating Chapter 16.05 into Chapter 19.105.

For a clearer understanding of the proposed changes on each chapter, see Exhibits C2 and C3. Small changes may have occurred between the separate chapters and the final merged chapter).

V. APPROVAL CRITERIA FINDINGS

Chapter 19.205 Amendments

19.205.010 Procedure.

A proposal to amend the zoning ordinance text or map may be initiated by the city council, the planning commission or a property owner who files an application with the city.

Amending the zoning ordinance text or map shall require a public hearing before both the planning commission and the city council. Mailed notice of hearing shall include the owners of the property within 250 feet of the subject parcel or parcels when the proposed amendment is site specific.

> **FINDINGS:** The application will be considered during a planning commission hearing on January 8, 2019 and a city council hearing on January 16, 2019. The proposed amendment is not site specific. This standard is met.

19.205.020 Criteria.

Approval of an ordinance text or map amendment shall be based on finding that it complies with the following criteria…

> **FINDINGS:** In addition to the legislative amendment criteria in FMC 19.413.040(G), the text amendment must also comply with the criteria in this section. Full staff findings on all applicable approval criteria is included below in the "Decision Making Criteria" section.

19.205.030 Limitation on reapplication.

No application of a property owner for an ordinance text or map amendment shall be considered within the one-year period immediately following a denial of a request for the same property, except the hearing body may permit a new application upon making a determination that it is warranted because of new evidence or a change in circumstances.

> **FINDINGS:** This section does not apply to the application. The application was initiated by the City and is not site specific.

19.205.040 Effective Dates.

An ordinance text or map amendment shall take effect 30 days after the date of approval, unless appealed or immediately where an emergency is declared to exist consistent with Section 33 of the City Charter.

FINDINGS: The ordinance must be passed by February 1, 2019 in order to maintain participation in the NFIP. The ordinance will be passed as an emergency to meet this deadline, consistent with Section 33 of the City Charter.

19.205.050 Notice of ordinance or plan amendments.
Type III decisions shall comply with the notice provisions of FMC 19.413.030. Type IV decisions shall comply with the provisions of FMC 19.413.040.

FINDINGS: Full findings on FMC 19.413.040 are included below.

Chapter 19.413 Procedures
19.413.040 Type IV procedures (legislative).

A. Type IV matters are considered initially by the planning commission with final decisions made by the city council. Type IV procedures apply to legislative matters and involve the following:

2. Development code text amendments.

FINDINGS: A development code text amendment is proposed and a Type IV application process is required.

B. Required Hearings. A minimum of two hearings, one before the planning commission, and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required.

FINDINGS: The application will be considered during a planning commission hearing on January 8, 2019 and a city council hearing on January 16, 2019. This standard is met.

C. Public Notification Requirements. Notice of public hearings shall be given by the city in the following manner:

1. At least 30 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to…

FINDINGS: A comprehensive plan amendment and/or rezone is not proposed. This noticing requirement does not apply.

2. *At least 10 days before the scheduled planning commission public hearing date, and 10 days before the city council hearing date, notice shall be published in a newspaper of general circulation in the city.*

FINDINGS: Notice will be published in the January 8, 2019 Gresham Outlook. Although 10-day newspaper notice deadline was not met, both newspaper posting will be published prior to the hearings. Notice of the regularly scheduled meetings was also published on the City's website.

3. *Metro and the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments at least 35 days before the first public hearing at which public testimony or evidence will be received.*

FINDINGS: Notice was sent to DLCD on December 10, 2018 and to Metro on December 31, 2018. The Metro notice was sent after the 35-day deadline, however, comments may still be incorporated into the record and decision making process for for the city council hearing.

4. *Notifications for annexation shall follow the provisions of this chapter. The notice must be received by the Department of Land Conservation and Development no later than 35 days prior to the evidentiary hearing.*

FINDINGS: This standard does not apply.

Subsections D, E, F, G, H, and I

FINDINGS: Subsections D-F and H-I relate to application noticing and hearing procedures. The application was processed in accordance with these requirements and the public hearings will be held in accordance with the requirements.

Subsection G lists the legislative amendment decision making criteria. Full staff findings on the approval criteria are included below in the "Decision Making Criteria" section.

Chapter 19.470 Land Use District Map and Text Amendments
19.470.100 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the land use district map…

19.470.200 Legislative amendments.
Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in FMC 19.413.040.

FINDINGS: The application is for a legislative amendment and a final decision will be made by the city council using a Type IV procedure.

19.470.300 Quasi-judicial amendments…

FINDINGS: The application is not a quasi-judicial amendment and this section does not apply.

19.470.400 Conditions of approval.
A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

FINDINGS: This section does not apply.

19.470.500 Record of amendments.
The city recorder shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use.

FINDINGS: An updated record of all amendments and the municipal code is kept with the City and is available for public use.

19.470.600 Transportation planning rule compliance.

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0060…

FINDINGS: A comprehensive plan and/or land use district is not proposed. This standard does not apply.

Decision Making Criteria Findings

FMC 19.413.040(G) Decision Making Consideration (for legislative amendments). The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:

1. *Statewide planning goals and guidelines.*

FINDINGS: The proposed code language has been reviewed by the Oregon Department of Land Conservation and Development (DLCD), which administers the statewide planning goals and guidelines. The proposed code language is consistent with the goals and guidelines. See comments included as (Exhibits C1 – C3)

2. *Comments from applicable federal or state agencies.*

FINDINGS: The proposed changes are required by FEMA to continue participation in the NFIP. In order to expedite the review process, FEMA has delegated NFIP commenting and review authority to DLCD. The proposed changes were developed with DLCD to ensure compliance with state and federal regulations.

3. *Applicable intergovernmental agencies.*

FINDINGS: The application was routed to Metro on December 31, 2018. Comments will be incorporated into the record prior to the council hearing on January 16, 2019.

4. *Applicable Comprehensive Plan policies.*

FINDINGS: Chapter 7 of the Comprehensive Plan addresses natural hazard areas, including those related to flooding. Policy 1 states:

"Flood Plain Development: Development of flood plain areas will be in accordance with the National Flood Insurance Program guidelines, Metro's Title 3 of the Functional Plan, and the City's Flood Plain Ordinance."

The proposed text amendment will bring the City's flood plain regulations in conformance with national guidelines.

FMC 19.205.020 Criteria (for all amendments). Approval of an ordinance text or map amendment shall be based on finding that it complies with the following criteria:

A. The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.

FINDINGS: The proposed text amendment applies to all properties of special flood hazard and is not site specific. This standard does not apply.

B. The amendment will not be detrimental to the general interests of the community.

FINDINGS: The proposed amendment will allow eligible Fairview residents, businesses, and property owners to purchase flood insurance and receive federal emergency assistance. The amendment will maintain an important natural disaster assistance program and will not be detrimental to the general interests of the community. This standard is met.

C. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

FINDINGS: As discussed above, the proposed amendment complies with Chapter 7 of the Comprehensive Plan which addresses natural hazard areas and flooding. The amendment does not change the underlying zone or allowed uses in those zones. This standard is met.

D. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning."

FINDINGS: The proposed amendment will be applied to all properties with areas of special flood hazard. The text is not site specific and will not result in "spot zoning". This standard is met.

VI. CONCLUSION AND RECOMMENDATIONS

STAFF RECOMMENDATION

Staff recommends approving Ordinance 2-2019 based on the findings included in this report. The planning commission decision will be forwarded to city council for a final decision.

PLANNING COMMISSION ALTERNATIVES

1. Recommend City Council adoption of draft Ordinance 2-2019, with the findings included in the staff report dated December 31, 2018.

2. Recommend City Council adoption of Ordinance 2-2019, with modified planning commission findings.

3. Do not recommend City Council adoption of Ordinance 2-2019, with planning commission findings.

4. Continue the Public Hearing to if additional information is needed.

ORDINANCE
(02-2019)

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTERS 16.05 FLOOD DAMAGE PREVENTION AND 19.105 FLOODPLAIN OVERLAY IN ORDER TO CONTINUE PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, floods are the nation's most common and costly natural disaster; and

WHEREAS, the Federal Emergency Management Agency (FEMA) administers the voluntary National Flood Insurance Program (NFIP) in order to minimize the impact of flooding on local communities by offering affordable flood insurance and setting floodplain regulation standards; and

WHEREAS, the City of Fairview participates in the program to strengthen flood protection regulations and better prevent and respond to hazardous flood events; and

WHEREAS,FEMA has provided an updated Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and updated floodplain regulations; and

WHEREAS, the City is required to adopt and enforce floodplain regulations that match or exceed the federal regulations by February 1, 2019 in order continue participation in the National Flood Insurance Program; and

WHEREAS, the Oregon Department of Land Conservation and Development has reviewed the proposed changes on behalf of FEMA and concluded the changes comply with federal floodplain regulations; and

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 The City adopts the findings as set forth in the staff report dated December 31, 2018 (File No. 2018-79-TA) in support of the Ordinance 2-2019

Section 2 The City adopts Ordinance 2-2019 which removes Fairview Municipal Code Chapter 16.05 Flood Damage Prevention and amends Fairview Municipal Code Chapter 19.105 Floodplain Overlay to include the regulations in 16.05 and meet federal floodplain regulations of the NFIP (Exhibit A2)

Ordinance adopted by the City Council of the City of Fairview, this January day of 16, 2019.

_____
Mayor, City of Fairview

ATTEST

_____ _____

City Recorder, City of Fairview
Devree Leymaster

Date

Chapter 19.105

FLOODPLAIN OVERLAY

Sections:

19.105.010 Purpose.
19.105.020 Definitions.
19.105.0302~~0~~ General provisions.~~Area affected.~~
19.105.0430 Administration. ~~Compliance.~~
~~19.105.040 Procedures.~~
19.105.050 Permitted uses.
19.105.060 Conditional uses.
19.105.070 Prohibited uses.
19.105.0890 General standards for flood hazard reduction ~~Performance standards.~~
19.105.090 Variance and appeal procedure

19.105.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. (Ord. 6-2001 § 1)

19.105.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them their meaning in common usage and give these regulations their most reasonable application/scope.

As used in this chapter, unless the context requires otherwise:

A. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

B. "Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

C. "Area of Special Flooding Hazard" means the land in the flood plain within a community subject to a one percent 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

D. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

E. "Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.

F. "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet (2') 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 four feet (4') at any point.

G. "Breakaway Wall" means a wall not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

H. "City" means the City of Fairview, Oregon.

I. "Council" or "City Council" means the Fairview City Council or such person(s) or entity(ies) designated by that body to perform the appeal or variance review functions given it buy the terms of this Chapter.

J. "Critical Facility" means a facility where a slight chance of flooding may be too great. Critical facilities include:
1. Schools;
2. Nursing homes;
3. Hospitals;
4. Police, fire and other emergency response installations; and
5. Installations producing, using or storing hazardous materials or waste.

K. "Director" means the City's Community Development Director or designate.

L. "DEQ" means the Oregon Department of Environmental Quality.

M. "Development" means any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

N. "DLCD" means the Oregon Department of Land Conservation and Development.

O. "Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

P. "Flood or Flooding" means:
1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters.
   b. The unusual and rapid accumulation or runoff of surface waters from any source.
   c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2.) of this definition and are akin to a river of liquid and flowing mud

on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Q. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

R. "Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

S. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (one foot (1')).

T. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

U. "Manufactured Dwelling" means a structure transportable in one or more sections built on a permanent chassis and designed for use with or without a permanent foundation when attached to required utilities. The term "manufactured dwelling" does not include a "recreational vehicle." The term "manufactured dwelling" is synonymous with the term "manufactured home".

V. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

W. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures .

X. "Recreational Vehicle" means a vehicle which is:
1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Y. "Start of Construction" includes substantial improvement, and means the date the building permit was lawfully issued, provided the actual start of construction, repair, reconstruction,

rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement", the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Z. "State Building Code" means the combined specialty codes.

AA. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

BB. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

CC. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not , however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's designation as a "historic structure".

DD. "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

EE. "Water Dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

~~19.105.020 Area affected.~~
~~This section shall apply to all areas designated as areas of special flood hazard by the federal insurance administration on its current flood hazard boundary map (FHBM), applicable to and including all areas within the boundaries of the city of Fairview or more current information such as Metro flood management maps, if demonstrated to be accurate. (Ord. 6-2001 § 1)~~

19.105.030 **General provisions.**

A. This Chapter applies to all areas of "special flood hazards" within the City as described in subsection (B) below.

B. The areas of "special flood hazard" are those areas identified by the Federal Insurance Administration in a report entitled "*The Flood Insurance Study for the Multnomah County, Oregon and Incorporated Areas*" (dated February 1, 2019) (hereinafter Study) along with accompanying FIRMs. Those documents are adopted by reference and declared to be part of this Chapter. A copy of the Maps and Study are on file in the Office of the Public Works Director. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued.

C. No structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. The City may seek any remedy lawfully available to it to effect compliance and in the event the City is compelled to seek judicial redress for violation(s) of this Chapter, the City shall be entitled to recover its reasonable attorneys and expert witness fees both at trial and on appeal.

D. This Chapter is not intended to repeal, abrogate, or impair existing easements, covenants or deed restrictions. Where these regulations and another local, state or federal law conflict, the more restrictive shall control.

E. If any section clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional, then said holding shall in no way affect the validity of the remaining portions hereof.

F. These regulations shall be considered minimum requirements, liberally construed in favor of the city, and not deemed to either limit or repeal any other powers granted the city by state or federal law or its inherent plenary powers.

G. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

~~**19.105.030 Compliance.**~~
~~No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of Chapter 16.05 FMC. (Ord. 6-2001 § 1)~~

19.105.040 Administration.

A. Development Permit Required. A development permit shall be obtained prior to construction or development within any area of special flood hazard. The permit shall be for all structures and development.

B. Application for Development Permit. Application(s) for a development permit shall be on forms furnished by the city, submitted to the director and include plans in duplicate drawn to scale showing:

1. The nature, location, dimensions and elevations of the development area;
2. Existing and/or proposed structures;
3. Fill;
4. Storage of materials; and
5. Drainage facilities.
6. In addition to the foregoing, the following information is to be provided on the plans at the time application is made:
   a. Elevation of the lowest floor (including basement) of all structures in relation to mean sea level;
   b. Elevation in relation to mean sea level of flood-proofing in any structure;

c. Certification by a registered professional engineer or Oregon licensed architect that flood-proofing methods for nonresidential structure(s) meet the requirements set out in 19.105.080(A)(2); and

d. Description of the extent (if any) to which a watercourse may be altered as a result of the development.

C. Designation and Duties of Floodplain Administrator. The Director is hereby appointed to administer and implement this Chapter by granting or denying development permit applications with its provisions; duties include (but are not limited to) the following:

1. Review of all development permit applications and all resulting permits to ensure compliance with requirements imposed by this chapter;
2. Determine whether appropriate federal, state, and/or local regulatory permits have been obtained;
3. Maintain all records pertaining to the provisions of this chapter for public inspection;
4. Notify adjacent communities, DLCD, and other appropriate state and federal agencies prior to the alteration/relocation of a watercourse and cause the submission of evidence thereof to the Federal Insurance Administration as well as requiring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
5. Make interpretations as to the location of boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal;
6. Determine if the proposed development is located in the floodway. If the proposed development is located in a floodway, ensure the appropriate provisions of 19.105.080 are met;
7. When base flood elevation data has not been provided (A and V Zones), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources in order to administer 19.105.080;
8. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or otherwise, the Director shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures and whether the structure contains a basement; and

9. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in this section :
   a. Verify and record the actual elevation (in relation to mean sea level); and
   b. Maintain flood-proofing certifications required by this section.

10. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.

11. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement under this chapter.

D. Requirement to Submit New Technical Data

1. Notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
2. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing application fees to FEMA.
3. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

~~**19.105.040 Procedures.**~~
~~A development permit shall be obtained before construction or development begins within any area of special flood hazard. Requirements for the permit as well as specific and general standards are outlined in Chapter 16.05 FMC. (Ord. 6-2001 § 1)~~

19.105.050 Permitted uses.
The following uses are permitted outright in accordance with the specific and general standards outlined in this chapter:

A. Excavation and fill required to plant any new trees or vegetation.

B. Restoration or enhancement of floodplains, riparian areas, upland and streams. ~~(Ord. 6-2001 § 1)~~

19.105.060 Conditional uses.
The following uses are permitted conditionally in accordance with the specific and general standards outlined in this chapter:

A. All uses allowed in the base zone or existing flood hazard overlay zone. ~~(Ord. 6-2001 § 1)~~

19.105.070 Prohibited uses.
The following uses are not permitted:

A. Any use otherwise prohibited in the base zone or existing flood hazard overlay zone.

B. Any uncontained area of hazardous materials as defined by DEQ. ~~(Ord. 6-2001 § 1)~~

~~**19.105.090 Performance standards.**~~
~~A. Any development should maintain or increase the capacity of the flood management area.~~

~~B. All fill placed at or below design flood elevation shall be balanced with at least an equal amount of soil material removal.~~

~~C. Excavation of areas that would be filled with water in non-stormwater conditions is not to be counted as part of the floodplain balance referenced in subsection B of this section.~~

~~D. Temporary fills permitted during construction shall be removed in a timely manner. (Ord. 6-2001 § 1)~~

19.105.080 General standards for flood hazard reduction.

A. In all areas of special flood hazards, the following is required:
   1. Anchoring.
      a. All new construction and substantial improvement(s) shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
      b. All manufactured dwellings shall be anchored to prevent flotation, collapse, or lateral movement and installed using methods and practices designed to minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (*see*, FEMA's "Manufactured Home Installation in Flood Hazard Areas").

   2. Construction Materials and Methods.
      a. All new construction and substantial improvement(s) shall be constructed with materials and utility equipment resistant to flood damage;
      b. All new construction and substantial improvement(s) shall be constructed using methods and practices designed to minimize flood damage; and
      c. Electrical, heating, ventilation, plumbing, air-conditioning and other service equipment/facilities shall be designed and/or elevated or located to prevent water from entering or accumulating within the components during flooding.

   3. Utilities.
      a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
      b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
      c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with rules adopted by DEQ.

   4. Subdivision Proposals.
      a. All subdivision proposals shall be consistent with the need to minimize flood damage;
      b. All subdivision proposals shall have public utilities/facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
      c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Where base flood elevation data has not been provided nor available from an authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. Review of Building Permits. Where elevation data is unavailable through the Flood Insurance Study, FIRM or other authoritative source, building permit applications shall be reviewed with the aim of promoting safety from flooding. Use of historical data, high water marks, photographs of past flooding, etc. should be used where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

B. In areas of special flood hazard where base flood elevation data has been provided (Zones A1-30, AH, AE, A and V), the following requirements are to be met:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above the base flood elevation. Fully enclosed areas subject to flooding below the lowest floor are either prohibited or 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
   a. 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;
   b. The bottom of all openings shall be no higher than one foot (1') above grade; and
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

2. Nonresidential Construction. New construction and/or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
   a. Be flood-proofed such 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; and
   c. Be certified by a Oregon 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/or review of the structural design, specifications and plans.

3. Elevated nonresidential structures. All elevated nonresidential structures not flood-proofed and with space below the lowest floor are either prohibited or must 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 be certified by

an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:

a. 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;
b. The bottom of all openings shall be no higher than one foot (1') above grade; and
c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

4. Persons flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot (1') below.)

5. Manufactured Dwellings.
   a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with 19.105.050(B)(1) above;
   b. The bottom of the longitudinal chassis frame beam shall be at or above the BFE;
   c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
   d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

6. Recreational Vehicles.
   Recreational vehicles placed on sites in special flood hazard zones are required to:

   a. Be on the site for fewer than 180 consecutive days; and
   b. Be licensed and ready for highway use on its wheels or jacking system and attached to the site only by quick disconnect type utility and security devices; and
   c. Have no permanently attached additions; or, alternatively,
   d. Meet the requirements for manufactured dwellings in 19.105.080(B)(5) above, including but not limited to the elevation and anchoring requirements for manufactured dwellings.

7. Below-grade crawl spaces.
   Below-grade crawlspaces are allowed subject to standards found in FEMA's Technical Bulletin 11-01 "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*":

   a. The building must be designed and anchored to resist flotation, collapse, and lateral movement as a result of hydrodynamic and/or hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can be addressed through openings described below.
   b. Crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless designed by an Oregon registered/licensed architect or professional engineer.
   c. The crawlspace is an enclosed area below the base flood elevation (BFE) and must have openings equalizing hydrostatic pressures by allowing the automatic

entry and exit of floodwaters with the bottom of each flood vent opening no more than one foot (1') above the lowest adjacent exterior grade.

d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

e. Any building utility systems within the crawlspace must be elevated above BFE or designed so floodwaters cannot enter or accumulate within the system components. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.

g. The height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet (4') at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas.

h. There must be a drainage system providing for removal of floodwaters from the interior area of the crawlspace such that the area is drained within a reasonable time after a flood event. The system will vary as a result of the site gradient and other drainage characteristics. Possible options include natural drainage through porous, well-drained soils and installation of drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone top allow for drainage by gravity or mechanical means.

i. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace. For velocities in excess of five feet (5') per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

8. Floodway Not Established. Where a regulatory floodway has not been designated, no new construction, substantial improvement(s) or other development (including fill) is permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect(s) of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City.

9. Floodway Established. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply to areas designated as floodways.

   a. No encroachments (including fill), new construction, substantial improvement(s) and other development shall occur unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments will not result in any increase in base flood or floodway elevations during a base flood discharge.

   b. If 19.105.080(B)(9)(a) above is satisfied, all new construction and substantial improvement(s) shall comply with all applicable flood hazard reduction provisions.

c. Manufactured dwellings may be located in floodways only under the following circumstances:
   i. If there is an existing manufactured dwelling, placement was permitted at the time of the original installation and its continued use is not a threat to life, health, property, or the general welfare of the public; or
   ii. A new manufactured dwelling is replacing an existing one where the original placement was permitted at the time and the replacement will not be a threat to life, health, property or the general welfare of the public; and
   iii. The location of the dwelling meets all the following:
      A. Demonstration that the manufactured dwelling and any accessory building(s), structure(s) or other improvement(s) will not result in any increase in flood levels during the occurrence of a base flood discharge;
      B. The replacement dwelling and any accessory building(s)/structure(s) are elevated so that the bottom of the longitudinal chassis frame beam is at or above the BFE;
      C. The replacement dwelling is placed, anchored and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City;
      D. The replacement dwelling, its foundation supports and any accessory building(s)/structure(s) or property improvement(s) do not displace water so as to cause a rise in water level or divert water in a manner likely to cause erosion/damage to other properties;
      E. The replacement dwelling is appropriately zoned; and
      F. Location of the replacement dwelling will not violate any other local, state or federal law.

10. Shallow Flooding Areas.
The following restrictions apply in Shallow Flooding Areas:

a. New construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot (1') above the depth number specified on the FIRM and at least two feet (2') if no depth number is specified.
b. New construction and substantial improvements of nonresidential structures shall either:
   i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified); or
   ii. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level such that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
d. Recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days, and

ii. 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 have no permanently attached additions; or

iii. Meet the elevation and anchoring requirements for manufactured dwellings set out above.

11. Critical Facilities.

a. Construction of new critical facilities shall, to the extent possible, be located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).

b. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the facility should be protected to the height noted. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

19.105.090 Variance and appeal procedure.

All variance requests are processed by the city according to the specifications set forth below.

A. The planning commission shall hear and decide requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination by the Planning Commission in the enfocement or administration of this chapter.

C. These aggrieved by a decision of the planning commission who have standing in the land use procedure may appeal such decision to the city council.

D. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in subsections (E)-(N) below have been fully considered. As the lot size increases the technical justification for issuing the variance increases.

E. In reviewing an application for variance to the floodplain standards, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of any proposed development and its contents to flood damage and the impact of such damage on the owner(s) thereof;
4. The importance of services provided by the proposed development facility to the City and community;

5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative location(s) for the proposed use not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

F. Variances may be issued for reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to procedures set forth in this section.

G. Variances may not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

H. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

I. Variances will only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of the variance will not result in increased flood heights, additional threat(s) to public safety, extraordinary public expense, creation of a nuisance, cause fraud on or victimization of the public nor otherwise conflict with existing local laws or regulations.

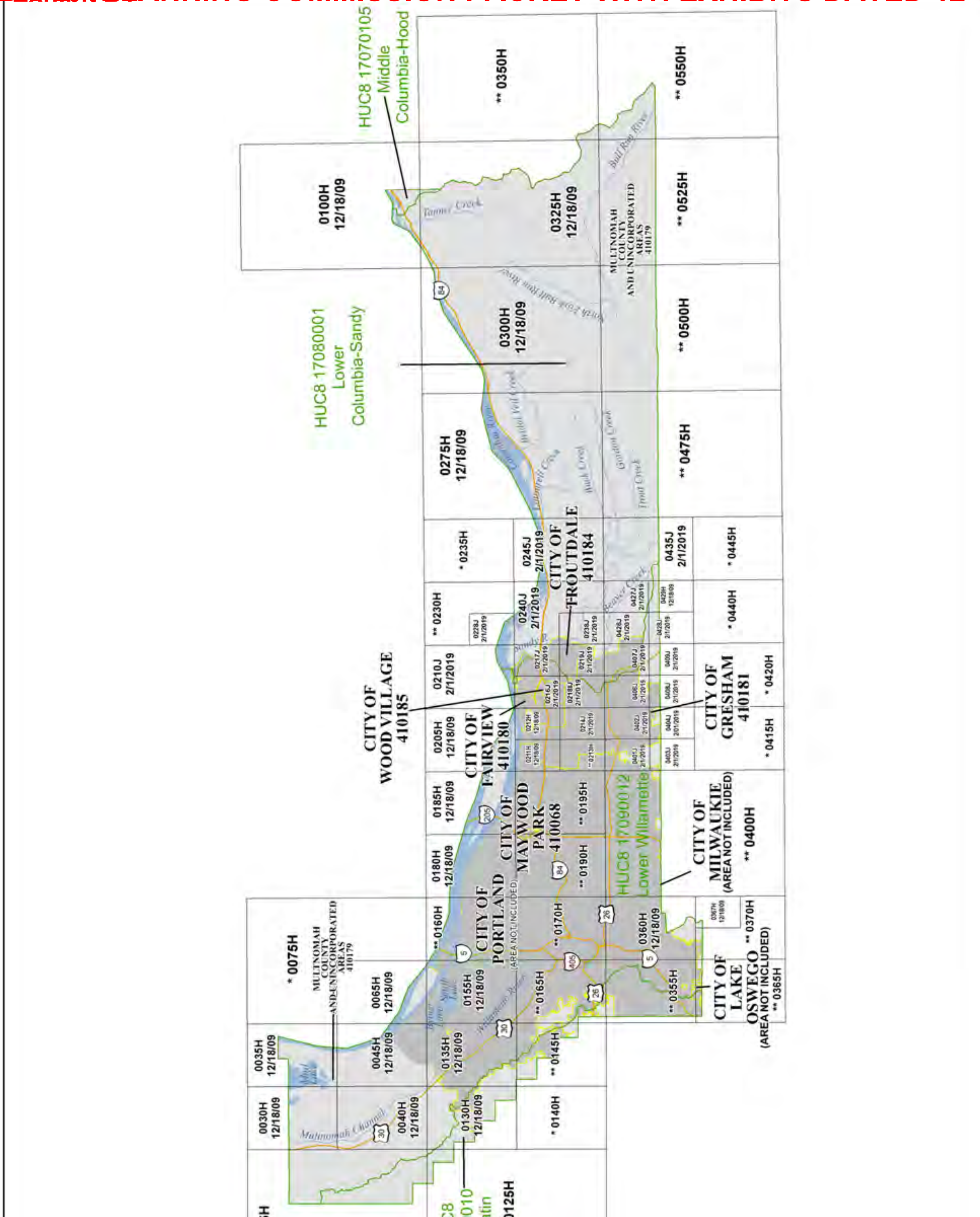
J. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

K. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 19.105090(D) and otherwise complies with 19.105.080.

L. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

M. Upon consideration of the factors of subsection (E) above, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

N. The local floodplain administrator/Director shall maintain records of all appeal actions and report and variances to the Federal Insurance Administration upon request.



ATTENTION: The corporate limits shown on this FIRM Index are based on the best information available at the time of publication. As such, they may be more current than those shown on FIRM panels issued before February 1, 2019.

1 inch = 25,000 feet 1:300,000

0 7,000 14,000 28,000 42,000 56,000 Feet

Map Projection:
Universal Transverse Mercator Zone 10 North;
North American Datum 1983

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - AREA OUTSIDE COUNTY BOUNDARY
** PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

MULTNOMAH COUNTY, OREGON and Incorporated Areas

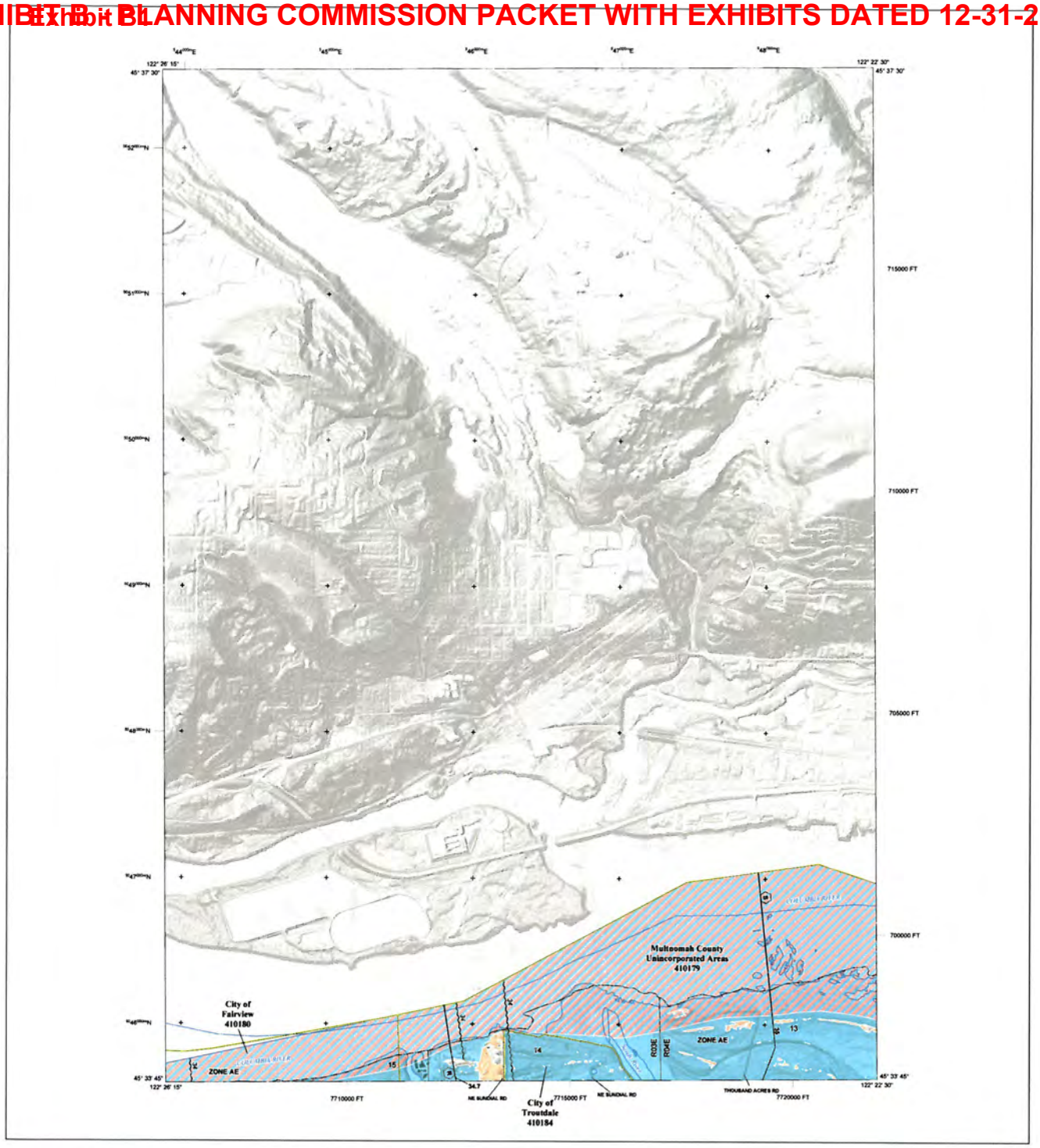
PANELS PRINTED:

0030, 0035, 0040, 0045, 0065, 0100, 0130, 0135, 0155, 0180, 0185, 0205, 0210, 0211, 0212, 0214, 0216, 0217, 0218, 0219, 0228, 0238, 0240, 0245, 0275, 0300, 0325, 0360, 0367, 0401, 0402, 0403, 0404, 0406, 0407, 0408, 0409, 0426, 0427, 0428, 0429, 0435

FEMA

MAP NUMBER
41051CIND0B

MAP REVISED
February 1, 2019



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

	Without Base Flood Elevation (BFE) *Zone A, V, 499*
SPECIAL FLOOD HAZARD AREAS	**With BFE or Depth** *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
	Future Conditions 1% Annual Chance Flood Hazard *Zone X*
OTHER AREAS OF FLOOD HAZARD	**Area with Reduced Flood Risk due to Levee See Notes.** *Zone X*
ISO SCREEN	**Areas Determined to be Outside the 0.2% Annual Chance Floodplain** *Zone X*
OTHER AREAS	**Area of Undetermined Flood Hazard** *Zone D*
	Channel, Culvert, or Storm Sewer
	Accredited or Provisionally Accredited Levee, Dike, or Floodwall
GENERAL STRUCTURES	**Non-accredited Levee, Dike, or Floodwall**
E 18.2 17.8	**Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)**
B	**Coastal Transect**
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
513	**Base Flood Elevation Line (BFE)**
	Limit of Study
OTHER FEATURES	**Jurisdiction Boundary**

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These maps be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was developed and/or compiled in digital format by the Oregon Department of Geology and Mineral Industries (DOGAMI). Data sources include DOGAMI, Oregon Lidar Consortium, Bureau of Land Management, U. S. Geological Survey, and Metro. Base map information was rectified to 3-foot resolution lidar topographic data acquired on December 31, 2010, where available.

SCALE

Map Projection:
NAD 1983 UTM Zone 10N;
Western Hemisphere, Vertical Datum: NAVD 88

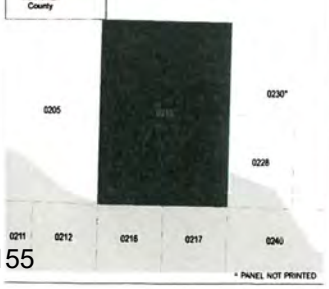
N

1 inch = 1,000 feet 1:12,000

0 1,000 2,000 4,000 Feet

0 255 510 1,020 Meters

PANEL LOCATOR



* PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

MULTNOMAH COUNTY, OREGON
and Incorporated Areas

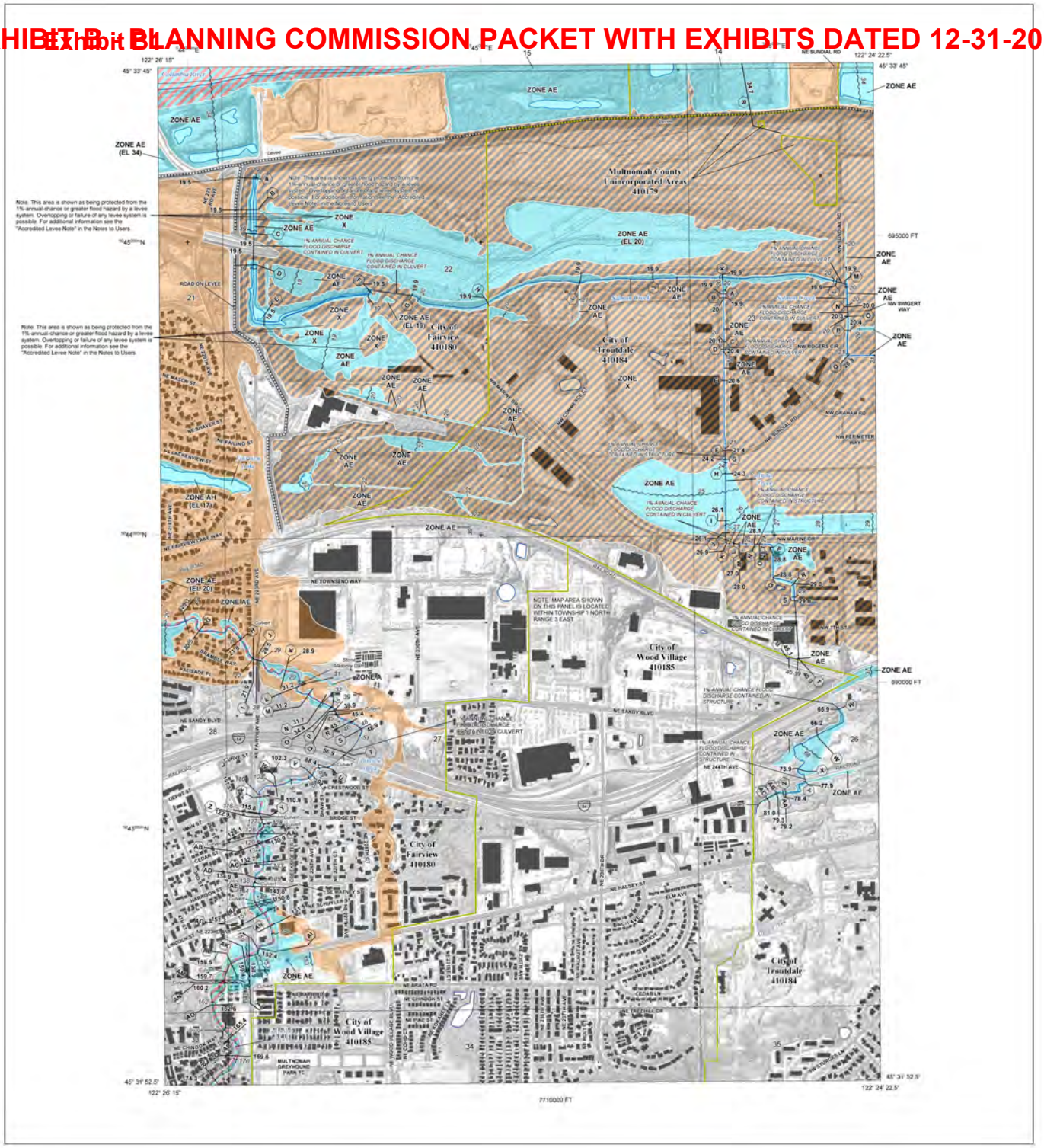
PANEL 210 OF 550

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRVIEW, CITY OF	410180	0210	J
MULTNOMAH COUNTY	410179	0210	J
TROUTDALE, CITY OF	410184	0210	J

VERSION NUMBER
2.4.2.1

MAP NUMBER
4105100210J

EFFECTIVE DATE
FEBRUARY 1, 2019



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS	NO SCREEN Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Accredited or Provisionally Accredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike, or Floodwall
	(E) 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	(B) Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historical versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA Map Service Center website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number noted above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was derived and/or compiled in digital format by the Oregon Department of Geology and Mineral Industries (DOGAMI). Data sources include DOGAMI, Oregon Lidar Consortium, Bureau of Land Management, U. S. Geological Survey, and Metro. Base map information was rectified to 3-foot resolution lidar topographic data, adopted for December 31, 2010, where available.

ACCREDITED LEVEE NOTES TO USERS:

Check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection for areas on this panel. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance, and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at http://www.fema.gov/business/nfip/index.shtm.

SCALE

Map Projection:
NAD 1983 UTM Zone 10N
Western Hemisphere, vertical Datum: mean 0 ft

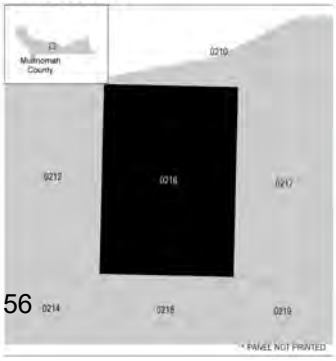
N

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



* PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

MULTNOMAH COUNTY, OREGON

and Incorporated Areas

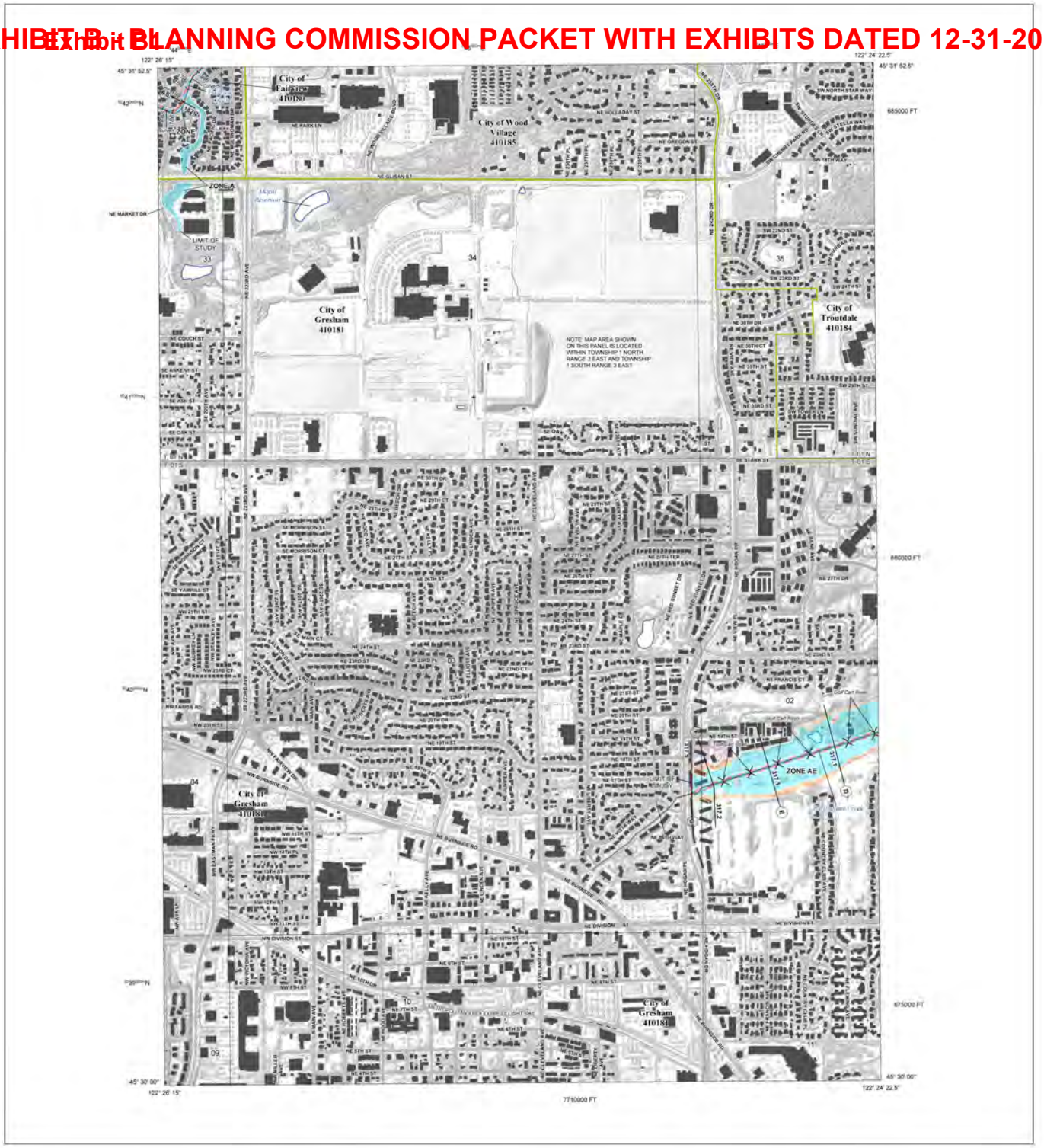
PANEL 216 OF 550

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRVIEW, CITY OF	410180	0216	J
MULTNOMAH COUNTY	410179	0216	J
TROUTDALE, CITY OF	410184	0216	J
WOOD VILLAGE, CITY OF	410185	0216	J

VERSION NUMBER
2.4.2.1

MAP NUMBER
41051C0216J

EFFECTIVE DATE
FEBRUARY 1, 2019



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS	NO SCREEN Areas Determined to be Outside the 0.2% Annual Chance Floodplain Zone X
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Accredited or Provisionally Accredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike, or Floodwall
	(E) 16.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	(B) Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historical versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

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For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base flood information shown on this FIRM was developed and/or compiled in digital format by the Oregon Department of Geology and Mineral Industries (DOGAMI). Data sources include DOGAMI, Oregon Lidar Consortium, Bureau of Land Management, U. S. Geological Survey, and Metro. Base map information was rectified to 3-foot resolution, site topographic data, adopted on December 31, 2010, where available.

SCALE

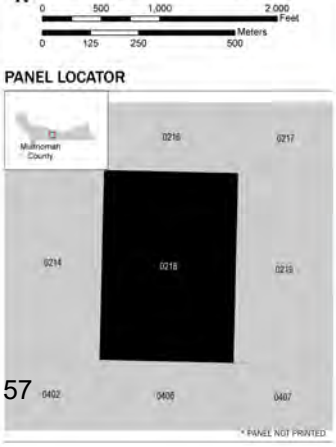
Map Projection:
NAD 1983 UTM Zone 10N
Horizontal Datum: North American Datum of 1983

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



* PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

MULTNOMAH COUNTY, OREGON
and Incorporated Areas

PANEL 218 OF 550

FEMA

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRVIEW, CITY OF	410180	0218	J
GRESHAM, CITY OF	410181	0218	J
TROUTDALE, CITY OF	410184	0218	J
WOOD VILLAGE, CITY OF	410185	0218	J

VERSION NUMBER
2.4.2.1

MAP NUMBER
41051C0218J

EFFECTIVE DATE
FEBRUARY 1, 2019

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more **detailed** information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Zone (FIPS zone 3601). The **horizontal datum** was NAD 83, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the **same vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from multiple sources. Base map files were provided in digital format by Multnomah County, City of Gresham, City of Portland, State of Oregon, and USDA. This information was compiled at various map scales during the time periods of 2010 - 2018.

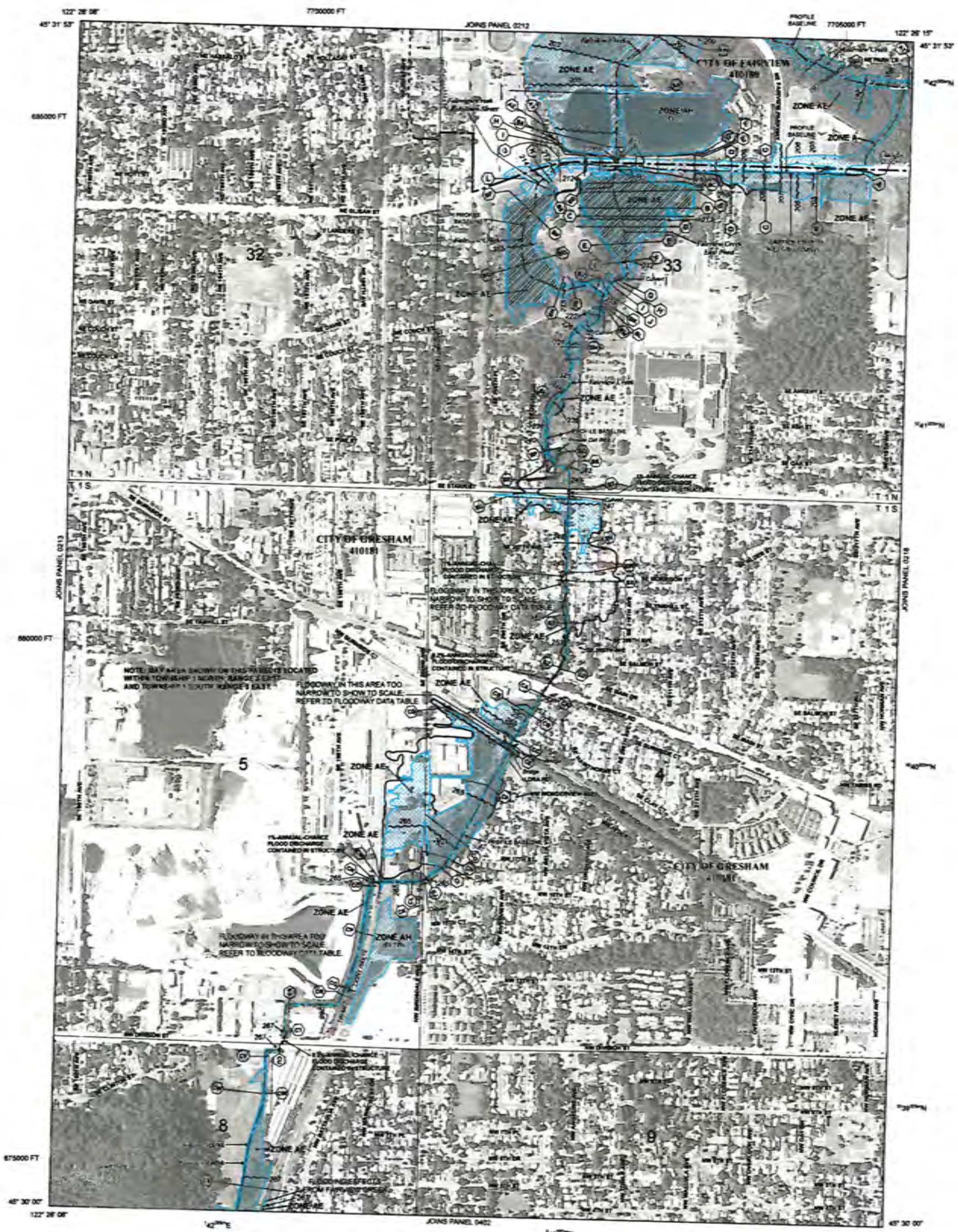
The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the **profile baseline**, in some cases, may deviate significantly from the channel centerline or appear outside the SFHA.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://msc.fema.gov.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call the **FEMA Map Information eXchange (FMIX)** at **1 - 877 - FEMA - MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/business/nfip/.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% Annual Chance Floodplain Boundary
	0.2% Annual Chance Floodplain Boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
~~ 513 ~~~	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)——(A)	Cross section line
(23)- - - -(23)	Transect line
45° 02' 08", 93° 02' 12"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
2100000 FT	5000-foot ticks: Oregon State Plane North Zone (FIPS Zone 3601), Lambert Conformal Conic projection
5000000 N	1000-meter Universal Transverse Mercator grid values, zone 10N
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
December 18, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
December 21, 2018

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET
150 0 150 300 METERS

NFIP

PANEL 0214J

FIRM
FLOOD INSURANCE RATE MAP
MULTNOMAH COUNTY, OREGON
AND INCORPORATED AREAS

PANEL 214 OF 550
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRVIEW, CITY OF	410180	0214	J
GRESHAM, CITY OF	410181	0214	J

NATIONAL FLOOD INSURANCE PROGRAM

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
41051C0214J

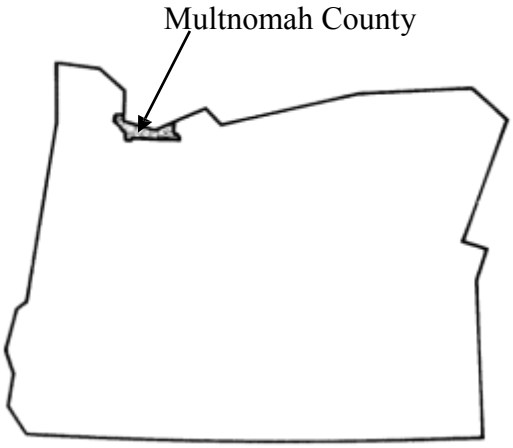
MAP REVISED
FEBRUARY 1, 2019

Federal Emergency Management Agency

FLOOD INSURANCE STUDY

Volume 1 of 2

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS



COMMUNITY NAME	COMMUNITY NUMBER
FAIRVIEW, CITY OF	410180
GRESHAM, CITY OF	410181
*MAYWOOD PARK, CITY OF	410068
MULTNOMAH COUNTY UNINCORPORATED AREAS	410179
TROUTDALE, CITY OF	410184
*WOOD VILLAGE, CITY OF	410185

*No Special Flood Hazard Data

REVISED: FEBRUARY 1, 2019

Federal Emergency Management Agency

Flood Insurance Study Number

41051CV001B

NOTICE TO
FLOOD INSURANCE STUDY USERS

Communities participating in the National Flood Insurance Program have established repositories of flood hazard data for floodplain management and flood insurance purposes. This Flood Insurance Study (FIS) report may not contain all data available within the Community Map Repository. Please contact the Community Map Repository for any additional data.

The Federal Emergency Management Agency (FEMA) may revise and republish part or all of this FIS report at any time. In addition, FEMA may revise part of this FIS report by the Letter of Map Revision process, which does not involve republication or redistribution of the FIS report. Therefore, users should consult with community officials and check the Community Map Repository to obtain the most current FIS report components.

This preliminary FIS report does not include unrevised Floodway Data Tables or unrevised Flood Profiles. These Floodway Data Tables and Flood Profiles will appear in the final FIS report.

Initial Countywide FIS Effective Date: December 18, 2009
Revised Countywide Date: February 1, 2019

TABLE OF CONTENTS
Volume 1 – February 1, 2019

1.0 INTRODUCTION 1
1.1 Purpose of Study 1
1.2 Authority and Acknowledgments 1
1.3 Coordination 5

2.0 AREA STUDIED 6
2.1 Scope of Study 6
2.2 Community Description 18
2.3 Principal Flood Problems 25
2.4 Flood Protection Measures 27

3.0 ENGINEERING METHODS 31
3.1 Hydrologic Analyses 31
3.2 Hydraulic Analyses 40
3.3 Vertical Datum 45

4.0 FLOODPLAIN MANAGEMENT APPLICATIONS 46
4.1 Floodplain Boundaries 46
4.2 Floodways 48

5.0 INSURANCE APPLICATIONS 83

6.0 FLOOD INSURANCE RATE MAP 84

7.0 OTHER STUDIES 87

8.0 LOCATION OF DATA 87

9.0 BIBLIOGRAPHY AND REFERENCES 87

FIGURES

Volume 1 – February 1, 2019 (continued)

Figure 1 - FIRM Index……...11
Figure 2 - FIRM Note to Users……...12
Figure 3 - FIRM Legend……14
Figure 4 - Floodway Schematic……..49

TABLES

Table 1 - Initial and Final CCO Meetings……...5
Table 2 - Limits of Detailed Study……6
Table 3 - Approximate Studies……9
Table 4 - Community Map Repositories……18
Table 5 - Regulatory Effect of Flood-Control Reservoirs……...29
Table 6 - Summary of Elevations……32
Table 7 - Summary of Discharges……..36
Table 8 - Roughness Coefficients (Manning's "n" Values)……45
Table 9 -Vertical Datum Conversions……46
Table 10 - Floodway Data……50
Table 11 - Flood Insurace Zones Within Each Community……..84
Table 12 - Community Map History……85
Table 13 - Listing of NFIP Jurisdictions……...86

EXHIBITS

Exhibit 1 - Flood Profiles — Panels

Beaver Creek	01P-04P
Brick Creek	05P
Burlingame Creek	06-P
Columbia River	07P – 12P
Fairview Creek	13P – 24P
Fairview Creek - East Pond	25P
Fairview Creek – NE Glisan Street Overflow	26P – 27P
Hogan Creek	28P – 30P
Johnson Creek	31P – 49P

EXHIBITS

Volume 2 – February 1, 2019

Exhibit 1 - Flood Profiles (continued)

Johnson Creek City Park Side Channel	50P
Johnson Telford Split Flow	51P
Kelley Creek	52P– 56P
Kelly Creek	57P – 60P
MacDonald Creek	61P
Multnomah Channel	62P – 63P
North Fork Johnson Creek	64P – 66P
North Fork Johnson Creek Split Flow	67P
Sandy River	68P – 71P
Sunshine Creek	72P
Unnamed Tributary to Rock Creek	73P
Willamette River	74P – 75P

PUBLISHED SEPARATELY

Exhibit 2 - Flood Insurance Rate Map Index
Flood Insurance Rate Map

FLOOD INSURANCE STUDY
MULTNOMAH COUNTY AND INCORPORATED AREAS

1.0 INTRODUCTION

1.1 Purpose of Study

This Flood Insurance Study revises and updates information on the existence and severity of flood hazards in the geographic area of Multnomah County, including the Cities of Fairview, Gresham, Maywood Park, Troutdale and Wood Village, Oregon; and the unincorporated areas of Multnomah County (referred to collectively herein as Multnomah County), and aids in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. This study has developed flood-risk data for various areas of the community that will be used to establish actuarial flood insurance rates and to assist the community in its efforts to promote sound floodplain management. Minimum floodplain management requirements for participation in the National Flood Insurance Program (NFIP) are set forth in the Code of Federal Regulations at 44 CFR, 60.3.

This Flood Insurance Study (FIS) revises and updates a previous FIS/Flood Insurance Rate Map for Multnomah County, Oregon. This information will be used by Multnomah County, Oregon to update existing floodplain regulations as part of the Regular Phase of the National Flood Insurance Program (NFIP). The information will also be used by local and regional planners to further promote sound land use and floodplain development.

Please note that the City of Portland is geographically located in Multnomah, Clackamas, and Washington Counties. The City of Portland is included in its own FIS report 410183V000B dated November 26, 2010. The cities of Milwaukie and Lake Oswego are covered in the Clackamas County FIS report dated January 18, 2019. The City of Maywood Park have no SFHA. This does not preclude futuredeterminations of Special Flood Hazard Areas (SFHA) that could be necessitated bychanged conditions affecting the community (i.e., annexation of new lands) for theavailability of new scientific or technical data about flood hazards.

In some states or communities, floodplain management criteria or regulations may exist that are more restrictive or comprehensive than the minimum Federal requirements. In such cases, the more restrictive criteria take precedence and the State (or other jurisdictional agency) will be able to explain them.

1.2 Authority and Acknowledgments

The sources of authority for this FIS are the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.

Pre-Countywide Analyses

The hydrologic and hydraulic analyses for the initial study of the City of Gresham were performed by the U.S. Army Corps of Engineers (USACE), Portland District, for the Federal Emergency Management Agency (FEMA), under Inter-Agency Agreement Nos. IAA-H-16-75 and IAA-H-7-76, Project Order Nos. 16 and 1, respectively. This work, which was completed in June 1977, covered all significant flooding sources affecting the City of Gresham. Additional analyses for this study were performed by the USACE, Portland District, for Multnomah County, Oregon. Information on Fairview Creek was incorporated into this study.

The hydrologic and hydraulic analyses for the unincorporated areas were performed by the U.S. Army Corps of Engineers (USACE), Portland District, for FEMA, under Inter-Agency Agreement Nos. IAA-H-16-75, IAA-H-7-76, and IAA-H-10-77, Project Order Nos. 14, 1, and 23, respectively. This study was completed in July 1980.

Hydraulic analyses for Johnson Creek were revised in January 1983 by the USACE, Portland District, to reflect channel improvements between River Miles 6.8 to 7.3. Hydrologic analyses within Multnomah County Drainage District No. 1 were revised in a July 1984 report titled Multnomah Drainage District No. 1 Hydrology Study (Fairview Recorder, 1983).

The hydrologic and hydraulic analyses for the City of Fairview were performed by the U.S. Army Corps of Engineers (USACE), Portland District, for the Federal Emergency Management Agency (FEMA), under Inter-Agency Agreement No. EMW-E-1153, Project Order No. 1, Amendment No. 21. This study was completed in May 1985.

The hydrologic and hydraulic analyses of Sandy River and the lower reach of Beaver Creek within the City of Troutdale were performed by U.S. Army Corps of Engineers (USACE), Portland District, for the Federal Emergency Management Agency (FEMA), under Inter-Agency Agreement No. IAA-EMW-E-1153, Project Order No. 1, Amendment No. 21. The analyses for the two upper reaches of Beaver Creek were performed by the USACE for the Flood Insurance Study for the City of Gresham, Oregon (2). This study was completed in November 1985. Hydrologic and hydraulic analyses for Sandy River and Beaver Creek that were performed by the U.S. Soil Conservation Service (SCS) in October 1977 (Fairview Recorder, 1983) were adjusted by the USACE to produce this study.

In 1985, additional USACE approximate analyses were added for Fairview Creek along the northern corporate limits of Gresham.

In 1988, the USACE revised the reach of Fairview Creek from a point located approximately 2,200 feet upstream of Barr Street upstream to NE. Glisan Street to

incorporate changes made in topography and removal of culverts and to model a split flow that would occur on the upstream side of and east of NE Glisan Street.

In 1988, the USACE performed a revised study to upgrade the approximate analysis for Fairview Creek to a detailed study for the reach from approximately 1,000 feet downstream of Northeast Glisan Street to about 2,400 feet upstream m of Southeast Division Street. The revised study was authorized under Inter-Agency Agreement No. EMW-E-2549, Project Order No. 9.

In 1995, the USACE revised the reach of Fairview Creek from Bridge Street to Fairview Lake. The hydraulic analysis was performed under Contract No. EMW-90-E-3286. The analysis supporting the revision was completed in June 1991.

In February 1996, the USACE revised a portion of Kelly Creek from the Mount Hood Community College (MHCC) dam upstream to Southeast Division Street. The revised analysis was performed by the USACE, Portland District, for FEMA, under Inter-Agency Agreement No. EMW-91-E-3529, Project Order No. 8A. The analysis supporting the revision was completed in June 1992.

The Beaver Creek study was revised on August 3, 1998 to add detailed flood information, including the adoption of a regulatory floodway, from just upstream of Jackson Park Road to approximately 200 feet downstream of Southeast Stark Street. The analyses supporting this revision were performed by the USACE, Portland District, for FEMA, under Contract No. EMW-94-E-4432, and was completed in April 1995.

The Kelly Creek study was revised on May 2, 2002 to show modifications to flood hazards along an approximate 3-mile reach from the crossing at NE Division Street upstream to approximately 600 feet upstream of 282nd Street. The hydrologic and hydraulic analyses for the restudy were performed by Odgen Beeman and Associates, Inc., for the Federal Emergency Management Agency (FEMA), under contract No. EMS-96-CO-0078-TA05. This study was completed in September 1998. Water-surface elevations immediately upstream of Kane Road and the Kelly Creek Storm Water Detention Facility were adjusted by FEMA in October 2000 utilizing data approved by the City of Gresham.

December 18, 2009
The Initial Countywide FIS Report

The countywide update was performed by WEST Consultants, Inc. for FEMA, under Contract No. EMS-2001-CO-0068 and was completed in August 2008 (FEMA, 2009).

This update combined the Flood Insurance Rate Maps and Flood Insurance Study reports for Multnomah County and incorporated communities into the countywide format. Under the countywide format, Flood Insurance Rate Map panels have been

produced using a single layout format for the entire area within the County instead of separate layout formats for each community. The single-layout format facilitates the matching of adjacent panels and depicts the flood-hazard area within the entire panel border, even in areas beyond a community's corporate boundary line. In addition, under the countywide format, this single Flood Insurance Study report provides all Flood Insurance Study information and data for the entire County area.

This Physical Map Revision

For this Physical Map Revision (PMR) base map information shown on the Flood Insurance Rate Map (FIRM)was derived developed and/or compiled in digital format by the Oregon Department of Geology and Mineral Industries (DOGAMI). Data sources include DOGAMI, Oregon Lidar Consortium, Oregon Geospatial Data Clearinghouse, Bureau of Land Management U.S. Geological Survey, Oregon Department of Transportation, Oregon Department of Fish and Wildlife, Metro, the City of Troutdale, and the City of Gresham. Base map information was rectified to 3-foot resolution lidar topographic data acquired in 2007, 2010, and 2011, where available.

This PMR includes a revision for the City of Gresham was performed by WEST Consultants, Inc. for the City of Gresham, under Contract No. 5237 and was completed in September 2012.

The City of Gresham study covers the geographic area of the City of Gresham and portions of unincorporated Multnomah County, Oregon, within the Urban Growth Boundary for the City of Gresham. The areas studied by detailed methods in the City of Gresham and unincorporated Multnomah County were selected with priority given to all known flood hazards and areas of projected development as of 2010. Table 2 was updated to reflect the streams studied in detail and their included segments.

Approximate analyses were used to study those areas having a low development potential or minimal flood hazards. The scope and methods of study were proposed to, and agreed upon, by the City of Gresham and FEMA. Table 3 was updated to reflect the streams and their included segments studied by approximate methods.

This PMR also includes a revision for the Lower Columbia -Sandy Watershed study performed by STARR under contract HSFE60-09-D-0370.

The Lower Columbia-Sandy Watershed study covers the geographic area within the Lower Columbia -Sandy HUC watershed. This study performed new detailed modeling on a portion of Beaver Creek, Burlingame Creek, Kelly Creek, Sandy River; new approximate modeling on Beaver Creek and Sandy River; and redelineation on a portion of Beaver Creek and Columbia River. Tables 2 and 3 were updated to reflect the updated segments.

1.3 Coordination

An initial meeting is held with representatives from FEMA, the community, and the study contractor to explain the nature and purpose of a FIS, and to identify the streams to be studied or restudied. A final meeting is held with representatives from FEMA, the communities, and the study contractor to review the results of the study.

The initial and final meeting dates for previous FIS reports for Multnomah County and its communities are listed in the following table:

Table 1 - Initial and Final CCO Meetings

Community	FIS Date	Initial Meeting	Final Meeting
Fairview, City of	September 1982	May 28, 1985 July 14, 1988	September 3,1986 April 19, 1990 April 28, 1994 May 5, 2016
Gresham, City of	March 5, 1975	July 14, 1988	July 13, 1978 December 14, 1989 May 3, 2001 July 30, 2013
Multnomah County, Unincorporated Areas	November 8, 1974	May 13, 1979	July 20, 1981 May 5, 2016
Troutdale, City of	September 1982	November 24, 1986	November 24, 1987 May 5, 2016

December 18, 2009
The Initial Countywide FIS Report

An initial community coordination meeting for Multnomah County was held on December 14, 2005. This meeting was attended by representatives of the, cities and county. State of Oregon, FEMA and WEST Consultants. The results of the study were reviewed at the final Consultation Coordination Officer (CCO) meeting held on November 18, 2008, and attended by representatives of City of Fairview, City of Gresham, City of Troutdale, Multnomah County, FEMA, Department of Land Conservation and Development and WEST Consultants. All problems raised at that meeting have been addressed in this study.

This Physical Map Revision

An initial community coordination meeting for the City of Gresham PMR was held on November 4, 2009. This meeting was attended by representatives of the City of Gresham, Multnomah County, and WEST Consultants. The results of the study were reviewed at the final Consultation Coordination Officer (CCO) meeting held on July 30, 2013 and attended by representatives of FEMA, the City of Gresham, Multnomah County and State of Oregon. All problems raised at that meeting have been addressed in this study.

The results of the Lower Columbia-Sandy Watershed study were reviewed at the final meeting held on May 5, 2016, and attended by representatives of FEMA, Multnomah County, and the cities of Troutdale, Gresham, and Portland. All issues and/or concerns raised at the meeting have been addressed.

2.0 AREA STUDIED

2.1 Scope of Study

This Flood Insurance Study covers the geographic area of Multnomah County, Oregon, including the incorporated communities listed in Section 1.1.

The areas studied by detailed methods were selected with priority given to all known flood hazards and areas of projected development or proposed construction through June 2013.

The limits of detailed study are indicated on the Flood Profiles (Exhibit 1) and on the FIRM (Exhibit 2).

The following streams were studied by detailed methods in this FIS report:

Table 2 – Limits of Detailed Study

Stream Name	Limits of Detailed Study
Beaver Creek	From confluence with Sandy River upstream to RM 3.6 Note: The reach of Beaver Creek from RM 3.3 (Cochrane Road) To RM 3.6 was studied by STARR in 2016.
Brick Creek	From confluence with Johnson Creek to approximately 700 feet upstream of Southeast 242nd Avenue.
Burlingame Creek	From confluence with Kelly Creek to NE Hogan Rd, studied by STARR in 2016

Table 2 – Limits of Detailed-Study (continued)

Stream Name	Limits of Detailed Study
Columbia River	From the Multnomah-Columbia County Limits to approximately RM 126.5
Fairview Creek	From its mouth upstream to RM 5.6 Note: The reach of Fairview Creek from approximately 1,000 feet downstream of Northeast Glisan Street to approximately 2,400 feet upstream of Southeast Division Street, a distance of approximately 2.6 miles, was restudied by the Corps in 1988. Note: The reach of Fairview Creek from Northeast Glisan Street to West Powell Boulevard., a distance of approximately 3.3 miles, was restudied by WEST Consultants, Inc. in 2012
Fairview Creek- East Pond	From its divergence from Fairview Creek to its confluence with Fairview Creek
Fairview Creek - Northeast Glisan Street Overflow	From upstream end of culvert at Northeast Glisan Street to its overflow of Northeast Glisan Street near the intersection of Northeast West Pond Drive
Hogan Creek	From Southeast Butler Road to Southeast 46th Drive
Johnson Creek	From the Multnomah-Clackamas County boundary near 82nd Avenue upstream to Southeast Pleasant Home Road Note: The reach of Johnson Creek from the City of Gresham Corporate Limits to the City of Gresham Urban Growth Boundary, a distance of approximately 8.0 miles was restudied by WEST Consultants, Inc. in 2012
Johnson Creek City Park Side Channel	From its divergence from Johnson Creek to its confluence with Johnson Creek.
Johnson Creek Telford Split Flow	From its divergence from Johnson Creek to its confluence with Johnson Creek
Kelley Creek	From City of Gresham Urban Growth Boundary to City of Gresham corporate limits
Kelly Creek	From confluence with Beaver Creek to approximately 1600 feet upstream of 282nd Avenue, restudied by STARR in 2016

Table 2 – Limits of Detailed-Study (continued)

Stream Name	Limits of Detailed Study
MacDonald Creek	From confluence with Johnson Creek to Multnomah/Clackamas County boundary
Multnomah Channel	From the Multnomah-Columbia County boundary to its divergence from the Willamette River
North Fork Johnson Creek	From confluence with Johnson Creek to Southeast 282nd Avenue
North Fork Johnson Creek Split Flow	From its divergence from North Fork Johnson Creek to it confluence with North Fork Johnson Creek
Ponding	Within Multnomah Drainage District No. 1
Sandy River	From its mouth to RM 6.17, restudied by STARR in 2016
Sunshine Creek	From confluence with Johnson Creek to Multnomah/Clackamas County boundary
Unnamed Tributary to Rock Creek	From the Multnomah - Washington County boundary near Germantown Road to a point approximately 0.5 miles east
Willamette River	From its mouth to the Multnomah/Clackamas County boundary

Approximate analyses were used to study those areas having a low development potential or minimal flood hazards. The scope and methods of study were proposed to, and agreed upon, by FEMA, Multnomah County and the incorporated communities listed in Section1.1. Table 3 lists the streams and their included segments studied by approximate methods:

Table 3. Approximate-Study Streams

Stream Name	Limits of Approximate Study
Arata Creek	Between the downstream corporate limits at Marine Drive and the upstream corporate limits (western edge) west of Arata School and the Edgefield McMenamins' golf course
Beaver Creek	From Troutdale Corporate limits to approximately 1350 feet upstream from Division Drive culvert
Brigman Creek	From confluence with Johnson Creek to upstream end of Persimmon Golf Course
Butler Creek	Individual areas in the following locations: upstream of Southwest 14th Drive, along Southwest Binford Lake Parkway, and within Butler Creek Park Note: The Reach of Butler Creek from its confluence with Johnson Creek to the northward extension of Rodlun Road was restudied by WEST Consultants, Inc. in 2012
Columbia River	From the Limit of detailed study to the Multnomah-Hood River County Boundary
Fairview Creek Right Bank Overflow	From its confluence with Fairview Creek to Northeast Glisan Street
Kelley Creek	From the City of Portland Corporate limits to 190th Avenue and from approximately 1,000 feet downstream of Northeast Kane Road to Northeast Kane Road. Note: The Reach of Kelley Creek between the City of Gresham corporate limits to the Multnomah/Clackamas County boundary was restudied by WEST Consultants, Inc. in 2012.
Kelley Creek – Tributary 1	From confluence with Kelley Creek to Multnomah/Clackamas County boundary
Kelley Creek – Tributary 2	From confluence with Kelley Creek Tributary 1 to approximately 400 feet upstream of City of Gresham corporate limits
Kelley Creek – Tributary 3	From confluence with Kelley Creek to approximately 2,000 feet upstream of Southeast 182nd Avenue
Kelley Creek – Tributary 4	From confluence with Tributary 3 to approximately 1,600 feet upstream of Southeast 182nd Avenue
McNutt Creek	From confluence with Johnson Creek to approximately 1,400 feet upstream of Southeast 252nd Avenue
Mitchell Creek	From its confluence with Kelley Creek to approximately 700 feet upstream of Baxter Road
Sandy River	From Dabney State Park to the Multnomah-Clackamas County boundary

Table 3. Approximate-Study Streams (continued)

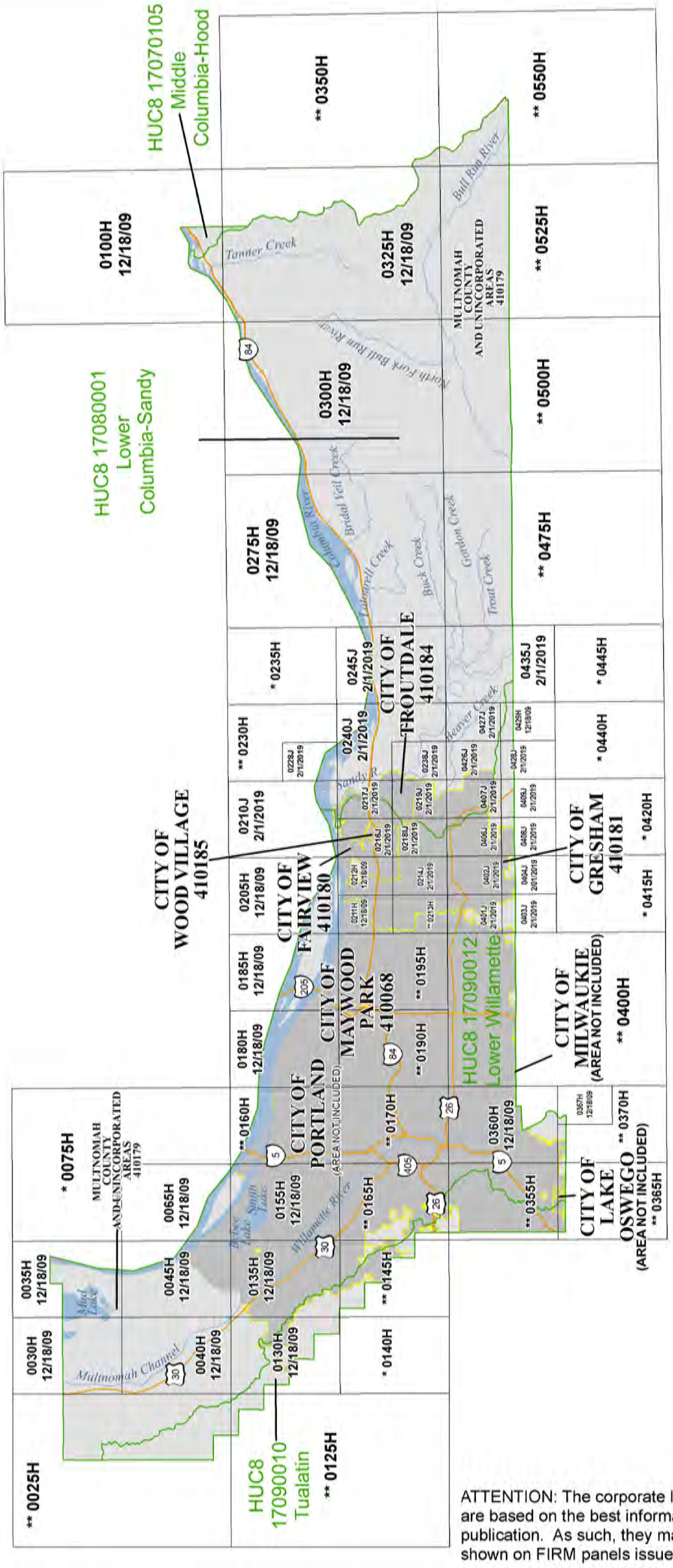
Stream Name	Limits of Approximate Study
Small drainage area upstream of Kaiser Road	From approximately 600 feet upstream of its confluence with Unnamed Tributary to Rock Creek to its mouth
Unnamed Tributary to Johnson Creek	From Southwest 14th Drive to approximately 580 feet upstream of Southwest 14th Drive
Unnamed Tributary to the East of Fairview Creek	From its confluence with Fairview Creek to approximately 670 feet upstream from Northeast Glisan Street.

LOMR 06-10-B082P revised the hydraulic analysis and floodplain mapping for Fairview Creek from approximately 1,130 feet downstream to approximately 300 feet downstream of Fairview Avenue and from approximately 400 feet upstream to approximately 4,250 feet upstream of NE Barr Road. The effective date was March 28, 2007.

The following tabulation presents Letters of Map Change (LOMCs) incorporated into this countywide study:

LOMC	Case Number	Date Issued	Project Identifier
LOMR*	11-10-1884P	07/27/2012	Northwest East Wind Drive
LOMR*	15-10-0523P	10/28/2015	West Historic Columbia River Highway

*Letter of Map Revision (LOMR)



ATTENTION: The corporate limits shown on this FIRM Index are based on the best information available at the time of publication. As such, they may be more current than those shown on FIRM panels issued before February 1, 2019.

1 inch = 25,000 feet 1:300,000

0 7,000 14,000 28,000 42,000 56,000 Feet

Map Projection:
Universal Transverse Mercator Zone 10 North;
North American Datum 1983

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTP://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - AREA OUTSIDE COUNTY BOUNDARY
** PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

MULTNOMAH COUNTY, OREGON and Incorporated Areas

PANELS PRINTED:

0030, 0035, 0040, 0045, 0065, 0100, 0130, 0135, 0155, 0180, 0185, 0205, 0210, 0211, 0212, 0214, 0216, 0217, 0218, 0219, 0228, 0238, 0240, 0245, 0275, 0300, 0325, 0360, 0367, 0401, 0402, 0403, 0404, 0406, 0407, 0408, 0409, 0426, 0427, 0428, 0429, 0435

FEMA

MAP NUMBER
41051CIND0B

MAP REVISED
February 1, 2019

Each FIRM panel may contain specific notes to the user that provide additional information regarding the flood hazard data shown on that map. However, the FIRM panel does not contain enough space to show all the notes that may be relevant in helping to better understand the information on the panel. Figure 2 contains the full list of these notes.

Figure 2 – FIRM Note to Users

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products, or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates, refer to Table 11 in this FIS Report.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620. The map is for use in administering the NFIP. It may not identify all areas subject to flooding, particularly from local drainage sources of small size. Consult the community map repository to find updated or additional flood hazard information.

BASE FLOOD ELEVATIONS: For more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables within this FIS Report. Use the flood elevation data within the FIS Report in conjunction with the FIRM for construction and/or floodplain management.

FLOODWAY INFORMATION: Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the FIS Report for this jurisdiction.

FLOOD CONTROL STRUCTURE INFORMATION: Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 4.3 "Non-Levee Flood Protection Measures" of this FIS Report for information on flood control structures for this jurisdiction.
FLOOD CONTROL STRUCTURE INFORMATION: Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 4.3 "Non-Levee Flood Protection Measures" of this FIS Report for information on flood control structures for this jurisdiction.

PROJECTION INFORMATION: The projection used in the preparation of the map was Universal Transverse Mercator Zone 10 North. The horizontal datum was North American Datum 1983. Differences in datum,spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictionsmay result in slight positional differences in map features across jurisdiction boundaries. Thesedifferences do not affect the accuracy of the FIRM.

ELEVATION DATUM: Flood elevations on the FIRM are referenced to NAVD88. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov/.

Local vertical monuments may have been used to create the map. To obtain current monument information, please contact the appropriate local community.

BASE MAP INFORMATION: Base map information shown on this FIRM was developed and/or compiled in digital format by the Oregon Department of Geology and Mineral Industries (DOGAMI). Data sources include DOGAMI, Oregon Lidar Consortium, Bureau of Land Management, U. S. Geological Survey, and Multnomah County GIS. Base map information was rectified to 3-foot resolution LIDAR topographic data acquired in 2002.

The map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables may reflect stream channel distances that differ from what is shown on the map.

NOTES FOR FIRM INDEX

REVISIONS TO INDEX: As new studies are performed and FIRM panels are updated within Multnomah County, Oregon and Incorporated Areas, corresponding revisions to the FIRM Index will be incorporated within the FIS Report to reflect the effective dates of those panels. Please refer to Table 11 of this FIS Report to determine the most recent FIRM revision date for each community. The most recent FIRM panel effective date will correspond to the most recent index date.

FLOOD RISK REPORT: A Flood Risk Report (FRR) may be available for many of the flooding sources and communities referenced in this FIS Report. The FRR is provided to increase public awareness of flood risk by helping communities identify the areas within their jurisdictions that have the greatest risks. Although non-regulatory, the information provided within the FRR can assist communities in assessing and evaluating mitigation opportunities to reduce these risks. It can also be used by communities developing or updating flood risk mitigation plans. These plans allow communities to identify and evaluate opportunities to reduce potential loss of life and property. However, the FRR is not intended to be the final authoritative source of all flood risk data for a project area; rather, it should be used with other data sources to paint a comprehensive picture of flood risk.

Corporate limits shown on the map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Each FIRM panel contains an abbreviated legend for the features shown on the maps. However, the FIRM panel does not contain enough space to show the legend for all map features. Figure 2 shows the full legend of all map features. Note that not all of these features may appear on the FIRM panels in Multnomah County.

Figure 3 – FIRM Legend

SPECIAL FLOOD HAZARD AREAS: *The 1% annual chance flood, also known as the base flood or 100-year flood, has a 1% chance of happening or being exceeded each year. Special Flood Hazard Areas are subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. See note for specific types. If the floodway is too narrow to be shown, a note is shown.*

	Special Flood Hazard Areas subject to inundation by the 1% annual chance flood (Zones A, AE, AH, AO, AR, A99, V and VE)
Zone A	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. No base (1% annual chance) flood elevations (BFEs) or depths are shown within this zone.
Zone AE	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone, either at cross section locations or as static whole-foot elevations that apply throughout the zone.
Zone AH	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually areas of ponding) where average depths are between 1 and 3 feet. Whole-foot BFEs derived from the hydraulic analyses are shown at selected intervals within this zone.
Zone AO	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot depths derived from the hydraulic analyses are shown within this zone.
Zone AR	The flood insurance rate zone that corresponds to areas that were formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
Zone A99	The flood insurance rate zone that corresponds to areas of the 1% annual chance floodplain that will be protected by a Federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or flood depths are shown within this zone.
Zone V	The flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations are not shown within this zone.
Zone VE	Zone VE is the flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations derived from the coastal analyses are shown within this zone as static whole-foot elevations that apply throughout the zone.
	Regulatory Floodway determined in Zone AE.

OTHER AREAS OF FLOOD HAZARD	
	Shaded Zone X: Areas of 0.2% annual chance flood hazards and areas of 1% annual chance flood hazards with average depths of less than 1 foot or with drainage areas less than 1 square mile.
	Future Conditions 1% Annual Chance Flood Hazard – Zone X: The flood insurance rate zone that corresponds to the 1% annual chance floodplains that are determined based on future-conditions hydrology. No base flood elevations or flood depths are shown within this zone.
	Zone X Protected by Accredited Levee: Areas protected by an accredited levee, dike or other flood control structures. See Notes to Users for important information.
OTHER AREAS	
	Zone D (Areas of Undetermined Flood Hazard): The flood insurance rate zone that corresponds to unstudied areas where flood hazards are undetermined, but possible
NO SCREEN	Unshaded Zone X: Areas determined to be outside the 0.2% annual chance floodplain
FLOOD HAZARD AND OTHER BOUNDARY LINES	
	Flood Zone Boundary (white line)
	Limit of Study
	Jurisdiction Boundary
	Limit of Moderate Wave Action (LiMWA): Indicates the inland limit of the area affected by waves greater than 1.5 feet
GENERAL STRUCTURES	
Aqueduct *Channel* *Culvert* *Storm Sewer*	Channel, Culvert, Aqueduct, or Storm Sewer
Dam *Jetty* *Weir*	Dam, Jetty, Weir
	Levee, Dike or Floodwall accredited or provisionally accredited to provide protection from the 1% annual chance flood
	Levee, Dike or Floodwall not accredited to provide protection from the 1% annual chance flood.
Bridge	Bridge

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AND OTHERWISE PROTECTED AREAS (OPA): *CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas. See Notes to Users for important information.*	
CBRS AREA 09/30/2009	Coastal Barrier Resources System Area: Labels are shown to clarify where this area shares a boundary with an incorporated area or overlaps with the floodway.
OTHERWISE PROTECTED AREA 09/30/2009	Otherwise Protected Area
REFERENCE MARKERS	
22.0	River mile Markers
CROSS SECTION & TRANSECT INFORMATION	
B 20.2	Lettered Cross Section with Regulatory Water Surface Elevation (BFE)
5280 21.1	Numbered Cross Section with Regulatory Water Surface Elevation (BFE)
17.5	Unlettered Cross Section with Regulatory Water Surface Elevation (BFE)
8	Coastal Transect
	Profile Baseline: Indicates the modeled flow path of a stream and is shown on FIRM panels for all valid studies with profiles or otherwise established base flood elevation.
	Coastal Transect Baseline: Used in the coastal flood hazard model to represent the 0.0-foot elevation contour and the starting point for the transect and the measuring point for the coastal mapping.
513	Base Flood Elevation Line (shown for flooding sources for which no cross sections or profile are available)
ZONE AE (EL 16)	Static Base Flood Elevation value (shown under zone label)
ZONE AO (DEPTH 2)	Zone designation with Depth
ZONE AO (DEPTH 2) (VEL 15 FPS)	Zone designation with Depth and Velocity

BASE MAP FEATURES	
Missouri Creek	River, Stream or Other Hydrographic Feature
234	Interstate Highway
234	U.S. Highway
234	State Highway
234	County Highway
MAPLE LANE	Street, Road, Avenue Name, or Private Drive if shown on Flood Profile
RAILROAD	Railroad
	Horizontal Reference Grid Line
—	Horizontal Reference Grid Ticks
+	Secondary Grid Crosshairs
Land Grant	Name of Land Grant
7	Section Number
R. 43 W. T. 22 N.	Range, Township Number
$^{42}76^{000m}$E	Horizontal Reference Grid Coordinates (UTM)
365000 FT	Horizontal Reference Grid Coordinates (State Plane)
80° 16’ 52.5”	Corner Coordinates (Latitude, Longitude)

Table 4 is a list of the locations where FIRMs for Multnomah County can be viewed. Please note that the maps at these locations are for reference only and are not for distribution. Also, please note that only the maps for the community listed in the table are available at that particular repository. A user may need to visit another repository to view maps from an adjacent community.

Table 4 – Community Map Repositories

Community	Address	City	State	Zip Code
City of Fairview	City of Fairview Planning Department 1300 Northeast Village Street	Fairview	OR	97024
City of Gresham	City Hall Community Development Office 1333 Northwest Eastman Parkway	Gresham	OR	97030
City of Maywood Park	City Hall 10100 Northeast Prescott Street Suite 147	Gresham	OR	97220
Multnomah County (Unincorporated Areas)	Multnomah County Office of Land Use and Planning 1600 Southeast 190th Avenue	Portland	OR	97233
City of Troutdale	City Hall 219 East Historic Columbia River Highway	Troutdale	OR	97060
City of Wood Village	City of Wood Village City Hall 2055 NE 238th Drive	Wood Village	OR	97060

2.2 Community Description

The City of Fairview is located along the southern banks of the Columbia River, 10 miles due east of downtown Portland, in northern-central Multnomah County, in northwestern Oregon. Fairview is bordered by the City of Gresham to the south and west. To the east, Fairview is bordered by the Cities of Wood Village and Troutdale. The remainder of Fairview is bordered by unincorporated areas of Multnomah County.

Fairview was incorporated in 1908 and is primarily a residential community. Local Employment is limited to shops and businesses that serve area residents. Employment for the majority of Fairview residents is elsewhere in the Portland metropolitan area (Fairview, 1983).

The population of the city was 1,045 in 1970, 1,740 in 1983 and 1,975 in 1989 (Census 1989) of 2000, the population number was 7,561 (Census 2000).

The population of the city was 7,561 in 2000. As of 2010, the population number was 8,920 (US Cenus,2010).

The climate of Fairview is characterized by mild, wet winters and dry, warm summers. The average annual precipitation for the area is 45 inches. Average temperatures range from 38°F in January to 68°F in July (USACE 1978).

The surrounding area ranges from a busy metropolis west of the city to picturesque rural land to the south and east. The Columbia River lies to the north of the city. The area provides a wide choice of recreational opportunities, from fishing and backpacking to kite flying in the westerly winds that blow in from the Pacific Ocean.

Fairview Creek flows north from its source near Grants Butte, through Gresham and Fairview, and empties into Fairview Lake near the Columbia River. It drains rolling pastureland mixed with residential subdivisions. South of Fairview, Fairview Creek slopes gently as it passes through a thickly wooded area.

Multnomah County Drainage District No. 2 fronts the Columbia River approximately between 20th Avenue and Fairview Avenue. There is both agricultural and industrial development in its floodplain.

The Columbia River flows along the northern corporate limits of Gresham. Its flow is contained by the Multnomah Drainage District No. 1 levee. From its origin in Canada, the Columbia River flows over 1,100 miles to Fairview, while draining approximately 241,000 square miles of the western slope of the Continental Divide in the northwestern United States and southwestern Canada. The basin terrain varies from gently rolling farmland to high, timbered mountains.

The City of Gresham, a rapidly growing suburb of Portland, Oregon, is located to the east of Portland, along U.S. Highway 26 and Interstate Highway 84. It was incorporated in 1905. It is bordered on the northeast by the Cities of Fairview, Troutdale, and Wood Village. Gresham is bordered to the west by the City of Portland. Unincorporated areas of Multnomah County about the remaining corporate limits of Gresham, except the southernmost point where it borders Clackamas County. Gresham is located in central Multnomah County, in northwestern Oregon, on the left bank of the Columbia River. Gresham's population in 2000 was 90,205 as compared to 63,845 in 1989, 33,005 in 1980, 10,300 in 1970, and 3,944 in 1960 (Census, 1989).

The City of Gresham is located on a low divide between Johnson Creek, the Sandy River, and the Columbia River. Johnson Creek, a tributary of the Willamette River, flows east to west through the southern portions of the urbanized area of Gresham. Beaver, Kelly, and Burlingame Creeks flow into the Sandy River to the east, draining the eastern portion of Gresham where substantial residential development has

occurred. Fairview Creek, flowing northerly toward the Columbia River, drains the northern and central parts of Gresham. Butler Creek, a tributary of Johnson Creek, flows north draining the southwest section of Gresham.

The Columbia River flows along the northern corporate limits of Gresham. Its flow is contained by the Multnomah Drainage District No. 1 levee. Multnomah Drainage District No. 1 fronts the Columbia River along Marine Drive and Interlachen Lane. From its origin in Canada, the Columbia River flows more than 1,100 miles to Gresham, while draining approximately 241,000 square miles of the western slope of the Continental Divide in the northwestern United States and southwestern Canada. The basin terrain varies from gently rolling farmland to high, timbered mountains. Agricultural development exists along the floodplain within Gresham.

The major commercial development in the community has occurred along Powell Boulevard (U.S. Highway 26), with newer development occurring along Southeast Burnside Road. Residential development of various densities has occurred throughout the area. Land use along Johnson Creek is primarily residential.

The area consists of rolling benchlands and low hills. Vegetation varies from agricultural row crops and grain fields to the urban landscape associated with residential development; the steeper undeveloped terrain is covered with scattered fir and deciduous trees.

The soil of the study area is largely of the Powell silt loam variety, derived by the weathering of old, unconsolidated deposits of mixed origin. The soil has a rich brown, smooth-textured surface over afriable light-brown, gray-mottled subsoil. It is partly residual and partly transported in origin, with variable drainage rates (USDA, 1922).

The climate of Gresham is characterized by warm, dry summers and mild, wet winters. Temperatures are usually moderate, ranging from an average monthly minimum in January between 30°F and 35°F to an average summer maximum between 75°F and 80°F. The average annual precipitation is 45 inches with 80 percent occurring between October and March (PNRBC, 1969).

Multnomah County is in northwestern Oregon. It is bounded by Columbia River on the north, by the Tualatin Mountains on the west, and by the Cascade Mountain Range on the east. Along the southern county boundary, Johnson Creek flows westerly to Willamette River. Willamette River, as it flows northerly through Portland to join Columbia River, bisects western Multnomah County.

Multnomah County is bordered by Clark County, Washington, to the north, Skamania County, Washington, to the northeast, Hood River County to the east, Clackamas, County to the south, Washington County to the west, and Columbia County to the northwest. Encompassing nearly all of the Portland metropolitan area in its approximately 460 square miles, Multnomah County is the most populated and developed county in Oregon.

Since establishment of the county in 1854, its population has grown rapidly, from 338,241 in 1930 to 522,813 in 1960 (Census, 1951). In 1978, the population was estimated at 549,000 (Fairview City Recorder, 1983). In 2010, the population was at 735,334. Most of that population resides in Portland and its adjacent communities within the Willamette Valley of western Multnomah County. Eastern Multnomah County is sparsely settled. Portland, the county seat and the largest city in Multnomah County, had an estimated 2010 population of 583,776 (Census, 2010).

Columbia, Willamette, and Sandy Rivers are the largest rivers in Multnomah County. Columbia River, with its headwaters on the eastern slope of the Continental Divide in southwestern Canada, drains approximately 241,000 square miles. The basin terrain varies from steep mountain slopes to gently rolling farmland. Willamette and Sandy Rivers, with drainage areas of 11,200 and 502 squares miles, respectively, have their origin on the western slope of the Cascade Mountain Range. Willamette River originates in a steep, timbered, mountainous watershed and flows through the flat, wide, agricultural Willamette Valley for 185 miles to its mouth. Willamette River passes through Portland approximately 3 miles upstream of its confluence with Columbia River. Sandy River emerges from melting glaciers on Mount Hood, and then follows a steep and timbered valley until it meets Columbia River near Troutdale. Demand for recreated usage along the lower portion of the Sandy River is high. For example, Dabney and Lewis and Clark State Parks received 346,000 and 319,000 visitor days of use, respectively, in 1975 (USDA, 1983).

Flood plain development varies widely along Columbia River in the unincorporated portions of Multnomah County. Scenic Columbia River Gorge, upstream of Sandy River, is sparsely developed. From downstream of Sandy River to the Burlington Northern Railroad bridge, the south bank of the Columbia River has a broad flood plain protected by levee systems. Within those levee systems are agricultural lands, scattered industrial, commercial, and residential development. South of Columbia River, between the Burlington Northern Railroad and Willamette River, is Rivergate Industrial District, a recent development on dredged fill material that elevates previously low-lying land above expected flood levels. Farther downstream, Sauvie Island is bounded by Willamette River, Multnomah Channel, and Columbia River. The island is agricultural bottom land; most of the area is protected by levees.

The unincorporated portion of the Willamette River floodplain in Multnomah County extends upstream and downstream of the City of Portland. Flood plain development upstream of Portland is limited to residences along a narrow 2-mile-long strip on the west riverbank. The downstream portion is a 3-mile stretch, with the Sauvie Island perimeter levee on the west bank and the elevated Rivergate Industrial District on the east bank.

There are only a few homes and small businesses located along the riverbanks of Sandy River immediately upstream of the Troutdale corporate limits. But, because of its nearness to the Portland metropolitan area, it has considerable development potential.

Farther upstream, much of the river is within a forested canyon with moderately steep sides and a small flood-prone area. Downstream of the Troutdale corporate limits, there is no development within the flood plain.

Johnson Creek flows westerly for approximately 23 miles in southern Multnomah County and enters Willamette River at the county's southern boundary. The Johnson Creek floodplain is heavily developed in the study area between the corporate limits of Portland and Gresham. A wide flood-prone area extending from 100th Avenue to 136th Avenue and as far north of Johnson Creek as Holgate Boulevard includes many homes and some industries and warehouses. Upstream of Gresham, residences are scattered along the stream.

Columbia Slough enters Willamette River near its confluence with Columbia River in Portland. High-water levels in the slough and surrounding area are caused by Willamette River backwater. The detailed-study area within the unincorporated portions of Multnomah County is west of North Portland Road and almost entirely within the growing Rivergate Industrial District. Historically, the flood risk in that area has been too great to attract much development. Therefore, the bordering lowlands are still open for future land-use consideration.

Multnomah Channel is a natural bypass channel for Willamette River to the Columbia River. The channel leaves the Willamette River approximately 3 miles upstream of the mouth of the Willamette River and travels northerly along the west side of Sauvie Island for approximately 20 miles to its confluence with the Columbia River. The portion of the Multnomah County within unincorporated Multnomah County has limited development. Houseboats, several boat moorages, a marina, and a golf course are in the floodplain. Because of its proximity to Portland and major transportation routes, future floodplain development is probable.

Fairview Creek flows northerly from its source near Grants Butte, through the populated suburban area east of Portland, and empties into Fairview Lake near the Columbia River. It drains rolling pastureland interspersed with residential subdivisions. Fairview Creek has been channelized through a large subdivision between Burnside Road and Stark Street. South of the City of Fairview, the stream slopes gently as it passes through a thickly wooded area where a large planned-community development is under construction.

Beaver Creek, a tributary to Sandy River, flows northerly in a canyon with steep and forested side slopes. Because of the steep terrain, only a few areas are suitable for development within the Beaver Creek flood plain.

Kelley Creek enters Johnson Creek at 160th Avenue from low hills south of Johnson Creek. It drains an area of rolling farmlands with scattered residences. Mitchell Creek flows into Kelley Creek approximately 900 feet downstream of the Kelley Creek crossing of Foster Road.

Kelley Creek enters Johnson Creek at 160th Avenue from low hills south of Johnson Creek. It drains an area of rolling farmlands with scattered residences. Mitchell Creek flows into Kelley Creek approximately 900 feet downstream of the Kelley Creek crossing of Foster Road.

The only stream studied west of Willamette River is Unnamed Tributary to Rock Creek, which is within the Tualatin River drainage basin. That stream flows from the steep and forested slopes of the low Tualatin Range and enters the flat pastured area of the study area south of Germantown Road. There is no development in the flood plain except for Kaiser Road. Just upstream of the Kaiser Road crossing, Unnamed Tributary to Rock Creek is joined by a small stream flowing southerly to its confluence.

Multnomah County Drainage District No. 1 fronts the Columbia River between approximately 20th Avenue and Fairview Avenue. There is both agricultural and industrial development in its flood plain.

Multnomah County has a temperate climate that is influenced by the Pacific Ocean, which is approximately 70 miles to the west. Summers are dry with pleasant temperatures; in the lower elevations, winters are rainy and mild with a narrow temperature range. Temperatures in Portland range from an average January minimum of 35°F to an average July maximum of 79°F (Climatological Handbook Vol.1, 1969). Near Willamette River, average annual precipitation is approximately 39 inches, with over one-half falling during the months of November through February. From Willamette River toward the east, average annual precipitation increases drastically. In the foothills of the Cascade Mountain Range, over 100 inches have been recorded (Climatological Handbook Vol.2, 1969). Soil drainage characteristics in the eastern portion of the county are generally good, while they are poor west of the Willamette River.

The City of Troutdale is located near the confluence of the Sandy and Columbia Rivers in Multnomah County, Oregon, approximately 15 miles east of Portland, at the mouth of the Columbia River Gorge, and 19 miles southeast of Vancouver, Washington. Troutdale is also bordered to the west by the City of Gresham and to the north, southwest and southeast by unincorporated Multnomah County. The city was founded in 1890 and incorporated in 1907. Troutdale's location at the western gateway of the Columbia River Gorge influenced its development as a river and railroad commerce center. Shipping, railroading and logging remained the primary commercial industries of Troutdale until the late 1940s. The economic character of Troutdale has changed dramatically since 1960.Troutdale is currently classified as a bedroom community in the greater Portland metropolitan area. As a result, it's economic base is now very similar to the highly economic base of Portland. The three largest employers in the urban service area of Troutdale are the Portland-Troutdale Airport, the Reynolds School district, and Home Depot.

The population of Troutdale in the 1990 census was 7,852; in the 2000 census was 13,777; and as of 2010, the population for Troutdale was 15,962. Population increase has primarily been through construction of new housing on land previously farmed: 3,587 new dwelling units have been constructed in Troutdale since 1994.

The climate of Troutdale is characterized by mild, wet winters and dry, pleasant summers. However, due to its proximity to the Columbia River Gorge and the Cascade Mountains, winter wind speeds and precipitation are higher than in Portland. Troutdale averages 45 inches of yearly precipitation compared to 39 inches in Portland.

Sandy River, the third largest river in Multnomah County, drains an area of 502.3 square miles. Its origin is the Reed, Zigzag, and Palmer Glaciers on Mt. Hood. The Mt. Hood Wilderness Area, the Mt. Hood National Forest and the Bull Run Watershed Preserve comprise approximately 70 percent of the watershed area (USDA 1977). Beaver Creek is a tributary of Sandy River and Drains an area of approximately 13 square miles.

Both the Sandy River and Beaver Creek are characterized by deeply entrenched river valleys. The elevation variation of the Sandy River Basin is 10 to 11,245 feet mean sea level (msl). The elevation range is 15 to 600 feet msl for the Beaver Creek Basin. The steep slopes of Beaver Creek preclude any significant development within its floodplain except in the lower one-half mile. A similar condition exists for all but the first six miles of the Sandy River.

Recreational usage along the lower portion of the Sandy River and Beaver Creek remains high. The City owns and maintains Glenn Otto Park, a 6.38-acre park with picnic areas, restroom, conference buildings and caretaker lodging. The park is located on the west bank of the Sandy River and the east bank of Beaver Creek. The entrance to the park is on the south side of East Historic Columbia River Highway just west of the Troutdale Bridge over the Sandy River.

A small City park (Depot Park) north of East Historic Columbia River Highway and south of the Union Pacific Railroad, has frontage on both banks of Beaver Creek at its confluence with the Sandy River.

The City also owns property fronting on the Sandy River north of the East Historic Columbia River Highway and south of I-84 that is proposed for mixed-use development including a riverfront promenade.

Arata Creek flows into Troutdale from Wood Village several times along their common boundary along the western edge of Troutdale. From Halsey Street upstream, the drainage area is less than one square mile. At both the northwestern corporate limits and Marine Drive, where Arata Creek leaves the city for the final time, the drainage area is about 1.5 square miles.

The City of Wood Village is located in north-central Multnomah County. Wood Village is bounded by the City of Troutdale to the east, by the City of Gresham to the south, and by The City of Fairview to the west. It was incorporated in 1951 and had an approximate population of 3,878 as of the 2010 Census. The approximate land area of the community is 0.9 square miles. The City of Wood Village is currently identified as non-flood-prone.

2.3 Principal Flood Problems

Columbia River flooding in Multnomah County usually occurs in spring during the Columbia River Basin snowmelt freshet. However, intense winter rainstorms are the primary cause of flooding on the remaining Multnomah County streams, and they occasionally cause Columbia River flooding. Additionally, several localized ponding areas in the county are subject to flooding from seepage through levees during prolonged high Columbia River stages. Intense winter-storm runoff is the primary cause of flooding the large ponding area along Johnson Creek.

The annual Columbia River snowmelt freshet occurs in May or June and has caused flooding in Portland during high-runoff years. The Willamette River floods during the spring freshet primarily as a result of backwater from the Columbia River. The June 1894, 1948, and 1956 floods, with recurrence intervals of 80, 48, and 18 years, respectively, were snowmelt freshets. Those flood events had peak discharges at The Dalles, Oregon, the nearest gaging station with a reliable discharge measurement of 1,240,000, 1,010,000 and 823,000 cubic feet per second (cfs), respectively.

Minor flooding in Multnomah County begins when flows at The Dalles reach 450,000 cfs, and major damage begins when flows reach 600,000 cfs.

Multnomah County flood damage from the June 1894 flood, the largest recorded on Columbia River, is not well documented. However, that flood is estimated to have covered the broad, flat area on the south bank of Columbia River from Sandy River to Willamette River below the elevation of approximately 36 feet. Additionally, on Sauvie Island and Hayden Island, only a few isolated knolls were above water. The Willamette River, backed up from the high Columbia River stage, caused damage primarily to development in the incorporated area of Portland.

The June 1948 flood, the second largest of record on Columbia River, resulted in Willamette River backwater that crested 12 feet above bankfull stage at the Morrison Street Bridge and inundated many riverside establishments. Multnomah County Drainage District No. 1 was flooded when the levee system failed. Flood depths in the drainage district ranged from 10 to 20 feet (PNRBC, 1971).

Damage in the unincorporated portion of the district included farm crops, farm buildings, and residences. Sandy Drainage District, which adjoins Multnomah Drainage District No. 1 on the east and extends to the Sandy River, was not flooded. However, the aluminum plant within the district suspended operations and provided approximately 600 people for flood fighting (USACE, 1949). Willamette River

flooding downstream of Portland included the side of Oregon Shipbuilding Corporation, immediately downstream from Portland Terminal Four, and the lowlands that are now filled for Rivergate Industrial District. The area within Sauvie Island is divided roughly in half by two diking districts. The northern half, which contains the Columbia Diking District, was flooded. The floodwaters caused damage to farmland, residences, and farm structures. The southern half, protected by the Sauvie Island Drainage District, was nearly flooded. Sandbags were added to approximately 4 miles of levee crest to reinforce the levees, which were seeping heavily.

The December 1964 winter flood resulted from intense rainfall augmented by snowmelt. High concurrent discharges on both the Willamette and Columbia Rivers resulted in unusually high flood stages in Multnomah County. Along the Willamette River in the southern portion of the county, damage to residences was heavy. However, downstream of Portland, flood heights were less than in 1948, and damage to property fronting on the Columbia and Willamette Rivers and Multnomah Channel was limited to houseboats, boat moorages, and a lumber mill. A Hayden Island mobile home court was partially inundated, and adjacent areas of the island were flooded. Without reservoir control, the 1964 flood would have exceeded the 1894 and 1948 floods at the Morrison Street Bridge gage.

Flooding along the Sandy River can occur as a result of spring snowmelt runoff from the Mt. Hood watershed. However, intense winter rainstorms are the primary cause of flooding. The Sandy River watershed has experienced many flood events. Recent significant floods occurred in December 1964, January 1956, and January 1972. These floods had recurrence intervals of 300, 10, and 30 years, respectively (USACE, 1978). Flows of 61,400, 23,900, and 36,200 cfs, respectively, were recorded at the U.S. Geological Survey (USGS) Sandy River near Marmot gage (No. 14137000). This gage was established in 1911, and measures data from a drainage area of 263 square miles (USGS, 1966-1970). Because the floodplain was only lightly developed, damage in the unincorporated portions of the county was relatively minor. Most of the damage consisted of severe bank erosion, as most of the homes along the stream were above the flood levels. Downstream of the Troutdale corporate limits, Sandy River flood elevations are controlled by Columbia River stages.

The Johnson Creek Flood season extends from October through March. Streamflow records at the Sycamore gage, located 2 miles downstream from the Gresham corporate limits, show that flows have exceeded the major flood stage 10 or more times during the period of record commencing in 1940. Recent floods include January 1972 and December 1977, which had peak discharges of 2,190 and 2,230 cfs, respectively, and average recurrence intervals of approximately 10 years. Flood shaving average recurrence intervals larger than 10 years (USACE, 1973, USACE, 1978) inundate the low-lying area between 100th Avenue and 122nd Avenue as far north as Harold Street. During a 100-year (1-percent-annual-chance) flood, this inundated area is expected to extend as far east as 140th Avenue and Holgate Street. The December 1964 flood had a peak discharge of 2,620 cfs and an average

recurrence interval of approximately 15 years (USACE, 1973). Overbank flows occurred at Southeast Regner Road and continued downstream along the Portland Traction Company Railroad right-of-way. The largest area flooded included the Gresham City Park, where Johnson Creek makes a deep bend; the bend has since been bypassed by a short-excavated channel. Downstream of Southwest Walters Avenue, flooding was confined between the Portland Traction Company Railroad right-of-way to the north and the slopes of Walters Hill to the south. Areas of sparse residential development and agricultural lands were flooded along Johnson Creek within the City of Gresham.

The main concern is the flooding of Fairview Creek in the downtown Fairview area. Most floods occur because of excessive rainfall from October to March. Snowmelt is usually an insignificant factor. Because Fairview is located at the lowest elevation in the Fairview Creek drainage basin, flood problems within the city will be influenced by any upstream development unless proper stormwater retention facilities are constructed.

Constrictions of Fairview Creek by partially plugged or undersized culverts at Southeast Burnside Road, at an unnamed road immediately upstream of the Tri-Met Lightrail bridge, at Southeast 202nd Avenue, and at the Portland Traction Company Railroad crossing upstream of Southeast 202nd Avenue have created backwater flooding over a wide area extending from Southeast Burnside to upstream of Northwest Division Street.

Flooding along Burlingame Creek have occurred frequently in the past and have been characterized by shallow overflows near the intersection of Hogan Place and Burnside Road.

Flooding along the Columbia River is caused in spring by the Columbia River Basin snowmelt freshet and in winter by intense rainstorms that result in high flows in the Columbia and Willamette Rivers. Flooding also occurs in more localized areas as a result of ponding from seepage through levees during prolonged high-river stages.

Past flood damage along the remaining streams studied is not well documented. Damage has been relatively low, however, because these streams are small and located in partially developed areas.

2.4 Flood Protection Measures

Levees exist in the study area that provide the county with some degree of protection against flooding. However, it has been ascertained that some of these levees may not protect the community from rare events such as the 1-percent-annual-chance flood. The criteria used to evaluate protection against the 1-percent-annual-chance flood are 1) adequate design, including freeboard, 2) structural stability, and 3) proper operation and maintenance. Levees that do not protect against the 1-pecent-annual-chance flood are not considered in the hydraulic analysis of the 1-percent-annual-chance floodplain.

A significant flood elevation reduction of Columbia and Willamette Rivers, and Multnomah Channel, has been achieved through the use of flood-control storage reservoirs. There are 22 major reservoirs in the Columbia River Basin upstream of Multnomah County, with a total food-control storage volume of approximately 40 million acre-feet. There are 11 major flood-control reservoirs in the Willamette River Basin, with approximately 1.7 million acre-feet of flood storage. The stage-reduction effect of the Columbia and Willamette River flood-control storage reservoirs (PNRC, 1971).

The drainage districts along the Columbia River in the unincorporated portions of Multnomah County have levees of varying flood-protection capabilities. Thus, safe-water levels have been established by the USACE (USACE, 1978). The safe-water levels is the highest flood elevation, considering surveillance and minor remedial work, for which reasonable assurance can be given that a levee system will not fail. The criteria used to evaluate protection against the 1-percent-annual-chance flood are: (*1) adequate design, including freeboard; (2) structural stability; and (3) proper operation and maintenance*. Levees that do not protect against the 1-percent-annual-chance flood are not considered in the hydraulic analysis of the 1-percent-annual-chance flood plain. Columbia Drainage District levees on the northern end of Sauvie Island would be overtopped by a 1-percent- annual-chance flood, whereas Sauvie Island Drainage District, Multnomah Drainage District No. 1, and Sandy Drainage District, with proper surveillance and maintenance, are expected to withstand the 0.2-percent-annual-chance flood event. However, these levees are currently certified for the 1-percent-annual-chance flood. Although the perimeter levee of a particular drainage district may be capable of withstanding large floods, major rainstorms could cause extensive interior ponding in low areas if runoff exceeds the capacity of the dewatering- drainage pumps.

There are no flood-control structures on Sandy River, Johnson Creek, Fairview Creek, Beaver Creek, Arata Creek or Unnamed Tributary to Rock Creek.

Another measure for providing flood protection from future floods is floodplain management. By restricting development in hazardous floodplain areas, flood related damage is prevented from occurring from all but the extremely large floods. Multnomah County has enacted floodplain management regulations. The regulations require that the county use existing flood plain information to determine whether new developments are reasonably safe from flooding. The regulations requires new developments to have first-floor elevations at least one foot above the 1-percent-annual-chance flood levels and discourages development within the floodway.

Elected officials of the tri-county Metropolitan Service District, formed in May 1978, have established a Johnson Creek Task Force representing the six counties and communities within that drainage basin. The task force has proposed storm water runoff management guidelines for adoption by the six political bodies. These guidelines apply to new development and are intended to control the rate of storm water runoff, thereby stemming the upward trend in flood damage. The task force is also considering a detailed drainage management plan, channel clearing and cleaning, and institution of an annual channel maintenance program.

Table 5. Regulatory Effect of Flood-Control Reservoirs

Location	Flood Crest Elevation (Feet, NAVD88) June 1894	June 1948	June 1956	December 1964
Vancouver Gage, Columbia River				
Observed	39.7	36.3	32.9	33.0
Unregulated	39.7	36.3	35.3	37.8
Regulated[1]	27.6	26.8	22.3	32.0
Portland Gage, Willamette River				
Observed	38.1	35.0	31.5	34.9
Unregulated	38.1	35.1	33.8	39.5
Regulated	26.0	25.2	20.7	34.0
Days Duration Above Flood Stage[2]				
Bankfull	74	51	70	9
Major Flood	38	26	12	2

[1]Based on present level of irrigation on reservoir development
[2]Flood or bankfull stage for Columbia River is 21.3 feet at the Vancouver gage.
A flood of 31.3 feet or higher results in extensive damage and is considered a major flood.
Vancouver gage vertical conversion to NAVD88 +3.46 ft, Portland gage vertical conversion to NAVD88 +3.48 ft.

Flood protection measures in the City of Fairview consist primarily of minor channelization. The National Weather Service in Portland, Oregon, is responsible for flood-warning and river-forecasting services in Multnomah County. General weather forecasts are also available. No flood-control structures have been built on Fairview Creek or on Unnamed Tributary east of Fairview Creek.

Nonstructural measures (a comprehensive land use plan, a zoning ordinance, and building permits) are being used to aid in the prevention of future flood damage in the City of Fairview. Zoning Ordinance No. 9-1974, enacted on November 10, 1974, follows Federal guidelines for controlling development within the 1-percent-annual-chance floodplain. The City of Fairview requires building permits, and it reviews those permits for compliance with the provisions of the zoning ordinance to ensure that sites are reasonably safe from flooding. The Comprehensive Land Use Plan was approved by the Oregon Land Conservation and Development Commission of July 10, 1980.

Storm runoff facilities are located throughout the City of Gresham urban area. A major diversion structure, built by the City of Gresham in 1976, diverts high flow through a 6-foot diameter underground pipe from Burlingame Creek to Kelly Creek. The intake facility is located on Southeast Burnside Road between Bull Run Road and Northeast Division Street and is designed to divert up to 200 cfs to Kelly Creek when flows in Burlingame Creek are greater than 100 cfs.

Gresham's comprehensive plan is used to limit development in the floodplain. It recommends areas of bordering streams as greenways and, within the greenway, only minimal new construction is allowed. In areas adjacent to those streams, the zoning ordinance, adopted as a prerequisite to participation in the NFIP, requires developers to furnish floodplain information to substantiate that proposed new development will not be subject to flooding.

The City of Troutdale has flood protection development standards. The most recent standards were adopted in the Troutdale Development Code November 24, 2000. The most significant standards include: balanced cut and fill within the 100-year floodplain; limitations of impervious area to not more than 30% of the 100-year floodplain; no new land division is permitted that would create a lot that is exclusively within the 100-year floodplain; residential construction is required to be elevated one foot above the Base Flood Elevation; and non-residential construction must either be elevated one foot above the BFE or dry-floodproofed.

The City requires that detention facilities be designed for the control of stormwater and floodwater runoff in accordance with the Construction Standards for Public Works Facilities.

The Sandy Drainage Improvement Company maintains drainage ditches and levees within the City of Troutdale for flood control north of I-84 to the Columbia and Sandy Rivers.

3.0 ENGINEERING METHODS

For the flooding sources studied by detailed methods in the community, standard hydrologic and hydraulic study methods were used to determine the flood hazard data required for this study. Flood events of a magnitude that are expected to be equaled or exceeded once on the average during any 10-, 50-, 100-, or 500-year period (recurrence interval) have been selected as having special significance for floodplain management and for flood insurance rates. These events, commonly termed the 10-, 50-, 100-, and 500-year floods, have a 10-, 2-, 1-, and 0.2-percent chance, respectively, of being equaled or exceeded during any year. Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 1-percent-annual-chance (100-year) flood in any 50-year period is approximately 40 percent (4 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 100-year flood (1-percent chance of annual exceedance) during the term of a 30-year mortgage is approximately 26 percent (about 3 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

3.1 Hydrologic Analyses

Hydrologic analyses were carried out to establish peak discharge-frequency relationships for each flooding source studied by detailed methods affecting the community.

Pre-Countywide FIS Reports

The stage-discharge relationship for the Columbia River and Multnomah Channel near Multnomah County is influenced by ocean tides and by stages on the Willamette River. Similarly, the stage-discharge relationship of Willamette River in the study area is influenced by stages on the Columbia River. Thus, flood frequencies on both rivers and Multnomah Channel are more reliably determined for stages than for discharges. Combined stage-frequency curves were developed for seven locations on the Willamette River. Those locations include USGS gage No. 14144700 on

Columbia River at Vancouver, Washington (USACE, 1976), and USGS gage No. 1421172 on Willamette River at the Morrison Street Bridge (USACE, 1976). Both gages were established in 1876. These curves were based on the statistical combination for stage-frequency curves for fall-winter floods and spring-summer floods.

Multnomah Channel discharges were estimated using the USACE HEC-2 step-backwater computer program. The HEC-2 computer model was calibrated to Columbia and Willamette River flood profiles, and Multnomah Channel discharges were derived by a trial-and-correction process.

Elevations for floods of the selected recurrence intervals on the Columbia River, the Willamette River, and Multnomah Channel are shown in Table 6.

Table 6. Summary of Elevations

Flooding Sources and Location	Drainage Area (Square Miles)	Elevation (Feet, NAVD 88) 10-Percent-Annual-Chance	2-Percent-Annual-Chance	1-Percent-Annual-Chance	0.2-Percent-Annual-Chance
Columbia River At Vancouver, Washington (River Mile 106.5)	241,000	25.8	29.9	31.6	35.2
Willamette River At Morrison Street Bridge (River Mile 12.8)	11,200	25.5	30.2	32.3	37.2
Multnomah Channel At Sauvie Island Bridge	--[1]	25.1	29.2	30.8	34.9

[1]Not Applicable
Vancouver gage vertical conversion to NAVD88 +3.46 ft.
Portland gage vertical conversion to NAVD88 +3.48 ft.
Multnomah Channel vertical conversion to NAVD88 +3.39 ft.

Discharges for the 1-percent-annual-chance flood were determined at several locations on Discharges for Arata Creek and Unnamed Tributary to Fairview Creek were developed by the regional analysis presented in the U.S. Geological Survey Open-File Report 79-553, Magnitude and Frequency of Foods in Western Oregon

(USGS, 1979). Those discharges were modified based on culvert capacity and overflow computations.

Stream gage records for Johnson Creek were statistically analyzed using the standard log-Pearson Type III distribution. A discharge-frequency curve (USACE, 1973) for the Johnson Creek stream gage at Sycamore was developed using records from 1941 to 1972. Peak discharges were adjusted downstream of the Sycamore gage to account for overbank storage in a large depression that extends from Interstate Highway 205 east to 140th Avenue and from Johnson Creek north to Holgate Street. The 10- and 2-percent-annual-chance discharges were reduced to compensate for flood storage available in that depression. The depression was considered to fill before peak 1- and 0.2-percent-annual-chance flood flows occur.

Discharges for Fairview Creek and Unnamed Tributary to Rock Creek were determined by correlations with available stream discharge-frequency relationships for similar watersheds. The discharges for Fairview Creek were correlated with Beaver Creek and Johnson Creek based on drainage area and slope on the discharge-frequency curves. The Unnamed Tributary to Rock Creek 1-percent-annual-chance discharges were computed using a USACE standardization procedure for ungaged streams (USACE, 1969). The discharge-frequency curve slope was correlated with an existing curve for Burnt Bridge Creek (USACE 1970).

Flow estimates for the 1-percent-annual-chance flood on Beaver Creek were correlated with flow records of the Sandy River stream gage, located 2 miles northwest of the community of Bull Run. The data were based on reading from 1910 to 1914 and from 1929 to the present. However, flood recurrence interval relationships for the 10-, 2-, and 0.2-percent-annual-chance flows were based on the data from the Johnson Creek gage near Sycamore.

The hydrologic analyses for the City of Troutdale portion of Beaver Creek were obtained from the FIS report for the City of Troutdale (USACE, 1976). This analysis was performed by the National Resources Conservation Service (formerly the SCS), Oregon State Office. Stream flow data at gaging stations in the Sandy River basin were processed in accordance with the method described by the Water Resources Council (USWRC,1976). A regional analysis of the peak flow-frequency characteristics as a function of the drainage area was made and used to determine the unit peak discharge-frequency for Beaver Creek. The discharge at Troutdale Road was obtained by prorating the discharge at Southeast Stark Street to account for the reduction in drainage area.

The rate and volume of runoff for the 1-percent-annual-chance flood within Multnomah County Drainage District No. 1 were determined using the Environmental Protection Agency Stormwater Management Model (EPA, 1982). The model calculates the rate of runoff at specific time intervals throughout the storm based on characteristics of rainfall and the physical characteristics of the drainage basin. The computed runoff draining into Columbia Slough was then balanced

against the ability of the drainage district pumps to discharge water from the slough. The volume of runoff draining to the slough that exceeded district pumping capabilities was calculated at specific time intervals throughout the storm. The peak water-surface elevation for the 1-percent-annual-chance storm was then determined using the volume of storage at various elevations in the slough (Multnomah Drainage Hydrology Study, 1984).

Discharges used for approximate-study stream lengths were derived by correlations with similar drainage basins and based on a comparison of drainage areas.

December 18, 2009
The Initial Countywide FIS Report

No hydrologic updates were made as part of the initial countywide update.

This Physical Map Revision

Hydrologic analysis for Fairview Creek was conducted using HEC-HMS (USACE, 2009). The model was calibrated using flow data from USGS Gage 14211814, Fairview Creek at Glisan Road. A long term continuous simulation was performed using 61 years of precipitation data. Log-Pearson Type III analyses were performed on the simulation results in order to develop revised discharge-frequency relationships for Fairview Creek.

Hydrologic analysis for the Johnson Creek basin was developed using HEC-HMS (USACE, 2009). The model was calibrated and validated using flow data from USGS Gage 14211400, Johnson Creek at Regner Road, USGS Gage 14211500, Johnson Creek at Sycamore, and USGS Gage 14211499, Kelley Creek at SE159th Avenue. A long term continuous simulation was performed using 61 years of precipitation data. Log-Pearson Type III analyses were performed on the simulation results in order to develop revised discharge-frequency relationships for Johnson Creek. In addition, discharge-frequency relationships were developed for the following tributaries of Johnson Creek: Brick Creek, Hogan Creek, Kelley Creek, North Fork Johnson Creek, MacDonald Creek, and Sunshine Creek during the restudy.

Discharges for the approximate studies of Brigman Creek, Butler Creek, Hogan Creek, Jenne Creek, Kelley Creek, McNutt Creek, and four unnamed tributaries to Kelley Creek were developed using the results of the HEC-HMS model for the Johnson Creek basin.

Discharges for the Sandy River were based on discharge drainage area relationships developed from eight USGS gages within the Sandy River Watershed: USGS gage 14131400 Zigzag River near Rhododendron Oregon (USGS, 2011c), USGS gage 14135000 Salmon River at Welches Oregon (USGS, 2011d), USGS gage 14135500 Salmon River at Boulder Creek near Brightwood Oregon (USGS, 2011e), USGS

gage 14137000 Sandy River upstream of Marmot Dam (USGS, 2011f), USGS gage 14140000 Bull Run River near Bull Run, Oregon (USGS, 2011g), USGS gage 14141500 Little Sandy River near Bull Run, Oregon (USGS, 2011h), USGS gage 14142500 Sandy River below Bull Run River (USGS, 2011i), and USGS gage 14142800 Beaver Creek at Troutdale Oregon (USGS, 2011j).

The gage data was analyzed by Bulletin 17B (WRC, 1981) methodology and the log-Pearson Type III distribution, using the USGS PeakFQ computer program (Flynn, et al, 2006). The Sandy River gage (14137000), discharges below 5,000 cubic feet per second (cfs) were considered to be outliers, based on information provided in the USGS regional regression equation report for Oregon (Cooper, 2005). Additionally, the State of Oregon has a specific mean square error value of 0.112 which was used in the PeakFQ program (Flynn, et al, 2006).

Hydrologic analysis for Beaver Creek (upstream of Cochran Road), Kelly Creek and Burlingame Creek was developed using HEC-HMS (USACE, 2009). The model was calibrated to the storm events in 2003 and 2009 by comparing results with real-time climatic data and observed stream data at USGS gage 14142800, Beaver Creek at Troutdale Oregon.

Peak discharge-drainage area relationships for each flooding source studied in detail are shown in Table 7.

Table 7- Summary of Discharges

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (cfs) 10-Percent-Annual-Chance	2-Percent-Annual-Chance	1-Percent-Annual-Chance	0.2-Percent-Annual-Chance
Beaver Creek					
At Crown Point Road[1]	13	1,200	1,800	2,100	3,300
At SE Stark Street[1]	11.7	551	871	1,038	1,485
At Kelly Creek[1]	6.6	329	520	620	887
At Cochrane Road	6.0	992	1,539	1,686	2,300
Burlingame Creek					
Confluence with Kelly Creek	2.01	360	564	618	832
At Powell Valley Road	0.89	227	346	377	504
Brick Creek					
At mouth	0.1	17	24	27	33
Columbia River below Gresham, Oregon At Vancouver, Washington (River Mile106.5)	241,000	22.3	26.4	28.1	31.7

[1]Downstream reaches of Beaver Creek were not updated with this PMR..

Table 7- Summary of Discharges (continued)

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (cfs) 10-Percent-Annual-Chance	2-Percent-Annual-Chance	1-Percent-Annual-Chance	0.2-Percent-Annual-Chance
Fairview Creek					
At mouth[2]	5.2	280	420	490	640
At Sandy Boulevard[2]	4.5	260	370	430	560
At Banfield Expressway[2]	4.4	185	295	350	505
At NE Halsey Street[2]	4.3	180	290	345	495
At NE Glisan Street, below split flow[2]	3.28	134	139	145	153
At NE Glisan Street, above split flow[2]	3.28	155	216	245	318
Upstream of Fujitsu Ponds[2]	3.08	203	262	287	349
At NE Stark Street[2]	2.87	162	203	221	262
At NW Burnside Road[2]	2.25	124	165	185	235
Downstream of Birdsdale Ave[2]	2.15	178	218	232	264
At NE Division Street[2]	0.60	19	28	33	44
Above NE Division Street	0.55	69	106	124	171
Hogan Creek					
At mouth	1.0	181	255	286	356

[2]Regulated by detention facility.

Table 7- Summary of Discharges (continued)

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (cfs) 10-Percent-Annual-Chance	2-Percent-Annual-Chance	1-Percent-Annual-Chance	0.2-Percent-Annual-Chance
Johnson Creek					
At 82nd Avenue	46	2,450	4,050	5,400	7,700
At USGS Gage 14211500	26.3	2,554	3,497	3,869	4,680
At Southeast 174th Avenue (Gresham corporate limits)	21	2,005	2,808	3,142	3,908
At USGS Gage 14211400	15.5	1,641	2,261	2,504	3,029
At Southeast 252nd Avenue	12.7	1,461	2,005	2,212	2,645
Below Confluence with MacDonald Creek	7.2	839	1,174	1,301	1,567
Below Highway 26 (Above Confluence with MacDonald Creek)	4.8	587	818	905	1,084
Kelley Creek					
At Study Limit, approximately 900 feet downstream of SE Foster Road	3.0	508	745	849	1102
At SE Ritchey Road	1.1	203	287	321	399
Kelly Creek					
Confluence with Beaver Creek	4.34	496	720	780	961
Just Upstream of Confluence with Burlingame Creek	2.12	187	295	325	451
At Powell Valley Road	1.29	93	151	162	221

Table 7- Summary of Discharges (continued)

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (cfs) 10-Percent-Annual-Chance	2-Percent-Annual-Chance	1-Percent-Annual-Chance	0.2-Percent-Annual-Chance
MacDonald Creek					
At mouth	2.4	275	410	463	579
North Fork Johnson Creek					
At mouth	1.2	133	188	210	258
Sandy River					
At mouth	502	51,668	74,628	85,139	112,342
At Dabney Park	483	49,672	71,742	81,853	107,994
Sunshine Creek					
At mouth	3.8	486	660	726	861
Unnamed Tributary to Rock Creek					
At Kaiser Road	3.2	160	240	260	340

3.2 Hydraulic Analyses

Pre-Countywide FIS Reports

Analyses of the hydraulic characteristics of flooding from the sources studied were carried out to provide estimates of the elevations of floods of the selected recurrence intervals. Users should be aware that flood elevations shown on the FIRM represent rounded whole-foot elevations and may not exactly reflect the elevations shown on the Flood Profiles or in the Floodway Data tables in the FIS report. Flood elevations shown on the FIRM are primarily intended for flood insurance rating purposes. For construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS in conjunction with the data shown on the FIRM.

Water-surface elevations were computed through the use of the USACE HEC-2 step-backwater program (USACE, 1977).

Columbia River flood profiles for specific recurrence intervals were plotted directly from the combined stage-frequency curves described in Section 3.1. The HEC-2 computer program was calibrated to the plotted 1-percent-annual-chance flood profile and used for the Columbia River floodway determination. Discharges used in the floodway computations were correlated, based on data at USGS gage No. 14105700 (established in 1857) at The Dalles, Oregon (USGS, 1978), to yield water-surface elevations similar to the combined stage-frequency curves.

Willamette River flood profiles are referenced to combined frequency computations for the Morrison Street Bridge gage. A HEC-2 computer model was used to estimate flood elevations upstream and downstream of the gage. Discharges used in the HEC-2 model were correlated, based on data at USGS gage No. 1419100 (established in 1892) at Salem, OR (USGS, 1978), to yield water-surface elevations similar to the combined stage-frequency curves.

The HEC-2 program was used to prepare Multnomah Channel flood profiles that connect corresponding Columbia and Willamette River combined frequency flood profiles downstream and upstream of the study reach.

Johnson Creek Flood profiles were computed using the HEC-2 step-backwater computer program.

Fairview Creek flood profiles were also computed using the HEC-2 step-backwater program.

The Fairview Creek study was revised on July 3, 1995, to add base flood elevations, and to update the flood boundary delineations from Bridge Street to Fairview Lake. The hydraulic analysis conducted for this restudy utilized the HEC-2 step-backwater

program. Cross-sectional data were obtained from the field surveys performed in May 1991, and were supplemented with topographic maps provided by Multnomah County. The 1-percent-annual-chance flood elevation calculated at the farm road crossing, which acts as a weir, at the outlet of Fairview Lake was used as the starting-water surface elevation. The revised floodway was established using equal conveyance. The results are shown on Table 8.

The HEC-2 analysis of Unnamed Tributary to Rock Creek had to compensate for sheet flow losses. During floods, the stream overtops its north bank and flows westerly across the county boundary. Flows were reduced in the computer model to account for these losses.

Columbia and Willamette River cross sections were based on USACE condition surveys, dated 1974 and 1976, and topographic maps (USACE, CL-106-92, USACE, CL-52-). Multnomah Channel cross sections were measured by hydrographic survey methods. Cross sections for Johnson Creek, Fairview Creek, and Unnamed Tributary to Rock Creek were field measured. Overbank topography for Multnomah Channel was defined by USGS topographic maps (USACE, 1986). Cross sections on Johnson and Fairview Creeks were supplemented with information from topographic maps (USGS, 1970 and 1975). Bridge drawings for structures on Columbia and Willamette Rivers were provided by government agencies and private industry. Bridge information for structures on Johnson Creek and Fairview Creek was obtained by field measurement.

Roughness values (Manning's "n") used in detailed hydraulic computations were chosen by engineering judgment and based on field observations of the streams and flood plain areas. The acceptability of all assumed hydraulic factors, cross sections, and hydraulic structure date was check by computations that duplicated historical flood profiles (USACE, 1973). Surveyed highwater marks for Beaver Creek were used to calibrate the computer model and determine the accuracy of the friction factor chosen. Where the computed elevation did not adequately reflect the actual experiences, the chosen factor was adjusted. Ranges of values for streams are summarized in Table 7.

The starting water-surface elevations for Columbia River flood profiles were based on the appropriate combined stage-frequency curve, while Willamette River and Multnomah Channel starting elevations were on coinciding Columbia River flood elevations.

There is overflow from Sandy River and interflow with Beaver Creek from Crown Point Highway downstream to their confluence, and Beaver Creek computed water surface elevations reflect the increase in the discharge because it was assumed that the two streams will peak together. A split-flow analysis was made to determine the quantity of overflow into Beaver Creek for the 2- and 1-percent-annual-chance floods.

Johnson Creek starting elevations were obtained from the Flood Insurance Study for the City of Portland (FEMA, 2004). Previous flood elevations, channel slopes, and bank elevations were considered when the starting water-surface elevations were determined for Unnamed Tributary to Rock Creek.

Starting water-surface elevations for Fairview Creek were based on normal-depth calculations. Starting water-surface elevations for the reach being revised, from River Mile 2.13 upstream to NE. Gilsan Street, were obtained by using the computed energy grade slope at cross section 2.13 from the last Flood Insurance Study for Fairview, Oregon, dated September 30, 1987 (FEMA, 1987).

Water-surface elevations within Multnomah County Drainage District No. 1 are based on a July 1984 hydrology study for the district (Multnomah County Drainage District Hydrology, 1984). As a result of this study, the 100-year water-surface elevation within the district was reduced from 17 feet to 14 feet (NGVD 29).

The Beaver Creek study was revised on August 3, 1998 to add detailed flood information, including the adoption of a regulatory floodway, from just upstream of Jackson Park Road to approximately 200 feet downstream of Southeast Stark Street.

Flooding along Beaver Creek occurs from two sources. Overflow from Sandy River creates a backwater effect along Beaver Creek from its confluence point with the Sandy River to approximately 6,200 feet upstream. Flooding along the remainder of Beaver Creek is due only to flow originating from the Beaver Creek watershed. Because of the backwater effects from the Sandy River, the lower portion of Beaver Creek is a level pool with essentially constant elevations. From approximately 6,200 feet upstream, the steep slope of the basin results in supercritical flow.

The hydraulic analysis of Beaver Creek was performed using the USACE HEC-2 step-backwater program (USACE, 1991). Starting water-surface elevations just upstream of Jackson Park Road were taken from the previous published FIS. Cross-section information was developed from topographic work maps at a scale of 1”=100’, with a contour interval of 2 feet (Troutdale Orthophoto Topographic Maps, 1983). Roughness factors (Manning’s “n”) used in the hydraulic computations were chosen based on engineering judgment and field observations of the channel and overbank areas. Manning’s “n” values of 0.04 and 0.07 were chosen for the channel and overbanks, respectively.

The floodway along the studied portion of Beaver Creek was computed on the basis of equal conveyance reduction from each side of the floodplain. From just upstream of Jackson Park Road to approximately 3,100 feet upstream, and from Troutdale Road to Southeast Stark Street, the floodway width was determined by the width of the encroachment needed to cause a 1-foot rise in the water surface. From 3,100 feet upstream of Jackson Park Road to Troutdale Road, the floodway width was

determined by the width of the encroachment needed to cause a 1-foot rise in the energy gradeline.

The approximate analysis on Columbia River upstream of the Sandy River was based on existing 1-percent-annual-chance profiles (USACE, 1971) and existing topographic maps (USACE, CL-106-92). Sandy River approximate analysis included field investigations to recover the 1964 high-water marks and normal-depth calculations to define the flood plain, using available topographic information (USGS, 1961).

Fairview Creek approximate analyses was completed based on existing topographic information (Multnomah County Topographic Maps, 1963, 1986, and 1978) and normal-depth calculations.

Kelley Creek, Butler Creek and Unnamed Tributary to Johnson Creek approximate elevations were derived from field analysis and using 2-foot contour interval maps (Multnomah County Topographic Maps, 1963, 1986, and 1978).

The approximate analysis on Arata Creek was based upon existing topographic maps (Multnomah County Topographic Maps, 1963, 1986, and 1978), culvert analyses, and normal depth computations.

Locations of selected cross sections used in the hydraulic analyses are shown on the Flood Profiles (Exhibit 1). For stream segments for which a floodway was computed (Section 4.2), selected cross section locations are also shown on the Flood Insurance Rate Map (Exhibit 2).

The hydraulic analyses for this study were based on unobstructed flow, except for the culverts at Birdsdale Avenue and the Tri-Met Lightrail, which were modeled as found, half-filled with sediment. The culvert at Division Street, which was submerged and assumed mostly filled with sediment during surveys in 1985, was modeled as being open because it was reported as being cleaned out in 1987. The flood elevations shown on the profiles are thus considered valid for these conditions (with noted exceptions) only if hydraulic structures remain unobstructed, operate properly, and do not fail.

December 18, 2009
Initial Countywide FIS Report

No hydraulic updates were made as part of the initial countywide update.

This Physical Map Revision

The City of Gresham portion of this PMR was prepared by WEST Consultants, Inc September 2012. Table 2 was updated to reflect streams studied in detail and their included segments. Detailed hydraulic analyses were conducted using HEC-RAS (DOGAMI, 2010). Cross section data were obtained from field surveys performed between December 2009 and April 2010 and were supplemented with LiDAR derived topographic data provided by the City of Gresham (USACE, 2009).

Roughness values (Manning's n) used in the hydraulic analyses were selected using engineering judgment and are based on field observations of the stream channels and floodplains. Table 8, "Roughness Coefficients", was updated to reflect the range of roughness values used for the detailed study streams.

Starting water surface elevations for Johnson Creek, and Fairview Creek were obtained from the previous Flood Insurance Study for Multnomah County and Incorporated Areas, Oregon (FEMA, 2009). Starting water surface elevations for the remaining detailed study streams were based on normal depth using the surveyed channel slope.

The Lower Columbia-Sandy Watershed portion of this PMR was prepared by STARR in 2016. Water surface elevations (WSELs) of the 10-, 4-, 2-, 1-, and 0.2-percent-annual-chance floods for Beaver Creek, Burlingame Creek, Kelly Creek, and Sandy River in Multnomah County, Oregon were estimated using of the USACE HEC-RAS 4.1.0 computer program (HEC, 2010). Cross sectional geometries for the detailed analysis of these streams were comprised of field run survey data and a digital terrain model (DTM) generated from Light Detection and Ranging (LIDAR) data collected by the Oregon Department of Geology & Mineral Industries (DOGAMI) in 2011 (DOGAMI, 2011). Topography for the upper portion of Kelly Creek was based on LIDAR from 2007 (DOGAMI, 2009). Surveyed channel sections were transferred upstream and downstream to LIDAR generated cross sections and were blended with the LIDAR data to create a consistent channel profile. Floodway encroachment stations were established, first using Method 4. The Method 4 encroachment stations were imported and the Method 1 encroachment analysis was then executed to create the final floodway.

Manning's Roughness were determined based on surface conditions in the channel and on the overbanks based on site visit, aerial photography and photographs. Manning's roughness used in the modeling is summarized in Table 8

Table 8 - Roughness Coefficients

Stream	Channel	Overbank
Beaver Creek	0.035 - 0.050	0.050 - 0.120
Brick Creek	0.050 - 0.055	0.080 - 0.100
Burlingame Creek	0.035 - 0.050	0.035 - 0.100
Columbia River	0.025 - 0.038	0.050 - 0.100
Fairview Creek	0.025 - 0.095	0.016 - 0.150
Fairview Creek - East Pond	0.025 - 0.050	0.08
Fairview Creek - NE Glisan Street Overflow	0.016 - 0.080	0.040 - 0.080
Hogan Creek	0.040 - 0.085	0.045 - 0.100
Johnson Creek	0.030 - 0.050	0.035 - 0.100
Johnson Creek City Park Side Channel	0.04	0.040 - 0.080
Johnson Creek Telford Split	0.040 - 0.070	0.040 – 0.075
Kelley Creek	0.050 - 0.075	0.060 - 0.120
Kelly Creek	0.035-0.060	0.035 – 0.120
MacDonald Creek	0.04	0.050 - 0.070
Multnomah Channel	0.030	0.050 - 0.100
North Fork Johnson Creek	0.045 - 0.050	0.060 - 0.100
North Fork Johnson Creek Split Flow	0.04	0.06
Sandy River	0.030 – 0.040	0.035 – 0.120
Sunshine Creek	0.040 - 0.045	0.040 - 0.090
Unnamed Tributary to Rock Creek	0.015 - 0.080	0.050 - 0.100
Willamette River	0.030 - 0.050	0.050 - 0.100

3.3 Vertical Datum

All FIS reports and FIRMs are referenced to a specific vertical datum. The vertical datum provides a starting point against which flood, ground, and structure elevations can be referenced and compared. Until recently, the standard vertical datum in use for newly created or revised FIS reports and FIRMs was NGVD. With the finalization of NAVD, many FIS reports and FIRMs are being prepared using NAVD as the referenced vertical datum.

Flood elevations shown in this FIS Report and on the FIRMs are referenced to NAVD88. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum.
For additional information regarding conversion between NGVD and NAVD, visit the NGS website at www.ngs.noaa.gov.

Table 9 – Vertical Datum Conversions

Quadrangle Name	Quadrangle Corner	Latitude	Longitude	Conversion from NGVD29 to NAVD88 (feet)
Damascus	NE	45.500	-122.375	3.423
Sandy	NE	45.500	-122.250	3.424

Average Conversion from NGVD29 to NAVD88 = 3.423 (FEET)

The conversion factor from NGVD to NAVD for all streams in this report is +3.423 feet. Temporary vertical monuments are often established during the preparation of a flood hazard analysis for the purpose of establishing local vertical control. Although these monuments are not shown on the FIRM, they may be found in the Technical Support Data Notebook associated with the FIS report and FIRM for this community. Interested individuals may contact FEMA to access these data.

To obtain current elevation, description, and/or location information for benchmarks shown on this map, please contact the Information Services Branch of the NGS at (301) 713-3242, or visit their website at www.ngs.noaa.gov.

4.0 FLOODPLAIN MANAGEMENT APPLICATIONS

The NFIP encourages State and local governments to adopt sound floodplain management programs. Therefore, each FIS provides 1-percent-annual-chance (100-year) flood elevations and delineations of the 1- and 0.2-percent-annual-chance (500-year) floodplain boundaries and 1-percent-annual-chance floodway to assist communities in developing floodplain management measures. This information is presented on the FIRM and in many components of the FIS report, including Flood Profiles, Floodway Data Table, and Summary of Discharges Table. Users should reference the data presented in the FIS report as well as additional information that may be available at the local map repository before making flood elevation and/or floodplain boundary determinations.

4.1 Floodplain Boundaries

Pre-Countywide FIS Reports

To provide a national standard without regional discrimination, the 1-percent-annual-chance flood has been adopted by FEMA as the base flood for floodplain management purposes. The 0.2-percent-annual-chance flood is employed to indicate additional areas of flood risk in the community.

For each stream studied by detailed methods, the 1- and 0.2-percent-annual-chance floodplain boundaries have been delineated using the flood elevations determined at each cross section. Between cross sections, the boundaries were interpolated using topographic maps at scales of 1:1,200 and 1:2,400, with a contour interval of 2 feet and 1:24,000, with contour intervals of 10 and 20 feet (USACE, CL-52-1/16-to 26) and (Troutdale Ortho Topographic Maps, 1983).

The 1- and 0.2-percent-annual-chance floodplain boundaries are shown on the FIRM (Exhibit 2). On this map, the 1-percent-annual-chance floodplain boundary corresponds to the boundary of the areas of special flood hazards (Zone A and AE), and the 0.2-percent-annual-chance floodplain boundary corresponds to the boundary of areas of moderate flood hazards. In cases where the 1- and 0.2-percent-annual-chance floodplain boundaries are close together, only the 1-percent-annual-chance floodplain boundary has been shown. Small areas within the floodplain boundaries may lie above the flood elevations but cannot be shown due to limitations of the map scale and/or lack of detailed topographic data.

For streams studied by approximate methods, the boundaries of the 1-percent-annual-chance floodplain were delineated on the aforementioned topographic maps in conjunction with previously estimated elevations.

Boundaries for the shallow flooding areas were delineated using topographic maps at a scale of 1:2,400, with a contour interval of 2 feet (Multnomah Topographic Maps , 1963, 1968, 1978), in conjunction with the previously estimated elevations.

For the streams studied by approximate methods, only the 1-percent-annual-chance floodplain boundary is shown on the FIRM (Exhibit 2).

Base map aerial imagery shown on this FIRM is from the Metro Data Resource Center and was collected during July 2004. Non-revised floodplains were compared to this new base map data and adjusted where appropriate.

In accordance with FEMA Procedure Memo 36, profile base lines have been included in all areas of detailed study. Profile base lines are shown in the location of the original stream centerline or original profile base line without regard to the adjusted floodplain position on the new base map. This was done to maintain the relationship of distances between cross sections along the profile base line between the hydraulic models, profiles and floodway data tables.

December 18, 2009
The Initial Countywide FIS Report

As part of the countywide update, floodplain boundaries within the City of Fairview for portions of the Columbia River, Fairview Lake, Blue Lake, and Fairview Creek were revised based on topographic maps at a scale of 1:1,200 with a contour interval of 2 feet. Additionally, portions of the Columbia River,

Willamette River, and Multnomah Channel were revised based on 2-foot contour interval topographic data developed from LiDAR data created by the Puget Sound LiDAR Consortium. The data can be used at a horizontal scale of 1:12,000 (1inch=1,000 feet) or smaller.

The floodplain boundaries for the remaining streams were digitized from the effective FIRM and Floodway panels. Aerial photography was used to adjust floodplain and floodway boundaries where appropriate.

This Physical Map Revision

For this PMR, studied streams floodplains delineated based on 2-foot contour interval data developed from LiDAR data developed by the Oregon Department of Geology and Mineral Industries (DOGAMI,2007). The data can be used at a horizontal scale of 1:12,000 (1inch=1,000 feet) or smaller.

The floodplain for Beaver Creek from its confluence with Sandy River to Cochrane Road and the floodplain for Columbia River from the confluence of Sandy River to 4 miles upstream of the confluence of Sandy River was redelineated to this same terrain.

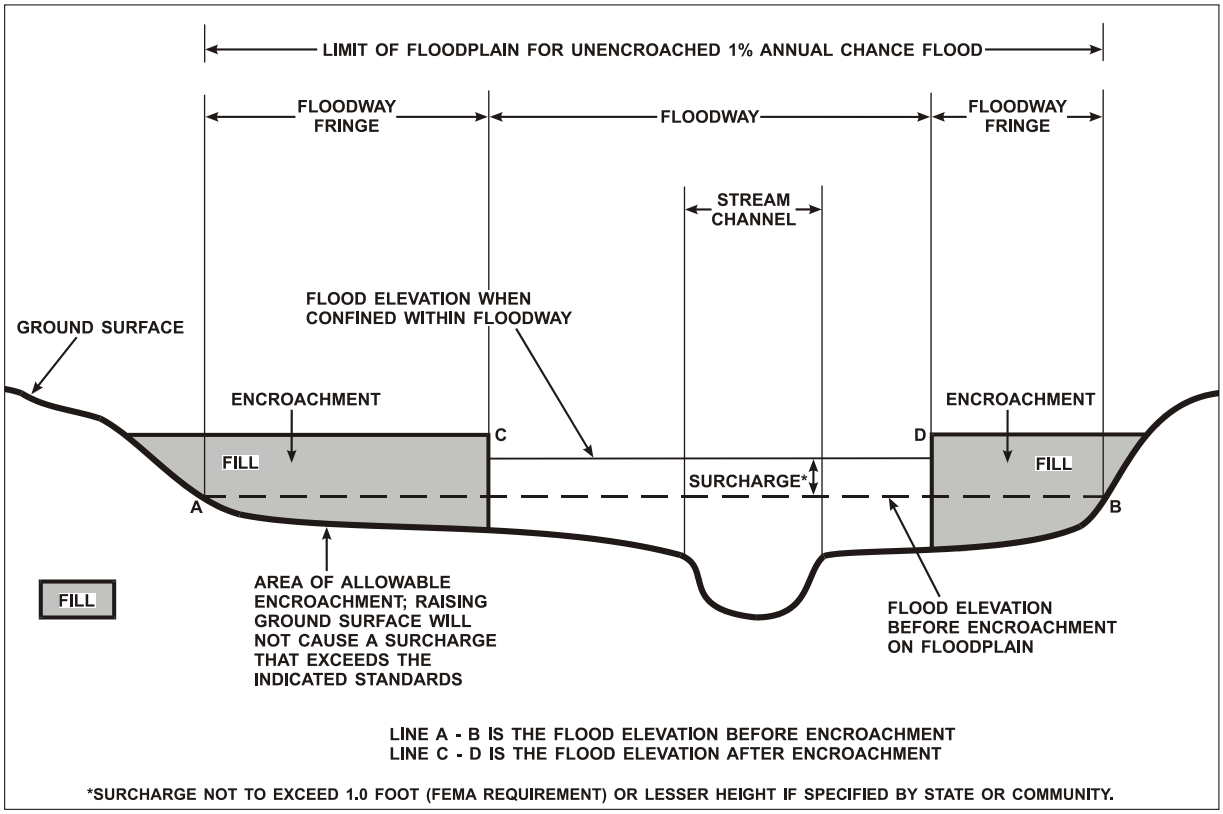
4.2 Floodways

Encroachment on floodplains, such as structures and fill, reduces flood-carrying capacity, increases flood heights and velocities, and increases flood hazards in areas beyond the encroachment itself. One aspect of floodplain management involves balancing the economic gain from floodplain development against the resulting increase in flood hazard. For purposes of the NFIP, a floodway is used as a tool to assist local communities in this aspect of floodplain management. Under this concept, the area of the 1-percent-annual-chance floodplain is divided into a floodway and a floodway fringe. The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the 1-percent-annual-chance flood can be carried without substantial increases in flood heights. Minimum Federal standards limit such increases to 1 foot, provided that hazardous velocities are not produced. The floodways in this study are presented to local agencies as minimum standards that can be adopted directly or that can be used as a basis for additional floodway studies.

The floodways presented in this study were computed for certain stream segments on the basis of equal-conveyance reduction from each side of the floodplain. Floodway widths were computed at cross sections. Between cross sections, the floodway boundaries were interpolated. The results of the floodway computations are tabulated for selected cross sections (see Table 10). In cases where the floodway and 1-percent-annual-chance floodplain boundaries are either close together or collinear, only the floodway boundary is shown.

The area between the floodway and 1-percent-annual-chance floodplain boundaries is termed the floodway fringe. The floodway fringe encompasses the portion of the floodplain that could be completely obstructed without increasing the water surface elevation WSEL of the 1-percent-annual-chance flood more than 1 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to floodplain development are shown in Figure 4.

Figure 4 - Floodway Schematic



Portions of the floodways of Columbia River, Willamette River, and Johnson Creek are outside of the unincorporated areas of Multnomah County.

December 18, 2009
The Initial Countywide FIS Report

In accordance with FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, floodways which abut certified levees are to be mapped to the landward toe of the levee. Several locations where the effective mapping did not reflect this were revised and the floodway boundary was moved to the landward toe as determined by new topographic data. This was done for the Columbia River at cross sections C, D, and Q and for the Multnomah Channel at cross sections D and E. Floodway widths shown in Table 10 were updated to reflect the revised floodway boundary.

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	633	144	2,080	2.3	38.0	38.0	38.5	0.5
B	1,373	151	2,000	2.4	39.3	39.3	39.6	0.3
C	1,848	117	1,720	2.6	39.5	39.5	39.7	0.2
D	2,006	66	690	6.8	39.5	39.5	39.7	0.2
E	2,270	111	1,130	1.8	42.9	42.9	43.2	0.3
F	2,798	101	2,050	1.0	43.0	43.0	43.2	0.2
G	3,115	74	485	4.1	43.1	43.1	44.1	1.0
H	3,500	101	1,042	1.4	43.4	43.4	44.4	1.0
I	6,350	42	173	11.6	47.1	47.1	47.5	0.4
J	8,150	36	170	11.8	114.6	114.6	114.6	0.0
K	9,350	48	170	11.7	157.5	157.5	157.7	0.2
L	10,530	44	316	3.4	186.9	186.9	186.9	0.0
M	12,290	44	148	7.0	198.2	198.2	198.4	0.2
N	12,778	30	133	7.8	214.1	214.1	215.1	1.0
O	12,988	120	1,520	0.7	215.4	215.4	216.2	0.8
P	13,593	163	955	1.1	215.5	215.5	216.2	0.7
Q	13,886	43	167	6.2	215.6	215.6	216.3	0.7
R	14,362	12	142	7.3	219.9	219.9	220.8	0.9
S	14,679	14	206	5.0	223.5	223.5	224.1	0.6
T	14,995	62	140	7.4	228.9	228.9	228.9	0.0
U	15,523	61	207	5.0	233.3	233.3	234.1	0.8

[1]Stream Distance In Feet Above Confluence With Sandy River

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: BEAVER CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
V	15,787	28	163	3.8	234.2	234.2	235.2	1.0
W	16,421	36	119	5.2	237.3	237.3	238.2	0.9
X	16,843	30	143	4.4	240.2	240.2	240.9	0.7
Y	16,896	7	59	10.5	241.1	241.1	241.1	0.0
Z	16,949	65	285	2.2	243.1	243.1	243.1	0.0
AA	17,160	39	95	6.5	243.2	243.2	243.2	0.0
AB	17,449	60	291	5.8	245.2	245.2	245.2	0.0
AC	17,655	108	1,199	1.4	258.7	258.7	259.4	0.7
AD	18,784	133	460	3.7	259.0	259.0	259.8	0.8

[1]Stream Distance In Feet Above Confluence With Sandy River

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: BEAVER CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Brick Creek								
A	416[2]	9	10	2.7	333.7	333.7	334.4	0.7
B	526[2]	9	14	1.9	336.9	336.9	337.1	0.2
C	760[2]	15	16	1.6	343.1	343.1	343.1	0.0
D	965[2]	3	7	4.0	347.6	347.6	347.6	0.0
E	1,284[2]	9	42	1.3	363.4	363.4	363.4	0.0
F	1,775[2]	5	7	4.1	371.9	371.9	372.0	0.1

[1] Feet above confluence with Sandy River [2] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

BRICK CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	63	49	115	5.4	314.2	314.2	314.2	0.0
B	366	39	117	5.3	316.0	316.0	316.0	0.0
C	912	60	273	2.3	317.0	317.0	317.2	0.2
D	1,577	60	337	1.8	317.1	317.1	317.6	0.5
E	2,351	60	321	1.9	317.1	317.1	317.8	0.7
F	3,000	60	250	2.5	317.2	317.2	318.2	1.0
G	3,278	61	325	1.9	317.5	317.5	318.4	0.9

[1]Stream Distance In Feet Above Confluence With Kelly Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: BURLINGAME CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek								
A	72	---[3]	---[3]	---[3]	20.0[2]	20.0	---[3]	---[3]
B	610	---[3]	---[3]	---[3]	20.1[2]	20.1	---[3]	---[3]
C	790	---[3]	---[3]	---[3]	20.1[2]	20.1	---[3]	---[3]
D	810	---[3]	---[3]	---[3]	20.2[2]	20.2	---[3]	---[3]
E	1,150	---[3]	---[3]	---[3]	20.3[2]	20.3	---[3]	---[3]
F	1,771	38	144	3.1	20.3	20.3	20.3	0.0
G	2,041	35	137	3.3	20.5	20.5	20.7	0.2
H	2,601	50	119	3.8	21.0	21.0	21.3	0.3
I	2,870	---[3]	---[3]	---[3]	21.9[2]	21.9	---[3]	---[3]
J	2,930	---[3]	---[3]	---[3]	28.5[2]	28.5	---[3]	---[3]
K	3,320	---[3]	---[3]	---[3]	28.9[2]	28.9	---[3]	---[3]
L	3,610	---[3]	---[3]	---[3]	31.2[2]	31.2	---[3]	---[3]
M	3,800	---[3]	---[3]	---[3]	31.2[2]	31.2	---[3]	---[3]
N	3,980	---[3]	---[3]	---[3]	31.7[2]	31.7	---[3]	---[3]
O	4,100	---[3]	---[3]	---[3]	34.4[2]	34.4	---[3]	---[3]
P	4,160	---[3]	---[3]	---[3]	38.9[2]	38.9	---[3]	---[3]
Q	4,200	---[3]	---[3]	---[3]	45.4[2]	45.4	---[3]	---[3]
R	4,380	---[3]	---[3]	---[3]	45.7[2]	45.7	---[3]	---[3]
S	4,540	---[3]	---[3]	---[3]	48.9[2]	48.9	---[3]	---[3]
T	4,850	---[3]	---[3]	---[3]	56.9[2]	56.9	---[3]	---[3]
U	5,150	---[3]	---[3]	---[3]	88.4[2]	88.4	---[3]	---[3]
V	5,340	---[3]	---[3]	---[3]	94.8[2]	94.8	---[3]	---[3]
W	5,780	---[3]	---[3]	---[3]	102.3[2]	102.3	---[3]	---[3]
X	6,060	---[3]	---[3]	---[3]	110.9[2]	110.9	---[3]	---[3]

[1] Feet above mouth [2] Values read from effective flood profiles [3] Data not available

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek (continued)								
Y	6,250	---[3]	---[3]	---[3]	115.8[2]	115.8	---[3]	---[3]
Z	6,300	---[3]	---[3]	---[3]	122.9[2]	122.9	---[3]	---[3]
AA	6,625	---[3]	---[3]	---[3]	128.1[2]	128.1	---[3]	---[3]
AB	6,748	---[3]	---[3]	---[3]	130.9[2]	130.9	---[3]	---[3]
AC	6,965	---[3]	---[3]	---[3]	132.7[2]	132.7	---[3]	---[3]
AD	7,180	---[3]	---[3]	---[3]	134.9[2]	134.9	---[3]	---[3]
AE	7,305	---[3]	---[3]	---[3]	143.8[2]	143.8	---[3]	---[3]
AF	7,532	30	71	4.9	150.8	150.8	151.0	0.2
AG	7,665	50	227	1.5	151.3	151.3	151.8	0.5
AH	7,835	45	168	2.1	151.5	151.5	152.0	0.5
AI	8,185	30	95	3.7	152.4	152.4	152.8	0.4
AJ	8,337	37	74	4.7	158.9	158.9	159.2	0.3
AK	8,392	56	369	1.0	159.4	159.4	159.8	0.4
AL	8,527	55	128	2.8	159.5	159.5	160.0	0.5
AM	8,697	65	138	2.5	159.7	159.7	160.6	0.9
AN	8,727	70	157	2.2	160.2	160.2	161.2	1.0
AO	9,117	86	223	1.5	162.6	162.6	162.6	0.0
AP	9,517	48	77	4.4	165.4	165.4	165.4	0.0
AQ	9,757	48	139	2.4	169.6	169.6	169.6	0.0
AR	10,137	54	101	3.4	174.3	174.3	174.3	0.0
AS	10,672	66	106	3.2	182.2	182.2	182.2	0.0
AT	11,079	87	200	1.7	188.7	188.7	188.7	0.0
AU	11,759	34	81	1.9	192.9	192.9	193.2	0.3

[1] Feet above mouth [2] Values read from effective flood profiles [3] Data not available

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek (continued)								
AV	12,944	90	174	0.9	197.9	197.9	198.3	0.4
AW	14,052	80	87	1.5	200.6	200.6	201.1	0.5
AX	14,832	122[2]	35	3.8	205.4	205.4	206.0	0.6
AY	15,337	14	20	6.7	208.8	208.8	208.8	0.0
AZ	15,465	83[2]	41	3.5	210.2	210.2	210.2	0.0
BA	15,524	22	75	1.3	211.1	211.1	211.1	0.0
BB	15,551	23	76	1.3	212.0	212.0	212.2	0.2
BC	15,683	723[2]	1033	0.1	212.0	212.0	212.2	0.2
BD	16,022	95	179	1.1	212.0	212.0	212.2	0.2
BE	16,275	25	62	0.6	214.6	214.6	215.0	0.4
BF	16,576	260	1108	0.2	214.6	214.6	215.0	0.4
BG	17,101	344	1360	0.2	214.6	214.6	215.0	0.4
BH	17,546	82	309	0.7	214.6	214.6	215.0	0.4
BI	17,685	48	226	1.0	214.6	214.6	215.0	0.4
BJ	17,919	31	127	1.8	214.7	214.7	215.0	0.3
BK	18,080	22	40	7.8	215.2	215.2	215.2	0.0
BL	18,122	15	28	7.8	218.1	218.1	218.1	0.0
BM	18,146	15	65	3.4	221.1	221.1	221.7	0.6
BN	18,674	24	37	6.0	228.4	228.4	229.3	0.9
BO	19,277	11	43	5.1	236.0	236.0	236.9	0.9
BP	19,772	13	42	5.2	240.0	240.0	240.4	0.4
BQ	19,956	10	40	5.5	241.0	241.0	241.6	0.6
BR	19,973	10	44	5.0	241.3	241.3	242.1	0.8

[1] Feet above mouth [2] Floodway width includes island in middle of channel

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek (continued)								
BS	20,074	11	36	6.1	241.9	241.9	242.6	0.7
BT	20,285	13	56	4.5	243.7	243.7	244.0	0.3
BU	20,385	11	47	4.7	246.9	246.9	247.0	0.1
BV	20,801	8	33	5.6	248.2	248.2	248.6	0.4
BW	21,082	15	55	3.3	249.4	249.4	250.0	0.6
BX	21,163	15	66	2.8	251.4	251.4	251.6	0.2
BY	21,568	10	33	5.6	252.4	252.4	252.6	0.2
BZ	22,014	15	68	2.7	253.7	253.7	253.9	0.2
CA	22,325	21	63	3.5	255.8	255.8	255.8	0.0
CB	22,552	8	25	7.4	257.6	257.6	258.0	0.4
CC	22,826	17	52	3.6	260.9	260.9	261.0	0.1
CD	22,918	62	234	0.8	264.9	264.9	264.9	0.0
CE	22,960	53	231	1.0	265.0	265.0	265.0	0.0
CF	23,376	14	111	2.1	265.0	265.0	265.0	0.0
CG	23,959	15	114	2.0	265.0	265.0	265.7	0.7
CH	24,164	16	117	2.0	265.0	265.0	265.9	0.9
CI	24,279	23	161	1.4	265.0	265.0	265.9	0.9
CJ	24,454	13	100	2.6	265.0	265.0	265.9	0.9
CK	24,518	13	96	0.3	265.1	265.1	266.1	1.0
CL	24,599	15	89	0.4	265.1	265.1	266.1	1.0
CM	24,939	18	95	0.3	265.1	265.1	266.1	1.0
CN	25,028	18	112	0.3	265.2	265.2	266.2	1.0
CO	25,075	13	47	0.7	265.2	265.2	266.2	1.0

[1] Feet above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek (continued)								
CP	25,531	17	64	0.5	265.3	265.3	266.2	0.9
CQ	26,078	18	47	0.7	265.4	265.4	266.3	0.9
CR	26,152	13	36	0.9	265.5	265.5	266.4	0.9
CS	26,718	13	27	1.2	266.6	266.6	266.9	0.3
CT	27,029	16	38	0.9	267.0	267.0	267.3	0.3
CU	27,216	19	41	0.8	267.2	267.2	267.4	0.2
CV	27,399	19	101	1.2	267.2	267.2	267.4	0.2
CW	27,764	15	81	1.5	267.3	267.3	267.5	0.2
CX	28,677	17	102	1.2	267.4	267.4	267.8	0.4
CY	29,496	23	142	0.9	267.4	267.4	267.9	0.5

[1] Feet above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek-East Pond Split Flow								
A	67	1074	2050	0.1	212.0	212.0	212.2	0.2
B	237	1026	2154	0.1	212.0	212.0	212.2	0.2
C	322	573	1323	0.1	212.0	212.0	212.2	0.2
D	424	636	1405	0.1	212.0	212.0	212.2	0.2
E	583	264	505	0.1	212.0	212.0	212.2	0.2
F	756	105	190	0.3	212.0	212.0	212.2	0.2
G	951	3	7	8.1	212.4	212.4	212.5	0.1
H	1004	9	24	4.0	214.4	214.4	214.7	0.3
I	1065	26	89	0.7	214.7	214.7	215.1	0.4
J	1139	30	101	0.6	214.7	214.7	215.1	0.4

[1] Feet above confluence with Fairview Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK – EAST POND

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Fairview Creek-NE Glisan St. Overflow								
A	51	216	941	0.2	204.8	204.8	204.8	0.0
B	326	34	65	1.5	204.8	204.8	204.8	0.0
C	825	12	30	3.4	207.9	207.9	208.1	0.2
D	1156	33	44	2.3	209.6	209.6	209.8	0.2
E	1507	110	81	1.2	210.6	210.6	210.6	0.0
F	1860	104	126	0.8	210.9	210.9	210.9	0.0
G	2068	96	73	1.4	211.1	211.1	211.1	0.0
H	2410	64	59	3.2	211.6	211.6	211.6	0.0
I	2558	19	44	4.3	212.0	212.0	212.3	0.3
J	2797	21	42	4.5	212.3	212.3	212.9	0.6
K	2958	53	39	4.9	213.7	213.7	213.9	0.2
L	3076	75	127	1.5	214.6	214.6	214.9	0.3

[1] Feet above upstream end of culvert at Northeast Glisan Street

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FAIRVIEW CREEK – NE GLISAN STREET OVERFLOW

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Hogan Creek								
A	158	11	39	7.3	332.4	332.4	332.9	0.5
B	716	14	48	6.0	342.3	342.3	342.9	0.5
C	1,924	7	42	6.8	364.7	364.7	365.6	0.9
D	2,092	10	76	3.8	370.8	370.8	370.8	0.0
E	2,500	24	153	1.9	376.5	376.5	376.6	0.1
F	3,088	29	62	4.6	390.8	390.8	391.7	1.0
G	3,484	22	195	2.0	418.2	418.2	418.9	0.7
H	3,582	25	177	1.6	418.3	418.3	419.2	0.9
I	4,140	16	34	8.3	439.4	439.4	439.5	0.1
J	4,528	17	59	4.9	455.8	455.8	456.7	0.9
K	5,018	15	48	6.0	470.0	470.0	470.4	0.4
L	5,474	15	52	5.5	485.1	485.1	486.1	1.0
M	5,640	26	68	4.2	490.1	490.1	491.1	1.0
N	6,122	19	43	6.7	509.4	509.4	510.1	0.8
O	6,453	15	62	4.9	529.8	529.8	530.2	0.4
P	6,489	23	102	2.8	530.8	530.8	531.0	0.2

[1] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

HOGAN CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek								
BB[3]	11.733	130 / 10[2]	694	3.7	250.2	250.2	251.1	0.9
BC	11.823	129 / 24[2]	819	3.1	250.9	250.9	251.7	0.8
BD	11.928	155	710	3.6	251.7	251.7	252.5	0.8
BE	11.969	57	543	4.7	254.1	254.1	255.0	0.9
BF	12.099	79 / 47[2]	808	3.1	255.2	255.2	255.8	0.6
BG	12.337	50	300	8.3	255.5	255.5	256.0	0.5
BH	12.572	48	357	6.9	259.8	259.8	259.9	0.1
BI	12.656	49	473	6.6	260.7	260.7	261.3	0.6
BJ	12.736	51	530	5.9	261.5	261.5	262.0	0.5
BK	12.806	55	591	5.3	261.8	261.8	262.4	0.6
BL	12.827	121	849	3.7	262.5	262.5	263.1	0.6
BM	12.849	38	443	7.1	262.5	262.5	263.0	0.5
BN	12.869	41	475	6.6	262.7	262.7	263.2	0.5
BO	12.947	50	478	6.6	263.2	263.2	263.8	0.6
BP	12.984	49	465	6.8	263.5	263.5	264.2	0.7
BQ	12.989	57	502	6.3	263.5	263.5	264.2	0.7
BR	13.001	57	505	6.2	263.7	263.7	264.4	0.7
BS	13.010	47	515	6.1	263.8	263.8	264.6	0.8
BT	13.042	67	674	4.7	264.1	264.1	265.0	0.9
BU	13.106	70	554	5.7	264.3	264.3	265.0	0.7
BV	13.182	85	764	4.1	265.1	265.1	265.9	0.8
BW	13.248	117	853	3.7	265.4	265.4	266.2	0.8
BX	13.331	83	616	5.1	265.5	265.5	266.4	0.9
BY	13.424	54	367	8.6	265.5	265.5	266.4	0.9

[1] Miles above mouth [2] Width/width within study area

[3] Cross sections A through BA are located within the City of Portland – See FIS for City of Portland, OR Community No. 410183

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
BZ	13.442	27	245	12.8	265.6	265.6	266.5	0.9
CA	13.451	27	266	11.8	267.1	267.1	267.4	0.3
CB	13.460	56	496	6.3	269.0	269.0	269.0	0.0
CC	13.502	94	763	4.1	269.9	269.9	269.9	0.0
CD	13.589	101	843	3.7	270.3	270.3	270.4	0.1
CE	13.694	78	744	4.2	270.6	270.6	271.0	0.4
CF	13.791	54	477	6.6	270.8	270.8	271.3	0.5
CG	13.795	54	374	8.4	270.8	270.8	270.9	0.1
CH	13.886	52	459	6.9	272.3	272.3	272.6	0.3
CI	13.934	65	581	5.4	272.6	272.6	273.5	0.9
CJ	13.967	99	665	4.7	272.9	272.9	273.9	1.0
CK	14.069	150	1058	3.0	274.0	274.0	274.7	0.7
CL	14.150	126	723	4.3	274.0	274.0	275.0	1.0
CM	14.250	161	696	4.5	275.2	275.2	275.9	0.7
CN	14.354	130	592	5.3	275.8	275.8	276.7	0.9
CO	14.427	70	347	9.0	277.3	277.3	277.7	0.4
CP	14.521	86	545	5.8	279.4	279.4	280.4	1.0
CQ	14.620	60	427	6.6	280.6	280.6	281.6	1.0
CR	14.707	46	334	8.4	281.9	281.9	282.7	0.8
CS	14.768	46	378	7.4	283.2	283.2	284.0	0.8
CT	14.786	48	306	9.2	283.2	283.2	283.8	0.6
CU	14.801	72	473	6.0	287.7	287.7	287.7	0.0
CV	14.820	112	930	3.0	288.8	288.8	288.8	0.0

[1] Miles above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
DT	16.026	42	520	3.4	301.4	301.4	302.0	0.6
DU	16.056	76	797	3.5	302.8	302.8	303.4	0.6
DV	16.091	115	902	3.1	303.1	303.1	303.8	0.7
DW	16.106	99	761	3.7	303.1	303.1	303.9	0.8
DX	16.123	53	607	4.6	303.1	303.1	303.9	0.8
DY	16.150	61	698	4.0	303.7	303.7	304.5	0.8
DZ	16.207	100	852	3.3	304.1	304.1	304.8	0.7
EA	16.250	150	1087	2.9	304.2	304.2	304.9	0.7
EB	16.289	185	915	3.4	304.5	304.5	305.1	0.6
EC	16.341	189	914	3.1	304.6	304.6	305.5	0.9
ED	16.427	112	592	4.8	305.0	305.0	306.0	1.0
EE	16.458	131	571	5.2	305.2	305.2	306.1	0.9
EF	16.459	131	636	4.7	306.1	306.1	306.6	0.5
EG	16.520	135	728	3.9	307.4	307.4	307.6	0.2
EH	16.605	140	532	5.3	308.1	308.1	308.3	0.2
EI	16.622	138	401	7.0	308.2	308.2	308.5	0.3
EJ	16.626	135	650	4.3	311.1	311.1	311.2	0.1
EK	16.637	135	779	3.6	311.5	311.5	311.5	0.0
EL	16.730	92	545	5.2	312.2	312.2	312.4	0.2
EM	16.824	102	478	5.9	312.9	312.9	313.6	0.7
EN	16.887	71	419	6.7	315.4	315.4	315.6	0.2
EO	16.911	122	543	5.2	316.0	316.0	316.2	0.2
EP	16.922	125	701	5.4	318.9	318.9	318.9	0.0

[1] Miles above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
CW	14.904	97	896	3.1	289.0	289.0	289.0	0.0
CX	14.994	83	800	3.5	289.1	289.1	289.2	0.1
CY	15.081	83	775	3.6	289.5	289.5	289.5	0.0
CZ	15.150	112	893	3.2	289.6	289.6	289.8	0.2
DA	15.283	122	1228	2.3	289.8	289.8	290.2	0.4
DB	15.339	116	738	3.8	289.8	289.8	290.2	0.4
DC	15.457	120	687	4.1	289.9	289.9	290.7	0.8
DD	15.482	137	536	5.3	289.9	289.9	290.8	0.9
DE	15.494	135	630	4.6	290.7	290.7	291.4	0.7
DF	15.507	150	614	4.6	291.0	291.0	291.4	0.4
DG	15.573	88	455	6.2	291.9	291.9	292.2	0.3
DH	15.672	49	288	9.8	293.6	293.6	294.2	0.6
DI	15.728	41	310	9.1	296.0	296.0	296.4	0.4
DJ	15.744	44	342	8.2	297.0	297.0	297.2	0.2
DK	15.760	40	392	7.2	297.5	297.5	297.9	0.4
DL	15.785	53	460	6.1	297.6	297.6	298.3	0.7
DM	15.792	58	554	5.1	298.2	298.2	298.8	0.6
DN	15.865	40	364	7.7	298.4	298.4	299.0	0.6
DO	15.869	40	372	7.6	298.5	298.5	299.2	0.7
DP	15.926	38	496	5.7	300.0	300.0	300.5	0.5
DQ	15.981	34	392	7.2	300.2	300.2	300.7	0.5
DR	15.989	34	394	7.1	300.3	300.3	300.8	0.5
DS	16.013	46	498	3.6	301.3	301.3	301.9	0.6

[1] Miles above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
EQ	17.002	353	1021	2.5	319.8	319.8	319.8	0.0
ER	17.113	92	436	5.7	322.3	322.3	322.7	0.4
ES	17.262	112	361	7.7	326.1	326.1	326.6	0.5
ET	17.266	188	602	4.2	327.2	327.2	327.5	0.3
EU	17.345	160	524	4.8	328.2	328.2	328.5	0.3
EV	17.478	117	584	4.3	331.4	331.4	332.3	0.9
EW	17.635	81	428	5.3	334.6	334.6	335.4	0.8
EX	17.677	55	291	7.9	336.1	336.1	336.9	0.8
EY	17.702	65	332	6.9	337.6	337.6	338.1	0.5
EZ	17.713	54	314	7.3	337.9	337.9	338.2	0.3
FA	17.730	66	344	6.7	339.3	339.3	339.3	0.0
FB	17.829	87	471	4.9	341.5	341.5	342.2	0.7
FC	17.924	118	270	5.0	343.6	343.6	344.6	1.0
FD	17.930	133	221	6.2	343.7	343.7	344.6	0.9
FE	17.979	129	666	3.4	347.1	347.1	348.0	0.9
FF	18.092	109	451	5.1	348.7	348.7	349.4	0.7
FG	18.166	113	439	5.2	350.7	350.7	351.4	0.7
FH	18.232	138	428	5.3	352.6	352.6	353.4	0.8
FI	18.323	180	598	3.8	356.8	356.8	357.1	0.3
FJ	18.487	233	612	3.7	361.3	361.3	362.2	0.9
FK	18.602	155	621	3.7	366.2	366.2	366.2	0.0
FL	18.678	140	357	6.2	367.9	367.9	367.9	0.0
FM	18.704	170	506	4.4	368.9	368.9	369.4	0.5

[1] Miles above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
FN	18.715	170	1000	2.2	372.6	372.6	372.9	0.3
FO	18.738	156	827	2.7	372.6	372.6	373.0	0.4
FP	18.828	58	388	5.7	374.1	374.1	375.1	1.0
FQ	18.939	87	429	5.2	378.5	378.5	378.6	0.1
FR	19.031	89	420	5.3	380.5	380.5	381.4	0.9
FS	19.113	85	381	5.8	382.7	382.7	383.6	0.9
FT	19.194	108	402	5.5	385.4	385.4	386.2	0.8
FU	19.288	116	409	5.4	389.1	389.1	389.5	0.4
FV	19.405	186	617	3.4	392.3	392.3	393.3	1.0
FW	19.527	120	306	3.0	397.1	397.1	397.2	0.1
FX	19.584	23	101	8.0	397.8	397.8	398.2	0.4
FY	19.712	44	139	5.4	402.6	402.6	402.8	0.2
FZ	19.768	63	166	2.1	404.8	404.8	405.2	0.4
GA	19.831	80	314	2.9	406.6	406.6	407.0	0.4
GB	19.916	61	230	3.9	407.9	407.9	408.3	0.4
GC	19.992	68	197	4.6	409.3	409.3	409.6	0.3
GD	20.072	71	184	6.7	411.4	411.4	411.5	0.1
GE	20.081	124	651	1.8	415.7	415.7	416.4	0.7
GF	20.124	140	549	1.6	415.8	415.8	416.6	0.8
GG	20.162	122	370	5.5	415.8	415.8	416.5	0.8
GH	20.195	100	365	3.4	417.7	417.7	418.4	0.7
GI	20.209	63	168	5.4	417.8	417.8	418.4	0.6
GJ	20.265	55	232	3.9	419.4	419.4	420.2	0.8

[1] Miles above mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek (continued)								
GK	20.370	54	221	4.1	421.7	421.7	422.4	0.7
GL	20.476	61	205	4.4	425.0	425.0	425.5	0.5
GM	20.556	62	210	4.3	427.4	427.4	428.3	0.9
GN	20.589	50	164	5.5	428.4	428.4	429.0	0.6
GO	20.631	75	242	3.7	430.9	430.9	431.6	0.7
GP	20.691	140	283	3.2	431.7	431.7	432.6	0.9
GQ	20.881	26	93	10.6	439.1	439.1	439.8	0.7
GR	21.016	200	451	2.2	445.9	445.9	446.9	1.0
GS	21.036	258	1,669	0.6	450.3	450.3	451.1	0.8
GT	21.136	57	182	5.5	451.3	451.3	452.3	1.0
GU	21.317	39	161	6.1	458.9	458.9	459.6	0.7
GV	21.519	73	233	4.3	463.9	463.9	464.5	0.6
GW	21.755	29	124	8.0	472.2	472.2	472.7	0.5
GX	21.838	77	309	3.2	474.4	474.4	475.1	0.7
GY	21.911	40	151	6.6	476.0	476.0	476.7	0.7
GZ	22.034	30	143	6.9	481.3	481.3	481.8	0.5
HA	22.043	30	218	4.5	483.9	483.9	484.5	0.6
HB	22.143	33	130	7.6	485.6	485.6	486.5	0.9
HC	22.366	61	215	4.6	494.7	494.7	495.5	0.8
HD	22.510	93	265	2.2	496.3	496.3	497.3	1.0
HE	22.577	29 / 15[2]	90	6.4	497.7	497.7	498.3	0.6

[1] Miles above mouth [2] Width / width within study area

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Johnson Creek-City Park Side Channel								
A	0.023[1]	55	430	2.4	301.2	301.2	302.0	0.8
B	0.025[1]	55	432	2.4	301.2	301.2	302.0	0.8
C	0.063[1]	49	428	2.4	301.4	301.4	302.1	0.7
Johnson Creek-Telford Split Flow								
A	141[2]	39	113	2.6	399.8	399.8	400.2	0.4
B	679[2]	125	362	1.5	404.7	404.7	405.2	0.5
C	907[2]	114	179	0.0	405.0	405.0	405.5	0.5

[1] Miles above confluence with Johnson Creek. [2] Feet above confluence with North Fork Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

JOHNSON CREEK CITY PARK SIDE CHANNEL
JOHNSON CREEK TELFORD ROAD SPLIT

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Kelley Creek								
A	5,180	49	224	3.8	321.1	321.1	322.1	1.0
B	5,980	28	127	6.7	324.1	324.1	324.6	0.5
C	6,068	43	448	1.9	333.7	333.7	334.7	1.0
D	6,998	101	594	1.4	334.0	334.0	335.0	1.0
E	7,451	65	393	2.2	334.3	334.3	335.2	0.9
F	8,375	38	150	5.6	336.1	336.1	336.3	0.2
G	8,869	36	154	5.5	339.8	339.8	340.0	0.2
H	9,139	34	138	2.5	342.2	342.2	342.9	0.7
I	9,513	39	119	2.7	342.5	342.5	343.1	0.6
J	9,711	35	127	2.5	342.9	342.9	343.6	0.7
K	9,885	36	130	2.5	343.5	343.5	344.0	0.5
L	10,082	36	417	1.1	352.3	352.3	352.8	0.5
M	10,741	33	247	1.3	352.4	352.4	352.8	0.4
N	11,122	18	65	4.9	354.8	354.8	355.0	0.2
O	11,232	23	182	1.8	357.6	357.6	357.7	0.1
P	11,635	31	96	3.3	357.8	357.8	357.8	0.0
Q	11,980	25	98	3.3	358.5	358.5	359.2	0.7
R	12,220	16	39	8.3	360.1	360.1	360.2	0.1
S	12,293	42	247	2.1	367.5	367.5	367.5	0.0
T	12,837	21	70	4.6	367.6	367.6	367.8	0.2
U	13,173	19	285	1.1	387.3	387.3	388.3	1.0
V	13,726	61	325	1	387.4	387.4	388.4	1.0
W	14,250	25	71	4.5	395.0	395.0	395.0	0.0

[1] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

KELLEY CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Kelley Creek (continued)								
X	14,595	25	53	6	403.6	403.6	403.8	0.2
Y	15,183	19	66	4.9	420.4	420.4	421.0	0.6
Z	15,701	17	44	7.4	435.3	435.3	435.6	0.3
AA	16,245	18	58	5.5	454.3	454.3	454.7	0.4

[1] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

KELLEY CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	136	34	93	8.4	239.5	239.5	239.5	0.0
B	521	31	83	9.4	251.8	251.8	251.9	0.1
C	1,054	199	746	1.1	294.2	294.2	294.2	0.0
D	1,778	49	146	6.0	294.2	294.2	294.2	0.0
E	2,113	44	279	3.1	304.1	304.1	304.1	0.0
F	2,625	36	130	6.8	310.8	310.8	310.8	0.0
G	2,734	47	170	5.1	313.3	313.3	313.3	0.0
H	2,894	25	38	8.6	314.5	314.5	314.5	0.0
I	2,995	30	51	6.3	317.0	317.0	317.0	0.0
J	3,506	21	63	5.1	324.8	324.8	324.8	0.0
K	4,097	29	69	4.7	330.7	330.7	330.7	0.0
L	5,294	23	72	4.5	339.1	339.1	339.1	0.0
M	5,534	30	99	3.3	341.6	341.6	341.6	0.0
N	6,251	19	69	4.7	345.1	345.1	345.1	0.0
O	6,392	34	189	1.7	348.4	348.4	349.0	0.6
P	7,417	28	130	2.5	349.3	349.3	349.8	0.5
Q	7,698	18	180	1.8	358.1	358.1	358.1	0.0
R	8,742	38	206	1.6	358.2	358.2	358.4	0.2
S	9,815	32	72	4.5	359.8	359.8	359.8	0.0
T	10,263	23	214	1.5	370.6	370.6	370.9	0.3
U	11,039	34	170	1.9	370.8	370.8	371.2	0.4

[1]Stream Distance In Feet Above Confluence With Beaver Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: KELLY CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
V	11,782	21	62	5.3	375.9	375.9	375.9	0.0
W	12,119	26	62	5.2	378.2	378.2	378.3	0.1
X	12,781	22	52	6.2	385.3	385.3	385.4	0.1
Y	12,967	40	86	1.9	388.5	388.5	388.5	0.0
Z	14,117	32	42	3.8	392.9	392.9	392.9	0.0
AA	15,339	25	45	3.6	403.8	403.8	403.8	0.0
AB	15,497	269	1,588	0.2	414.9	414.9	414.9	0.0
AC	16,274	127	591	0.3	414.9	414.9	414.9	0.0
AD	16,808	96	159	1.0	414.9	414.9	414.9	0.0
AE	17,265	49	355	1.1	424.0	424.0	424.0	0.0
AF	17,756	40	206	1.9	424.1	424.1	424.2	0.1
AG	18,250	17	58	6.8	428.0	428.0	428.6	0.6
AH	18,401	30	176	2.3	431.9	431.9	432.5	0.6
AI	18,948	22	85	4.7	433.8	433.8	434.8	1.0
AJ	19,749	28	85	4.7	442.5	442.5	443.1	0.6
AK	20,019	35	340	1.2	453.5	453.5	454.0	0.5
AL	20,549	43	250	1.0	453.5	453.5	454.2	0.7
AM	20,696	42	284	0.9	455.0	455.0	455.7	0.7
AN	21,535	25	48	5.1	459.3	459.3	459.7	0.4

[1]Stream Distance In Feet Above Confluence With Beaver Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: KELLY CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE-FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
AO	16,458	40	35	3.5	436.9	436.9	436.9	0.0
AP	16,747	40	34	2.9	439.3	439.3	439.3	0.0
AQ	17,089	43	97	0.9	447.3	447.3	447.3	0.0
AR	17,600	19	28	3.1	449.4	449.4	449.5	0.1
AO	16,458	40	35	3.5	436.9	436.9	436.9	0.0
AP	16,747	40	34	2.9	439.3	439.3	439.3	0.0
AQ	17,089	43	97	0.9	447.3	447.3	447.3	0.0
AR	17,600	19	28	3.1	449.4	449.4	449.5	0.1
AS	17,684	21	43	2.0	450.0	450.0	450.1	0.1
AT	17,757	19	21	4.1	450.3	450.3	450.4	0.1
AU	18,566	15	24	3.7	459.3	459.3	459.6	0.3

[1] Feet above downstream end of culvert at Kane Road

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: KELLY CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
MacDonald Creek								
A	107	17	73	6.3	404.4	404.4	405.4	1.0
B	597	14	56	8.2	410.0	410.0	410.3	0.3
C	1,157	16	70	6.6	414.2	414.2	414.6	0.4
D	1,750	22	87	5.3	417.4	417.4	417.7	0.3

[1] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

MACDONALD CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY[2] (FEET NAVD)	WITH FLOODWAY[2] (FEET NAVD)	INCREASE (FEET)
Multnomah Channel								
A	12.68	800	28,977	3.9	28.8	26.8	27.7	0.9
B	14.79	760	28,278	4.0	29.6	27.4	28.3	0.9
C	17.03	800	30,177	3.7	30.0	28.0	28.8	0.8
D	19.08	870[3]	30,687	3.6	30.5	28.3	29.2	0.9
E	20.55	836[3]	40,034	2.8	30.7	28.5	29.5	1.0
F	21.21	800	38,085	2.9	30.8	28.6	29.6	1.0

[1] Miles above mouth [2] Elevations computed without consideration of influence from Columbia and Willamette Rivers

[3] Includes width of levee to landward toe

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

MULTNOMAH CHANNEL

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
North Fork Johnson Creek								
A	109	9	20	2.9	394.1[2]	391.3	391.3	0.0
B	460	60	169	1.0	398.7	398.7	398.8	0.1
C	995	20	41	5.1	401.1	401.1	401.2	0.1
D	1,170	27	151	1.4	407.0	407.0	408.0	1.0
E	1,698	18	56	3.8	407.7	407.7	408.7	1.0
F	1,816	16	45	5.8	408.7	408.7	409.1	0.4
G	2,031	22	121	2.2	414.8	414.8	414.8	0.0
H	2,204	31	116	1.8	415.2	415.2	416.2	1.0
I	2,519	10	46	4.6	415.6	415.6	416.5	0.9
J	2,665	18	106	2.0	421.5	421.5	421.6	0.1
K	2,797	16	94	2.2	421.5	421.5	421.7	0.2
L	3,284	16	69	3.0	421.7	421.7	422.2	0.5
M	3,726	11	33	6.4	423.1	423.1	423.7	0.6
N	4,349	17	60	3.5	427.4	427.4	427.7	0.3
O	4,818	13	37	5.7	431.7	431.7	431.9	0.2
P	5,133	13	54	3.9	433.6	433.6	434.5	0.9
Q	5,688	12	48	4.4	436.4	436.4	437.0	0.6
R	6,129	11	32	6.6	440.8	440.8	441.0	0.2
S	6,851	13	51	4.1	447.1	447.1	447.7	0.6
T	7,437	12	36	5.8	454.2	454.2	454.6	0.4
U	7,543	13	54	3.9	455.1	455.1	455.7	0.6
V	7,607	22	215	1.0	464.5	464.5	464.8	0.3
W	7,701	33	250	0.8	464.5	464.5	464.8	0.3

[1] Feet above confluence with Johnson Creek [2] Backwater effects from Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

NORTH FORK JOHNSON CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
North Fork Johnson Creek-Split Flow								
A	55	17	48	3.2	394.5	394.5	394.5	0.0
B	312	21	61	1.4	397.7	397.7	397.7	0.0

[1] Feet above confluence with North Fork Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

NORTH FORK JOHNSON CREEK SPLIT FLOW

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Sunshine Creek								
A	81	26	118	6.2	396.8	396.8	397.8	0.9
B	617	40	129	5.6	401.6	401.6	401.7	0.1
C	1,067	60	179	4.1	405.0	405.0	405.4	0.4
D	1,603	45	134	5.4	406.7	406.7	407.3	0.6
E	1,714	47	178	4.1	408.7	408.7	408.7	0.0
F	1,819	104	297	2.4	409.1	409.1	409.1	0.0
G	2,140	48	168	4.3	409.4	409.4	409.4	0.0
H	2,485	22	125	5.8	410.2	410.2	410.2	0.0
I	2,591	29	265	3.9	414.5	414.5	415.1	0.6
J	2,692	41	300	2.4	414.7	414.7	415.4	0.7
K	3,254	45	210	3.5	414.7	414.7	415.6	0.9

[1] Feet above confluence with Johnson Creek

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

SUNSHINE CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (Feet NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (Feet)	SECTION AREA (Square Feet)	MEAN VELOCITY (Feet Per Second)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	12,656	906	15,597	5.5	35.7	35.7	36.0	0.3
B	13,839	519	8,114	10.5	35.7	35.7	36.1	0.4
C	14,151	826	12,778	6.7	37.8	37.8	37.9	0.1
D	15,120	333	6,128	13.4	37.8	37.8	37.9	0.1
E	15,818	336	6,658	12.3	39.1	39.1	39.3	0.2
F	16,088	514	10,236	8.0	41.2	41.3	41.4	0.1
G	17,153	1,124	12,459	6.6	41.5	41.5	41.6	0.1
H	18,098	861	14,044	5.8	43.5	43.5	43.6	0.1
I	19,066	359	7,309	11.2	43.5	43.5	43.7	0.2
J	21,054	446	9,678	8.5	45.7	45.8	45.9	0.1
K	21,948	358	8,160	10.0	46.7	46.7	46.8	0.1
L	22,765	345	8,034	10.2	47.2	47.2	47.3	0.1
M	23,904	529	10,850	7.5	48.7	48.7	48.7	0.0
N	26,030	264	6,012	13.6	48.9	48.9	49.1	0.2
O	27,116	465	9,747	8.4	51.6	51.6	52.0	0.4
P	29,155	288	7,030	11.6	53.0	53.0	53.2	0.2
Q	30,853	287	6,556	12.5	54.8	54.8	55.2	0.4
R	31,106	280	7,436	11.0	56.0	56.0	56.3	0.3
S	31,955	379	9,699	8.4	57.4	57.4	57.6	0.2
T	33,085	678	16,240	5.0	58.5	58.5	58.8	0.3

[1]Stream Distance in Miles Above Mouth

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: SANDY RIVER

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Unnamed Tributary to Rock Creek								
A	0.74	80 / 15[2]	122	2.7	204.4	204.4	204.9	0.5
B	0.86	100[3]	173	1.9	207.8	207.8	208.4	0.6
C	0.97	64	106	3.2	210.7	210.7	211.0	0.3
D	1.16	148	263	1.3	214.0	214.0	214.5	0.5
E	1.19	8	32	10.4	214.5	214.5	214.5	0.0
F	1.33	85	173	0.7	218.5	218.5	219.3	0.8

[1] Miles above mouth [2] Width/Width within county limits [3] Floodway located entirely outside county limits

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

UNNAMED TRIBUTARY TO ROCK CREEK

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/SEC)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
Willamette River								
A	0.38	1600 / 799[3]	85,130	3.1	30.8	29.3[4]	30.1[4]	0.8
B	1.52	1700 / 1020[3]	113,090	2.3	30.9	29.4[4]	30.2[4]	0.8
C	2.40	2300 / 1126[3]	142,790	1.8	30.9	29.5[4]	30.3[4]	0.8
D	3.03	2073 / 829[3]	110,545	2.4	30.9	29.5[4]	30.3[4]	0.8
AE[2]	17.83	985 / 16[3]	63,627	5.9	35.1	35.1	36.0	0.9
AF	18.31	815 / 66[3]	51,102	7.3	35.4	35.4	36.3	0.9
AG	18.63	1325 / 25[3]	85,861	4.4	36.2	36.2	37.0	0.8
AH	19.10	1530 / 24[3]	63,914	5.9	36.2	36.2	37.0	0.8

[1] Miles above mouth [2] Cross sections E through AD are located within the City of Portland – See FIS for City of Portland, OR Community No. 410183
[3] Width / Width within study area [4] Elevation computed without consideration of influence from Columbia River

TABLE 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS

FLOODWAY DATA

WILLAMETTE RIVER

5.0 INSURANCE APPLICATIONS

For flood insurance rating purposes, flood insurance zone designations are assigned to a community based on the results of the engineering analyses. These zones are as follows:

Zone A

Zone A is the flood insurance risk zone that corresponds to the 1-percent-annual-chance floodplains that are determined in the FIS by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no BFEs or base flood depths are shown within this zone.

Zone AE

Zone AE is the flood insurance risk zone that corresponds to the 1-percent-annual-chance floodplains that are determined in the FIS by detailed methods. In most instances, whole-foot BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone AH

Zone AH is the flood insurance risk zone that corresponds to the areas of 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between 1 and 3 feet. Whole-foot BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone AO

Zone AO is the flood insurance risk zone that corresponds to the areas of 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot base flood depths derived from the detailed hydraulic analyses are shown within this zone.

Zone X

Zone X is the flood insurance risk zone that corresponds to areas outside the 0.2-percent-annual-chance floodplain, areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where average depths are less than 1 foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent-annual-chance flood by levees. No BFEs or base flood depths are shown within this zone.

Table 11- Flood Insurance Zones Within Each Community

Community	Flood Zone(s)
Fairview, City of	A, AE, AH, X
Gresham, City of	A, AE, AH, AO, X
Multnomah County (Unincorporated Areas)	A, AE, AH,X
Troutdale, City of	A, AE, X
Wood Village, City of	AE, X

6.0 FLOOD INSURANCE RATE MAP

The FIRM is designed for flood insurance and floodplain management applications.

For flood insurance applications, the map designates flood insurance risk zones as described in Section 5.0 and, in the 1-percent-annual-chance floodplains that were studied by detailed methods, shows selected whole-foot BFEs or average depths. Insurance agents use the zones and BFEs in conjunction with information on structures and their contents to assign premium rates for flood insurance policies.

For floodplain management applications, the map shows by tints, screens, and symbols, the 1- and 0.2-percent-annual-chance floodplains, floodways, and the locations of selected cross sections used in the hydraulic analyses and floodway computations.

The countywide FIRM presents flooding information for the entire geographic area of Multnomah County, Oregon (Excluding the City of Portland). Previously, FIRMs were prepared for each incorporated community and the unincorporated areas of the County identified as flood-prone. This countywide FIRM also includes flood-hazard information that was presented separately on Flood Boundary and Floodway Maps, where applicable. Historical data relating to the maps prepared for each community are presented in Table 12.

COMMUNITY NAME	INITIAL IDENTIFICATION	FLOOD HAZARD BOUNDARY MAP REVISION DATE	FIRM EFFECTIVE DATE	FIRM REVISION DATE
Fairview, City of	May 10, 1974	February 28, 1975	September 30, 1987	June 17, 1991 July 3, 1995
Gresham, City of	December 7, 1973	April 30, 1976	July 16, 1979	January 18, 1984 June 17, 1986 September 28, 1990 February 16, 1996 May 2, 2002
Maywood, City of [1, 2]	None	None	None	None
Multnomah County (Unincorporated Areas)	February 4, 1972	None	June 15, 1982	March 18, 1986
Troutdale, City of	December 7, 1973	June 4, 1976 March 20, 1979	September 30, 1988	August 3, 1988
Wood Village, City of [1, 2]	None	None	None	None

[1]No special flood hazard areas identified
[2]This community does not have map history prior to the first countywide mapping

TABLE 12

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY AND INCORPORATED AREAS

COMMUNITY MAP HISTORY

Table 13: Listing of NFIP Jurisdictions

Community	CID	HUC-8 SubBasin(s)	Located on FIRM Panel(s)	If Not Included, Location of Flood Hazard Data
City of Fairview	410180	17080001 17090012	41051C0205H, 41051C0210J, 41051C0212H, 41051C0214J, 41051C0216J, 41051C0218J	
City of Gresham	410181	17080001 17090012	41051C0211H, 41051C0212H, 41051C0213H[2], 41051C0214J, 41051C0218J, 41051C0219J, 41051C0401J, 41051C0402J, 41051C0403J, 41051C0404J, 41051C0406J, 41051C0407J, 41051C0408J, 41051C0426J	
City of Lake Oswego	410018	17090010 17090012	N/A	Clackamas County FIS, 2019
City of Maywood Park[1]	410068	17090012	41051C0190H[2], 41051C0195H[2]	
City of Milwaukie	410019	17090012	N/A	Clackamas County FIS, 2019
Multnomah County (Unincorporated Areas)	410179	17070105 17080001 17090010 17090012	41051C0025H[2], 41051C0030H, 41051C0035H, 41051C0040H, 41051C0045H, 41051C0065H, 41051C0100H, 41051C0125H[2], 41051C0130H, 41051C0135H, 41051C0140H[2], 41051C0145H[2], 41051C0155H, 41051C155H, 41051C0160H[2], 41051C0165H[2],41051C0170H[2], 41051C0180H, 41051C0185H, 41051C0190H[2], 41051C0195H[2], 41051C0205H, 41051C0210J, 41051C0212H, 41051C0213H[2],41051C0214J, 41051C0216J, 41051C0217J, 41051C0218J, 41051C0219J, 41051C0228J, 41051C0238J, 41051C0240J, 41051C0245J, 41051C0275H, 41051C0300H, 41051C0325H, 41051C0350H[2], 41051C0355H[2], 41051C0360H, 41051C0365H[2], 41051C0367H, 41051C0370H[2], 41051C0400H[2], 41051C0401J, 41051C0402J, 41051C0403J, 41051C0404J, 41051C0406J, 41051C0407J, 41051C0408J, 41051C0409J, 41051C0426J, 41051C0427J, 41051C0428J, 41051C0429H, 41051C0435J, 41051C0475H[2], 41051C0500H[2], 41051C0525H[2], 41051C0550H[2]	
City of Portland	410183	17090010 17090012	N/A	City of Portland FIS, 2010
City of Troutdale	410184	17080001 17090012	41051C0210J, 41051C0216J, 41051C0217J, 41051C0218J, 41051C0219J, 41051C0238J, 41051C0240J	
City of Wood Village[1]	410185	17090012	41051C0216J, 41051C0218J	

[1] No Special Flood Hazard Areas Identified

[2] Panel Not Printed

7.0 OTHER STUDIES

This report either supersedes or is compatible with all previous studies on streams studied in this report and should be considered authoritative for purposes of the NFIP.

8.0 LOCATION OF DATA

Information concerning the pertinent data used in the preparation of this study can be obtained by contacting FEMA, Mitigation Division, Federal Regional Center, 130 228th Street, SW, Bothell, Washington 98021-9796.

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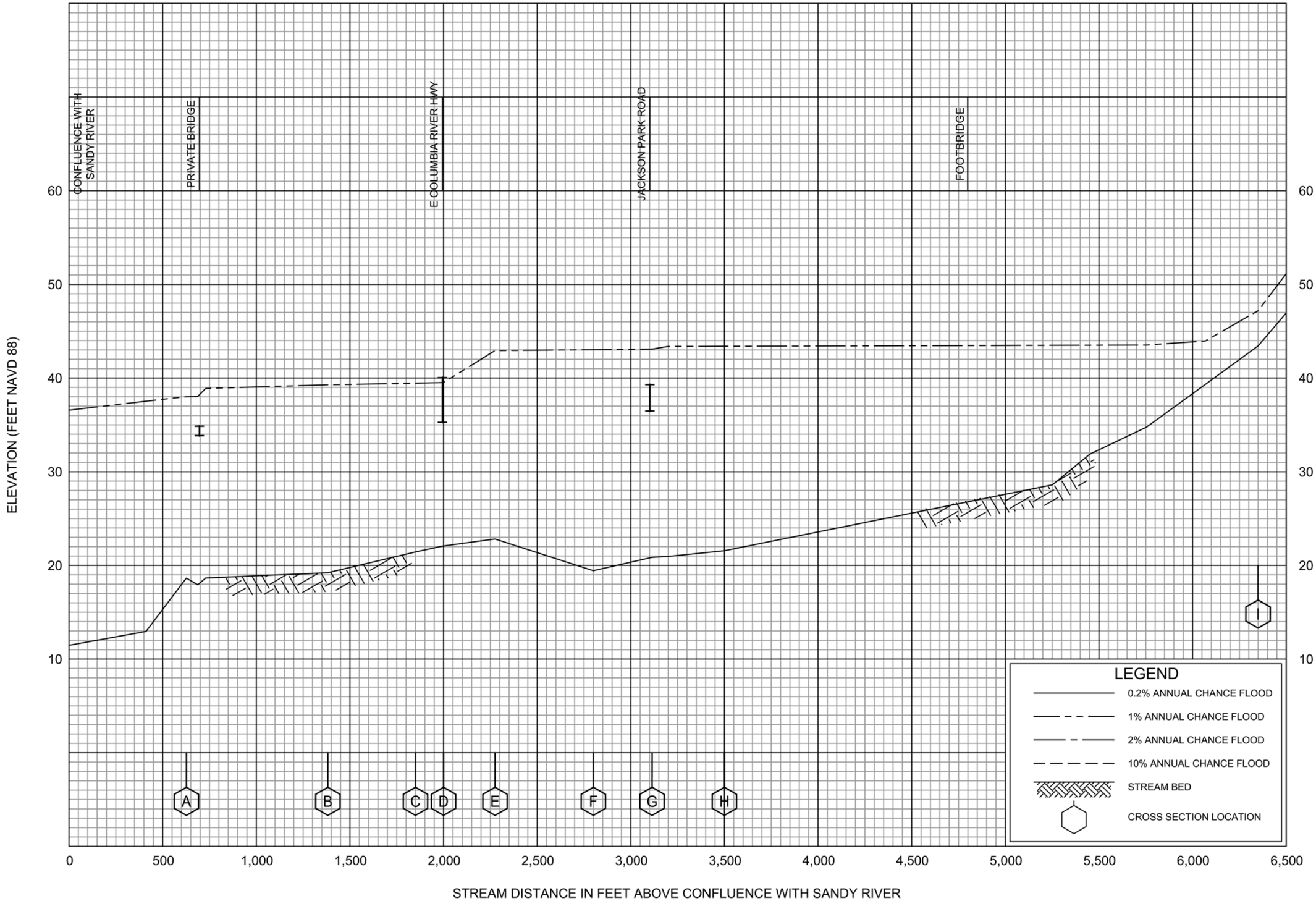


FLOOD PROFILES

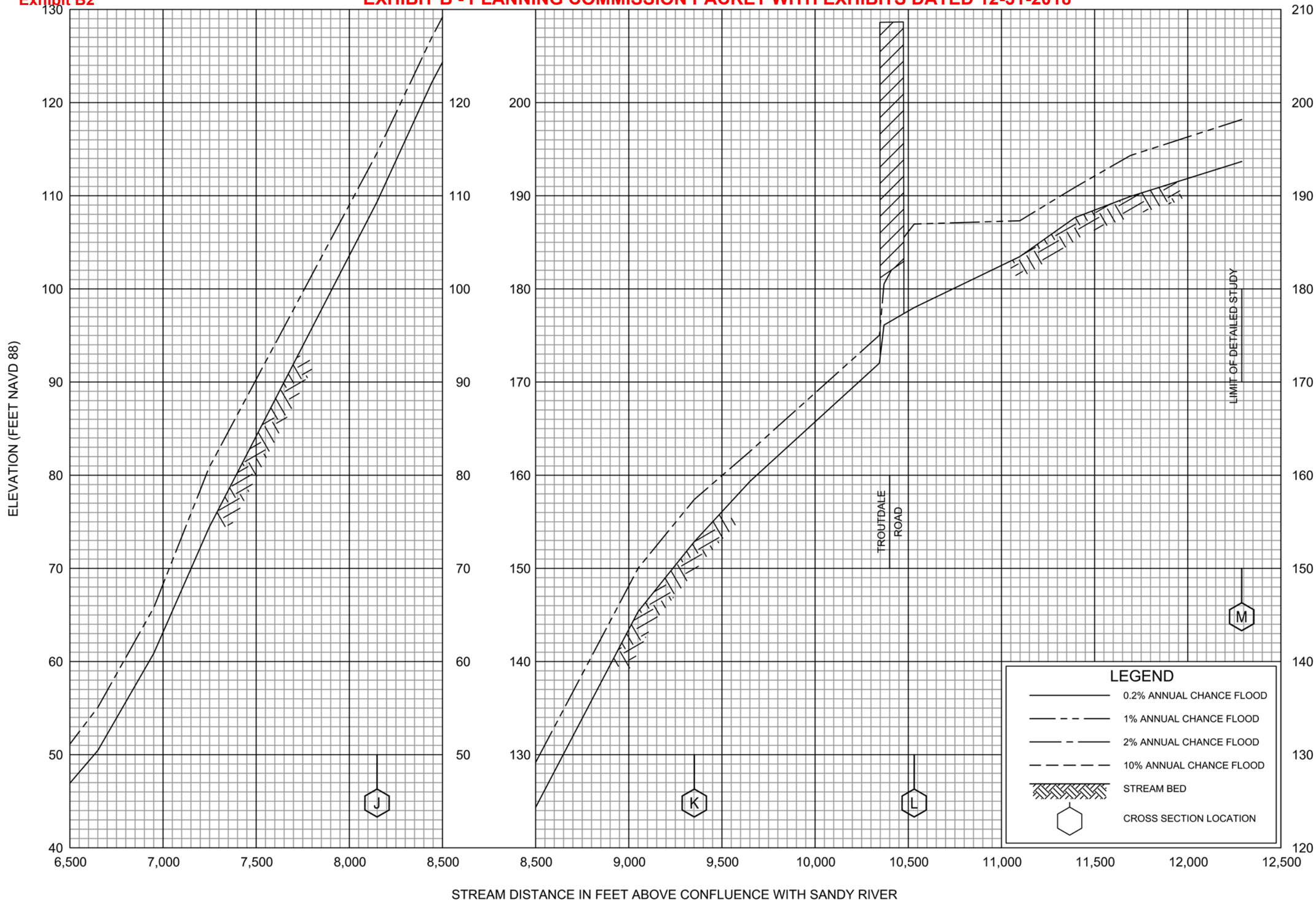
BEAVER CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

01P



FLOOD PROFILES

BEAVER CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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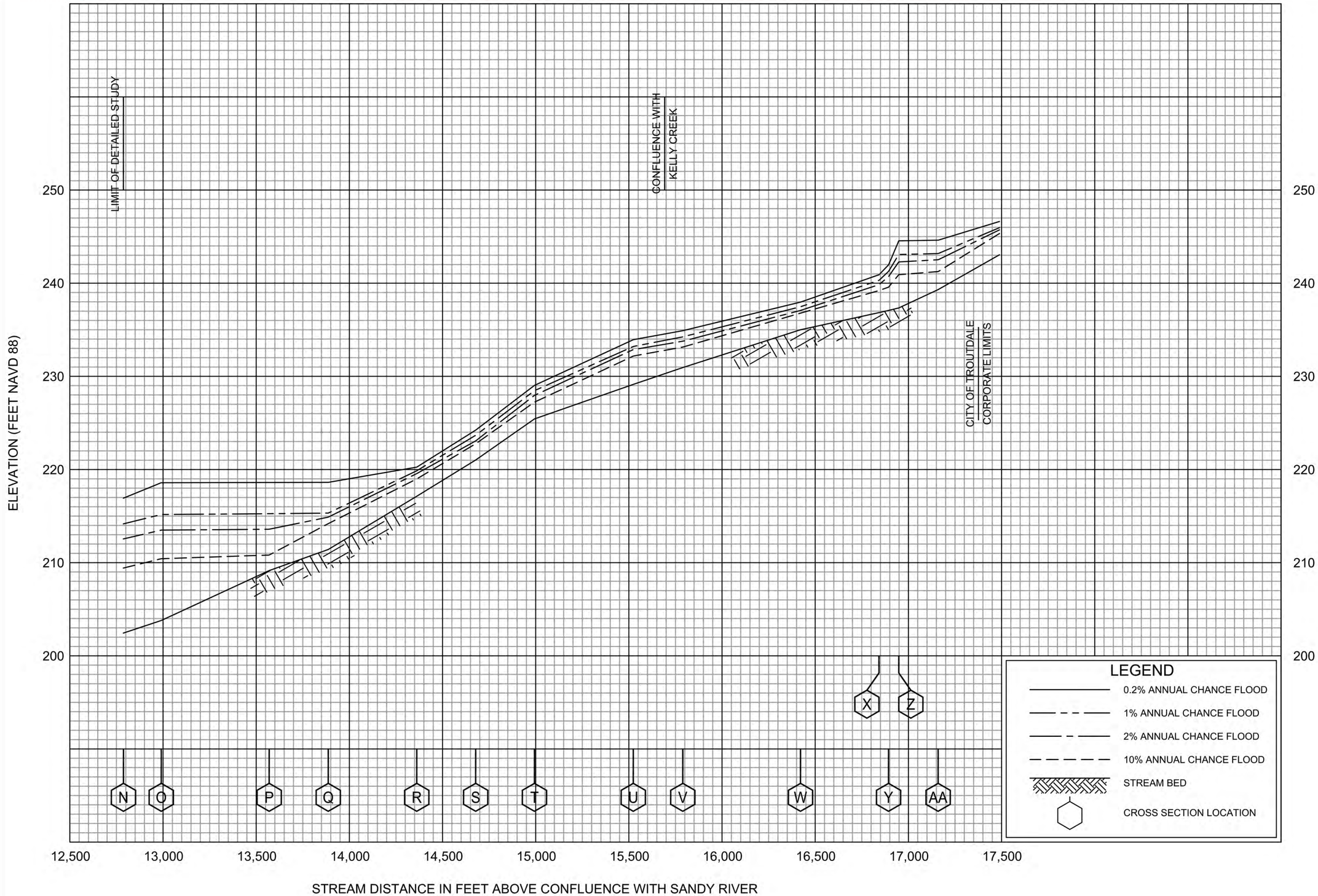

FLOOD PROFILES

BEAVER CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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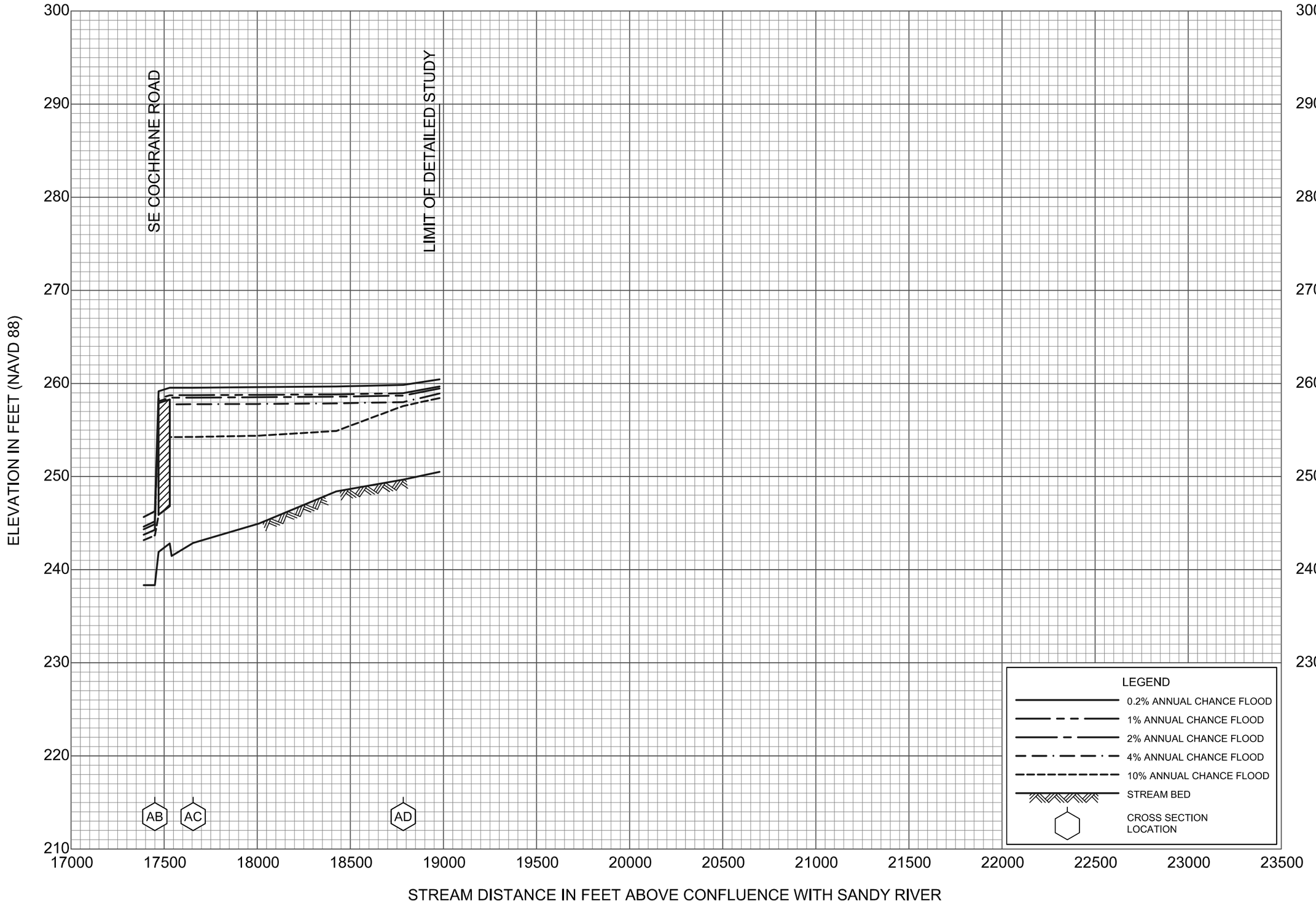

FLOOD PROFILES

BEAVER CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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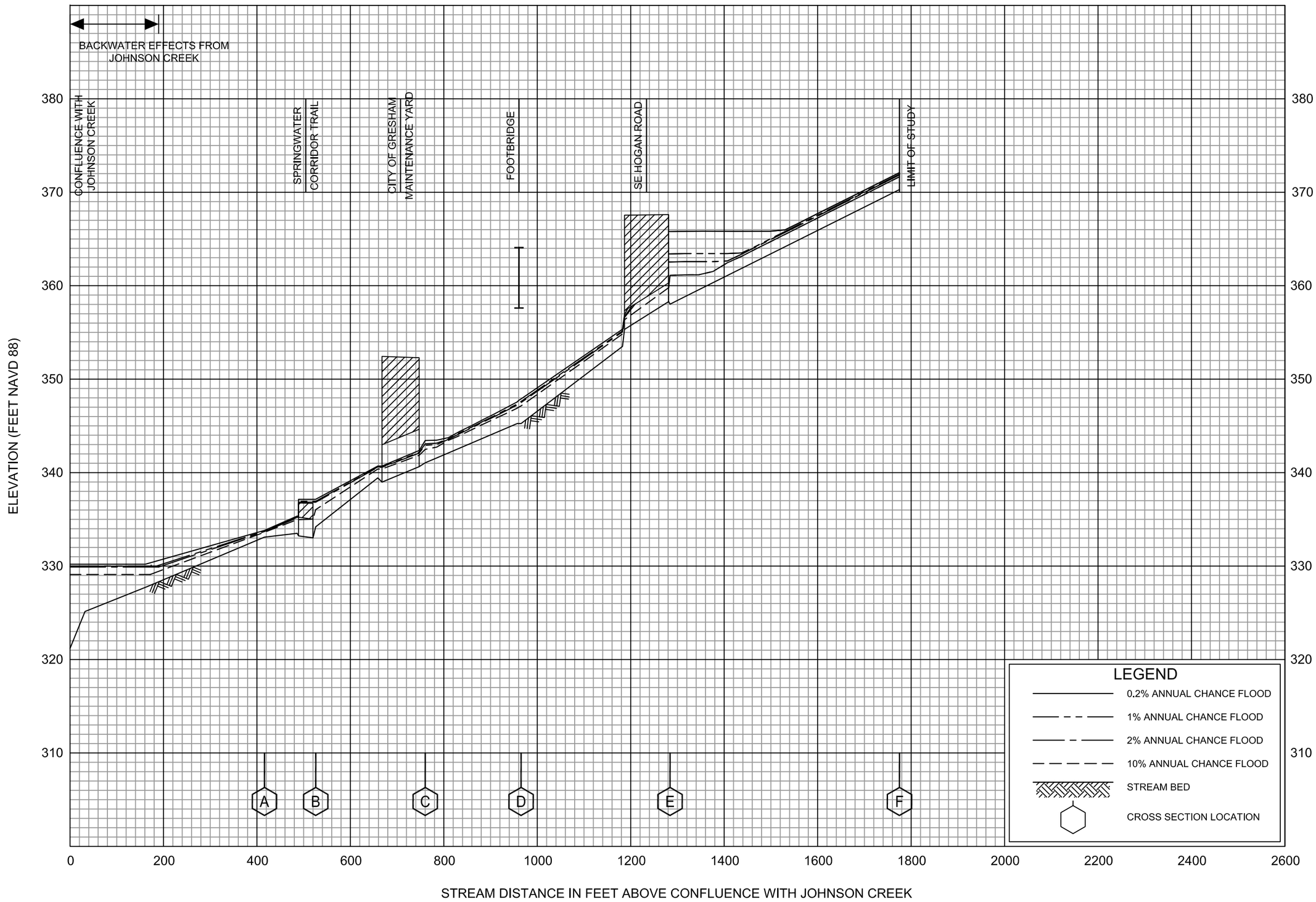

FLOOD PROFILES

BRICK CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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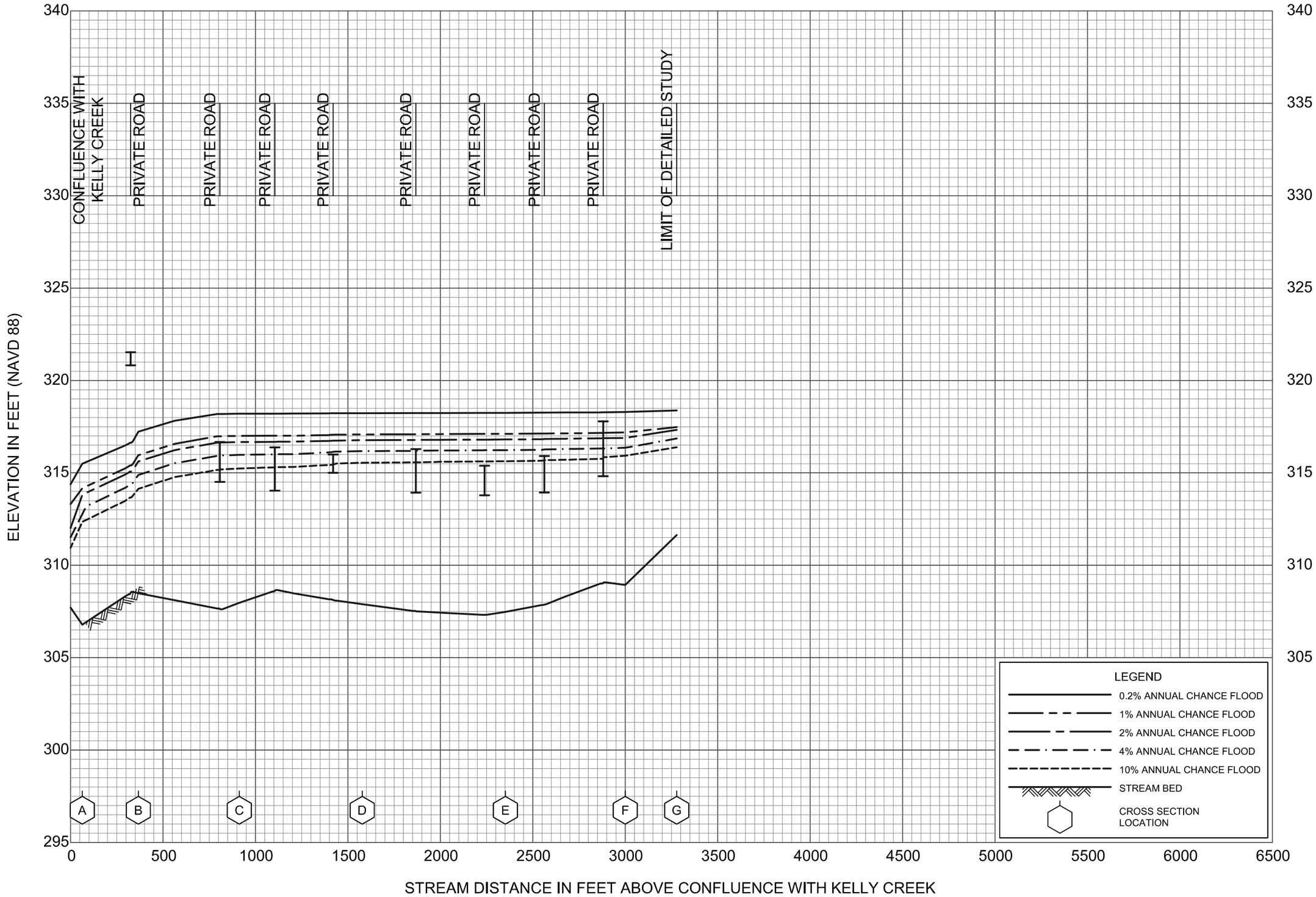

FLOOD PROFILES

BURLINGAME CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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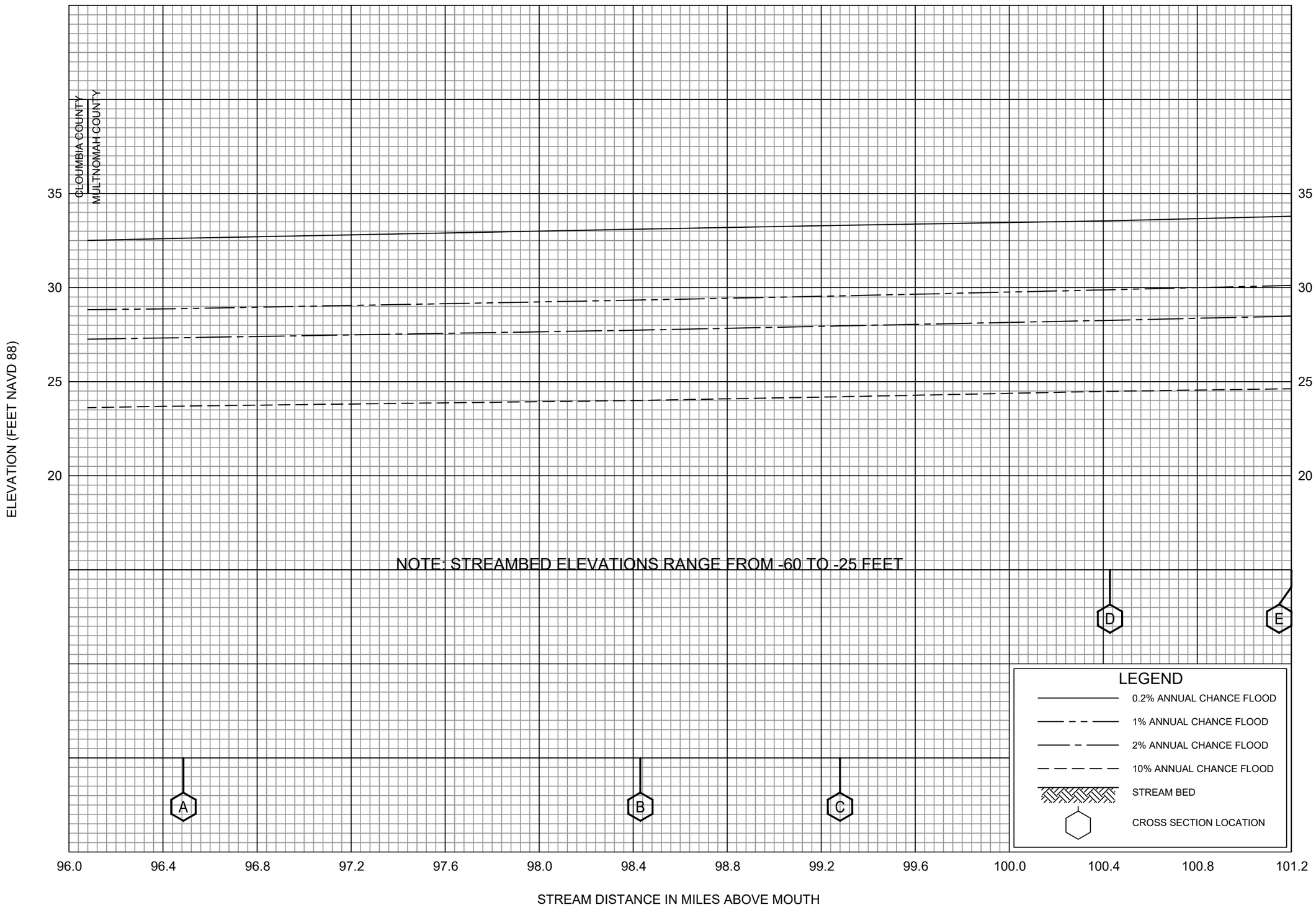


FLOOD PROFILES

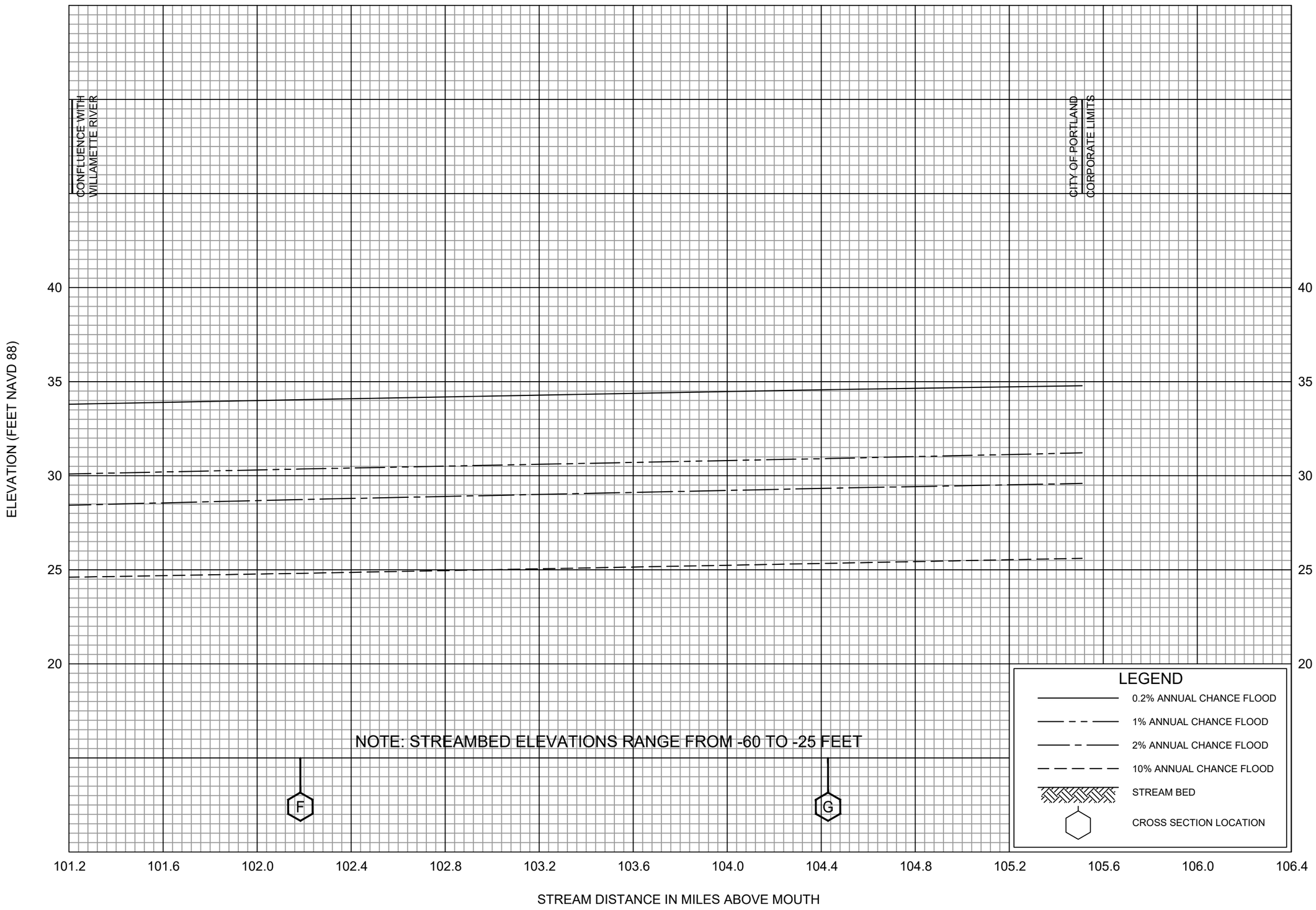
COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

07P



FLOOD PROFILES

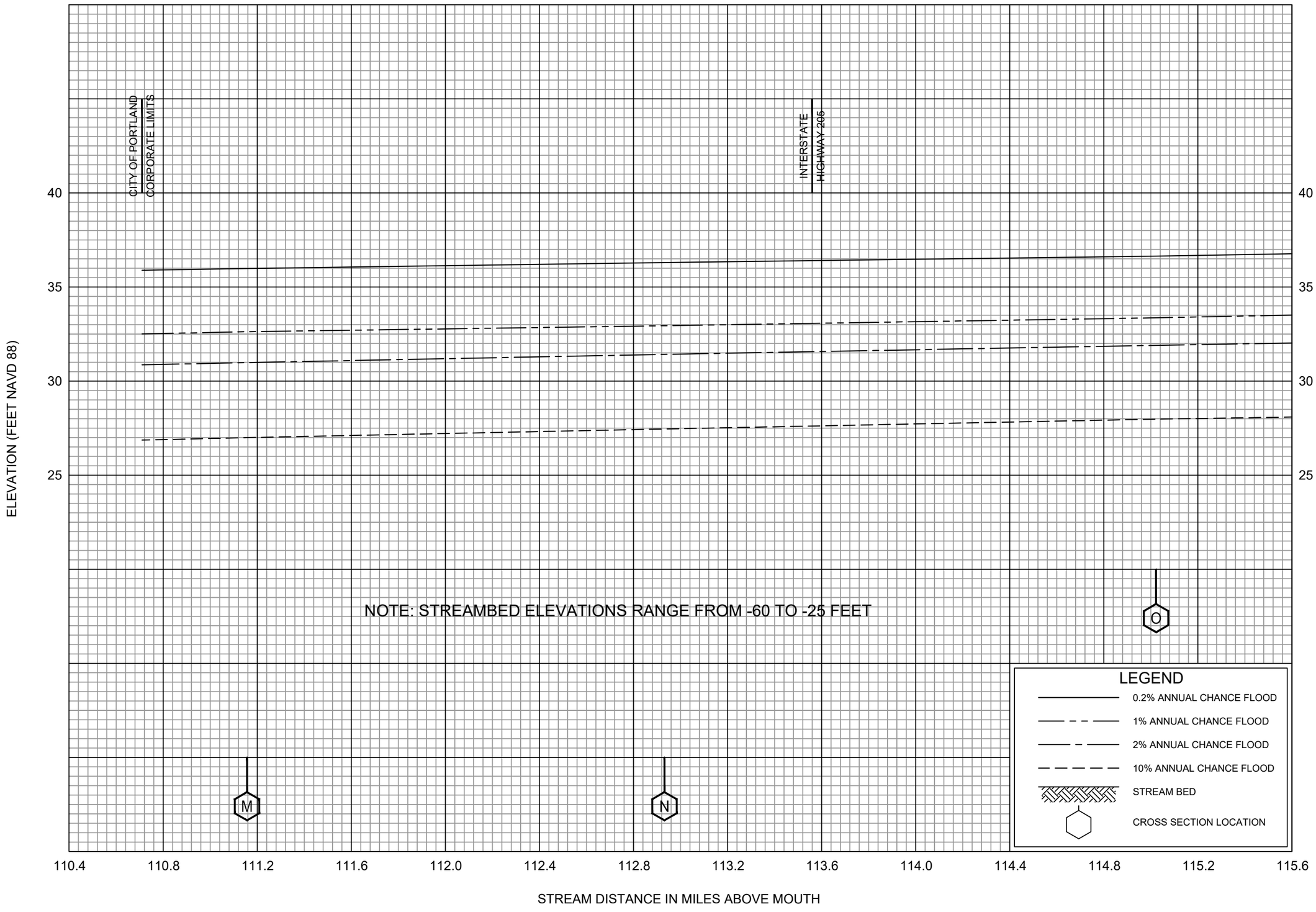
COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

08P



FLOOD PROFILES

COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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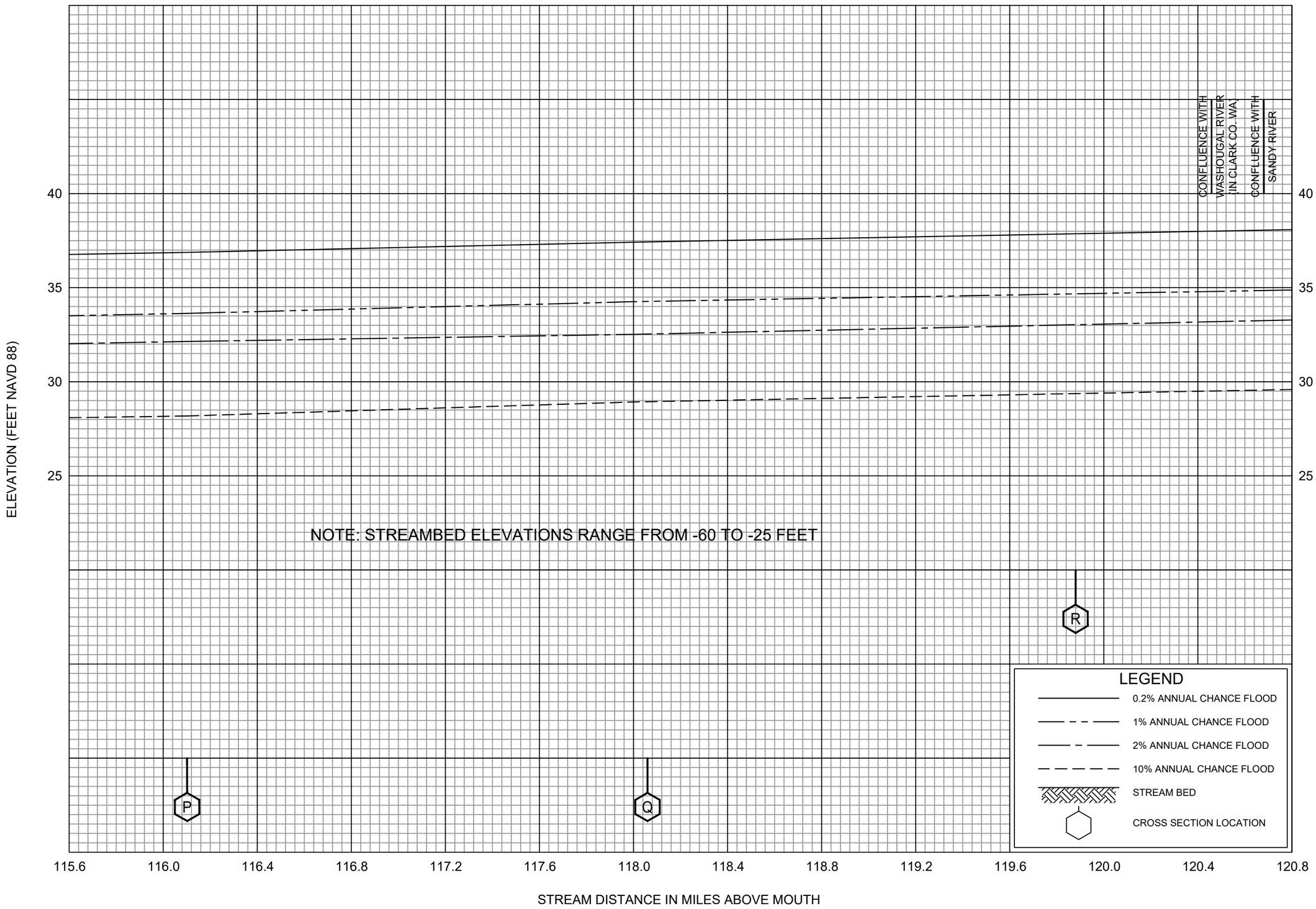


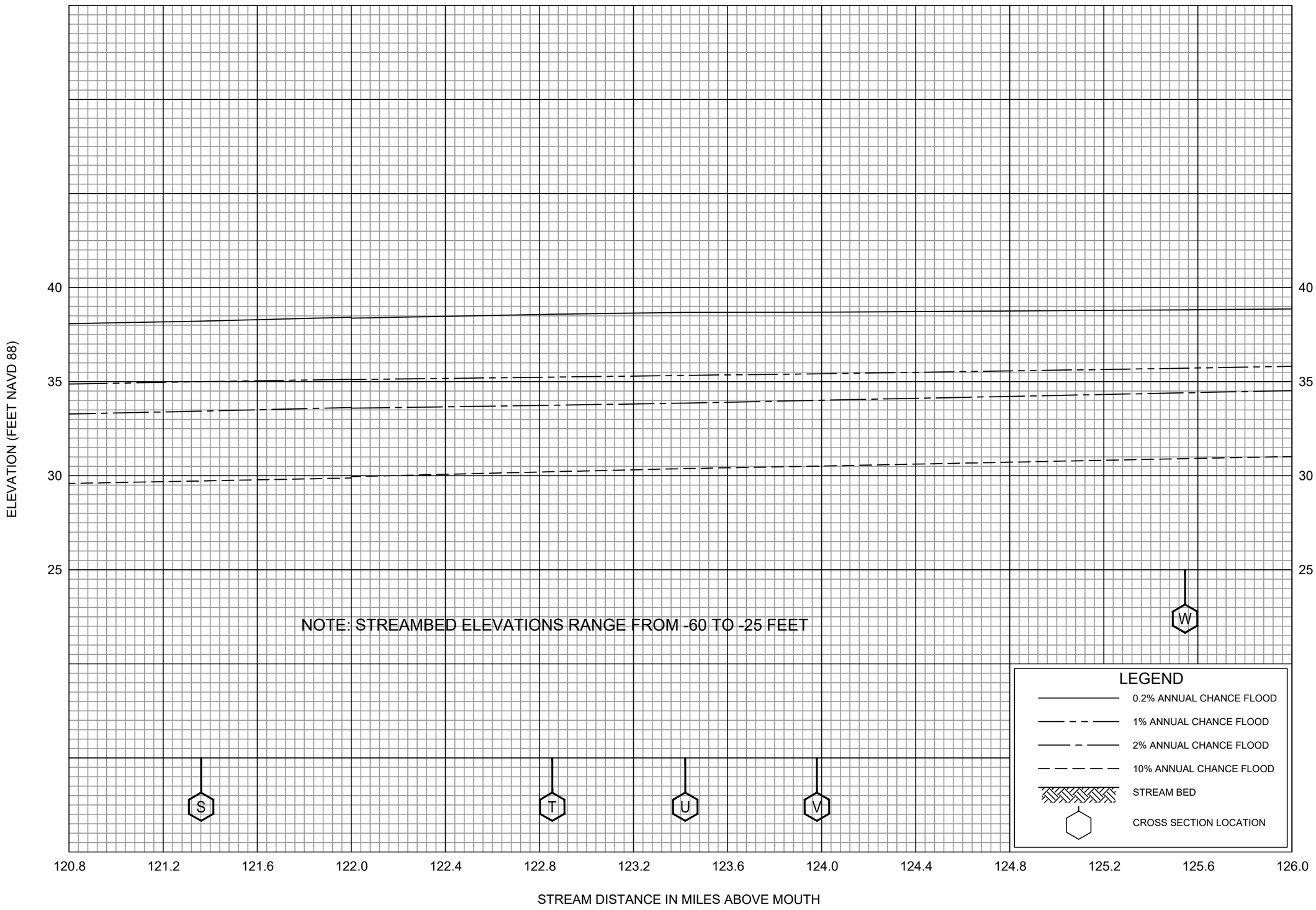
FLOOD PROFILES

COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



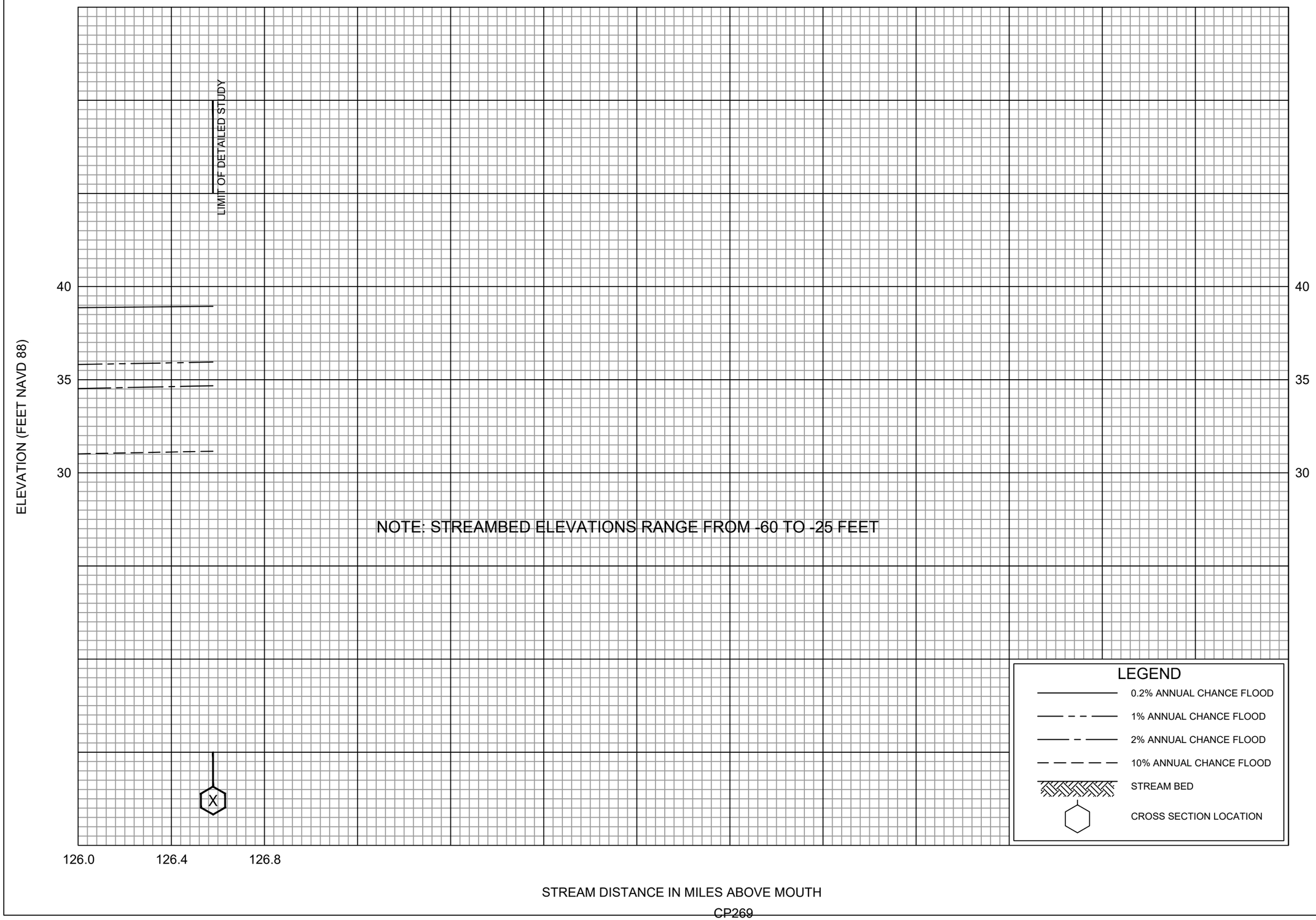
FLOOD PROFILES

COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



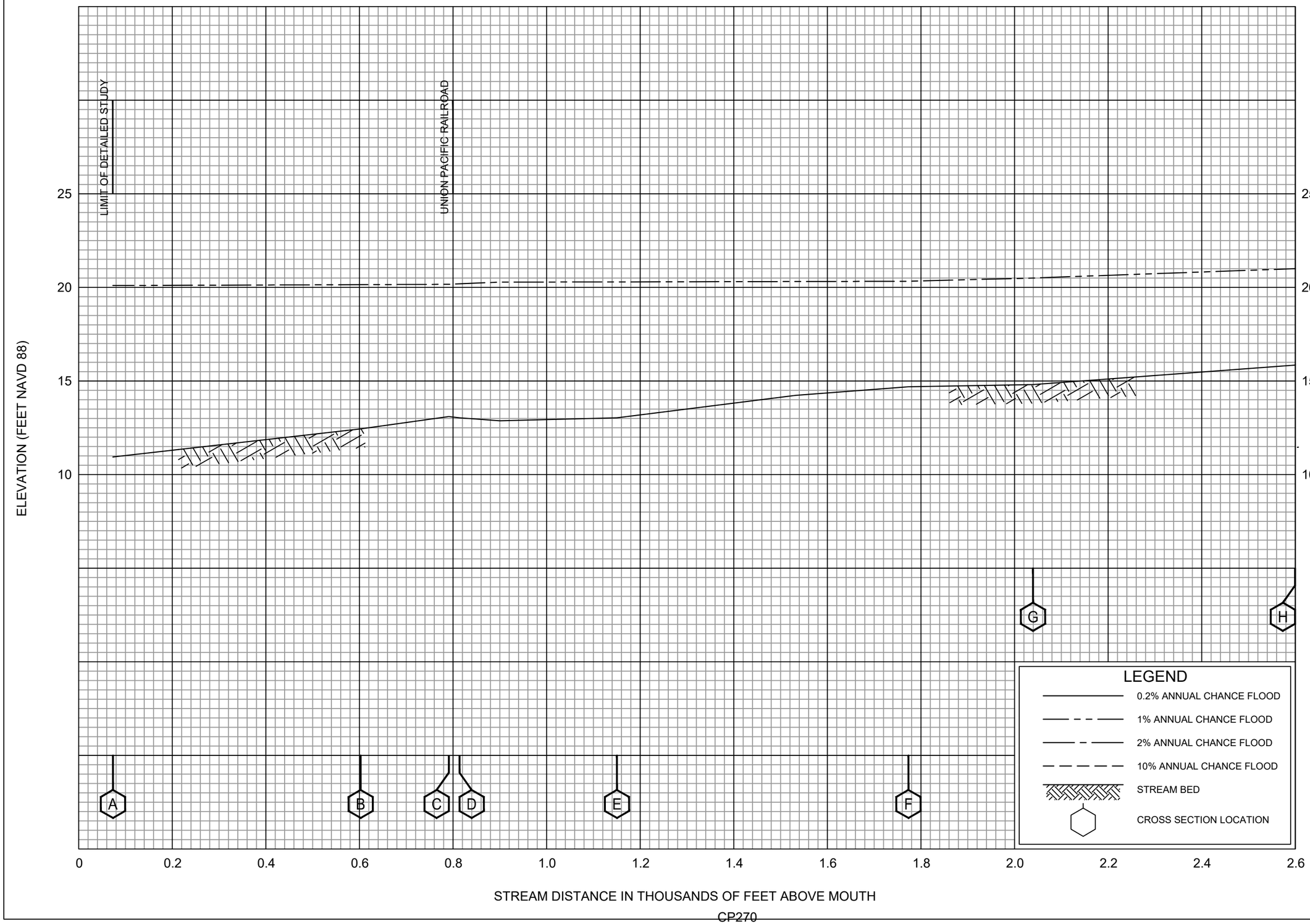
FLOOD PROFILES

COLUMBIA RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

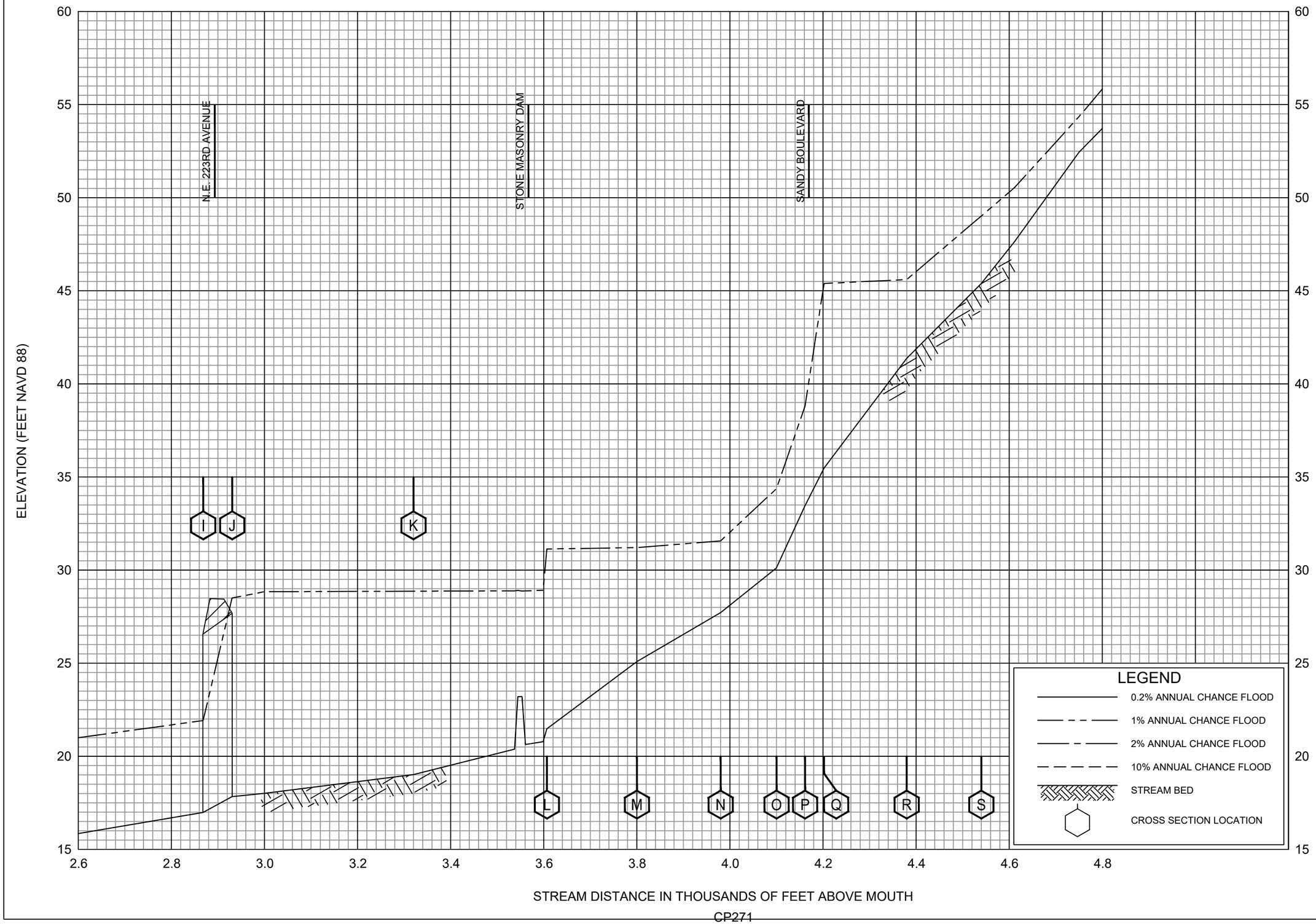
FAIRVIEW CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

13P



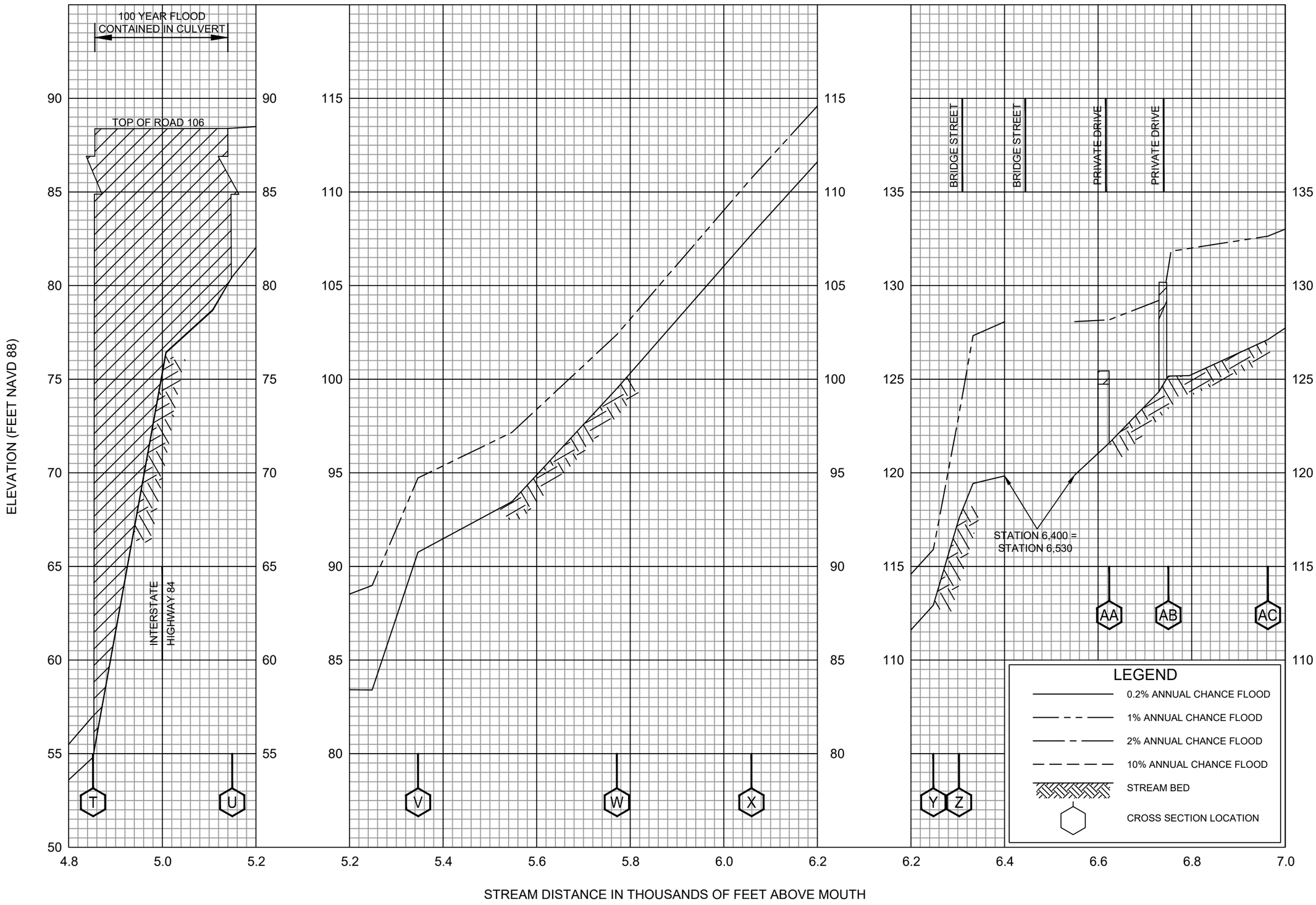
FLOOD PROFILES

FAIRVIEW CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



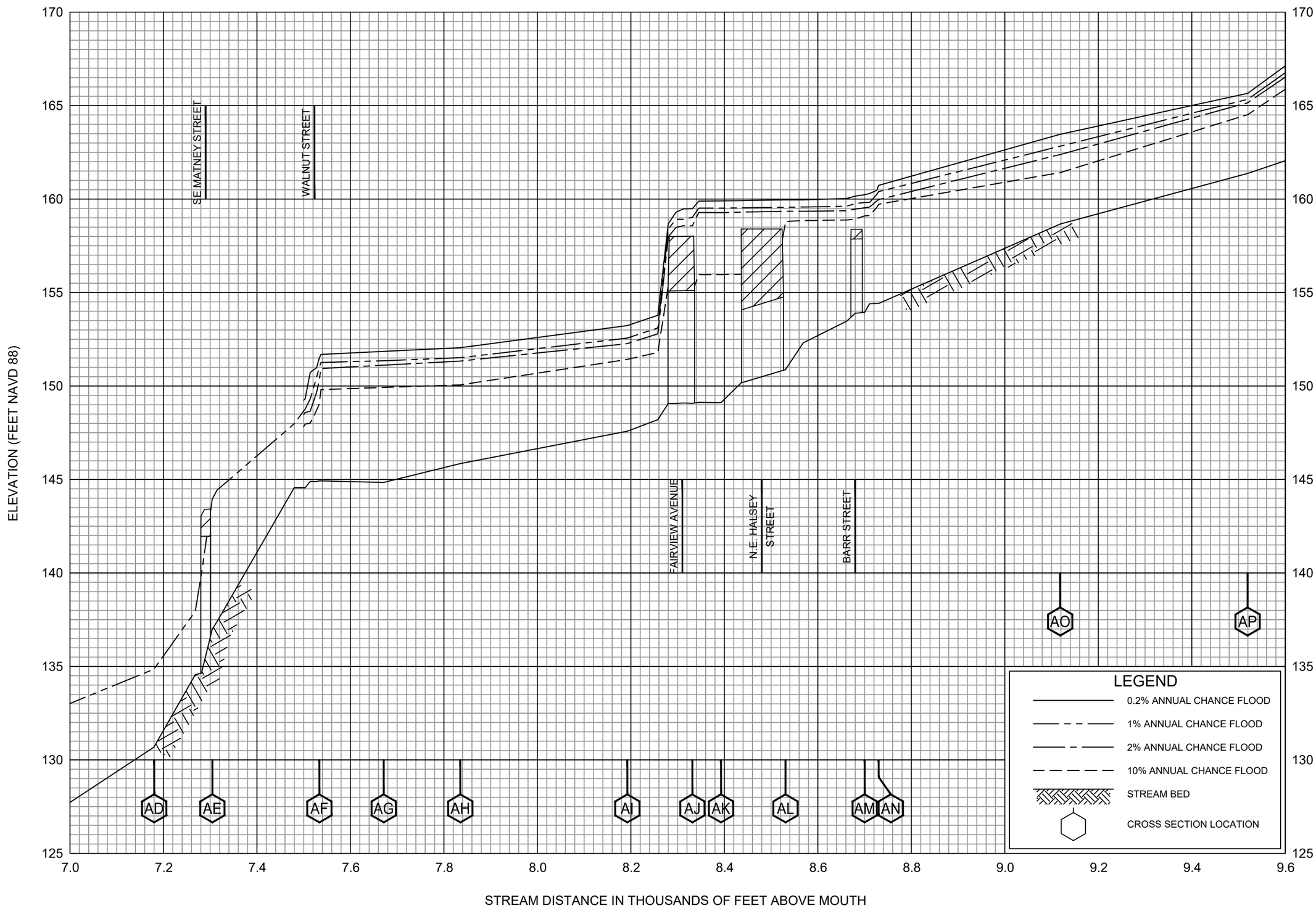
FLOOD PROFILES

FAIRVIEW CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

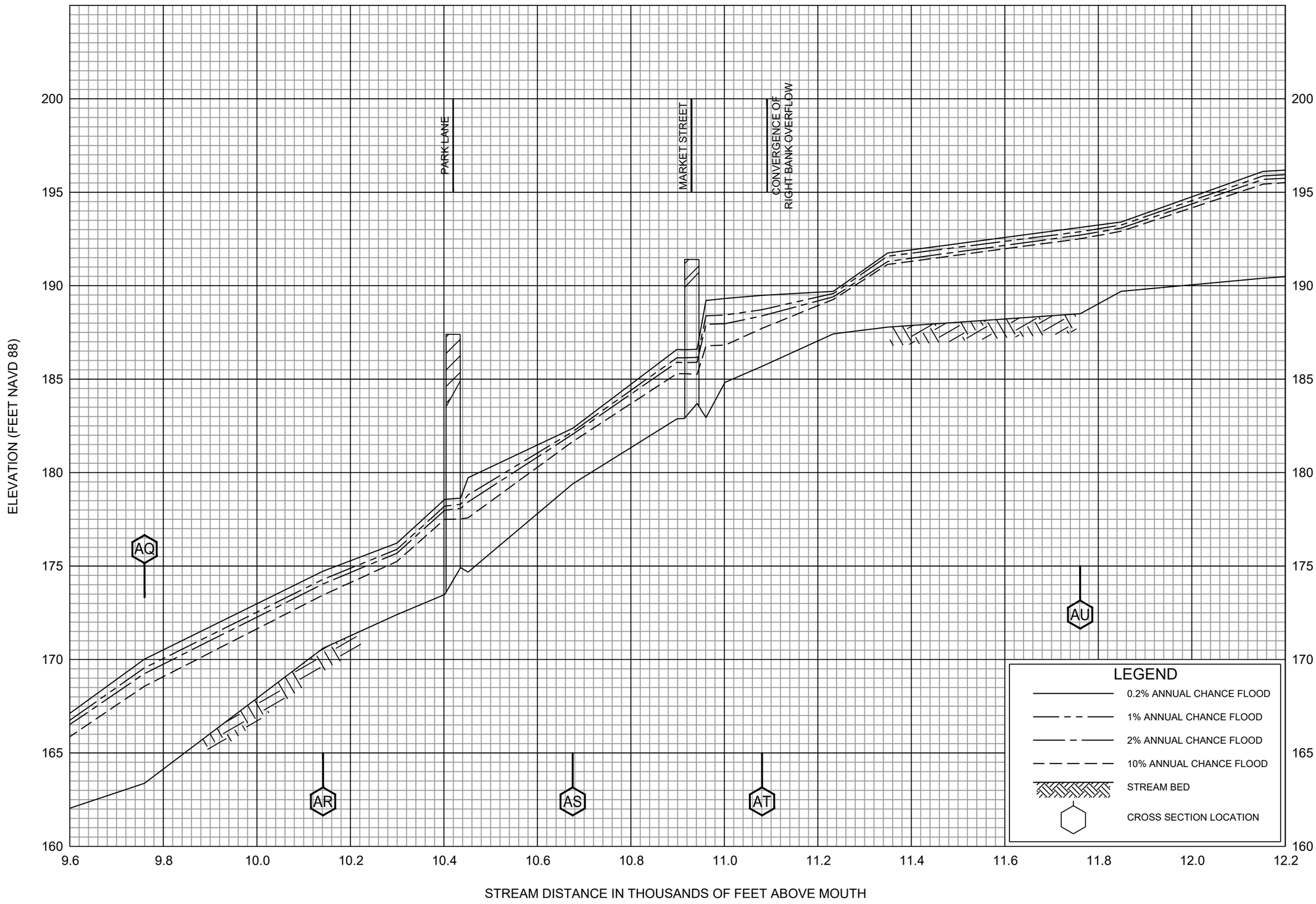
FAIRVIEW CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

16P



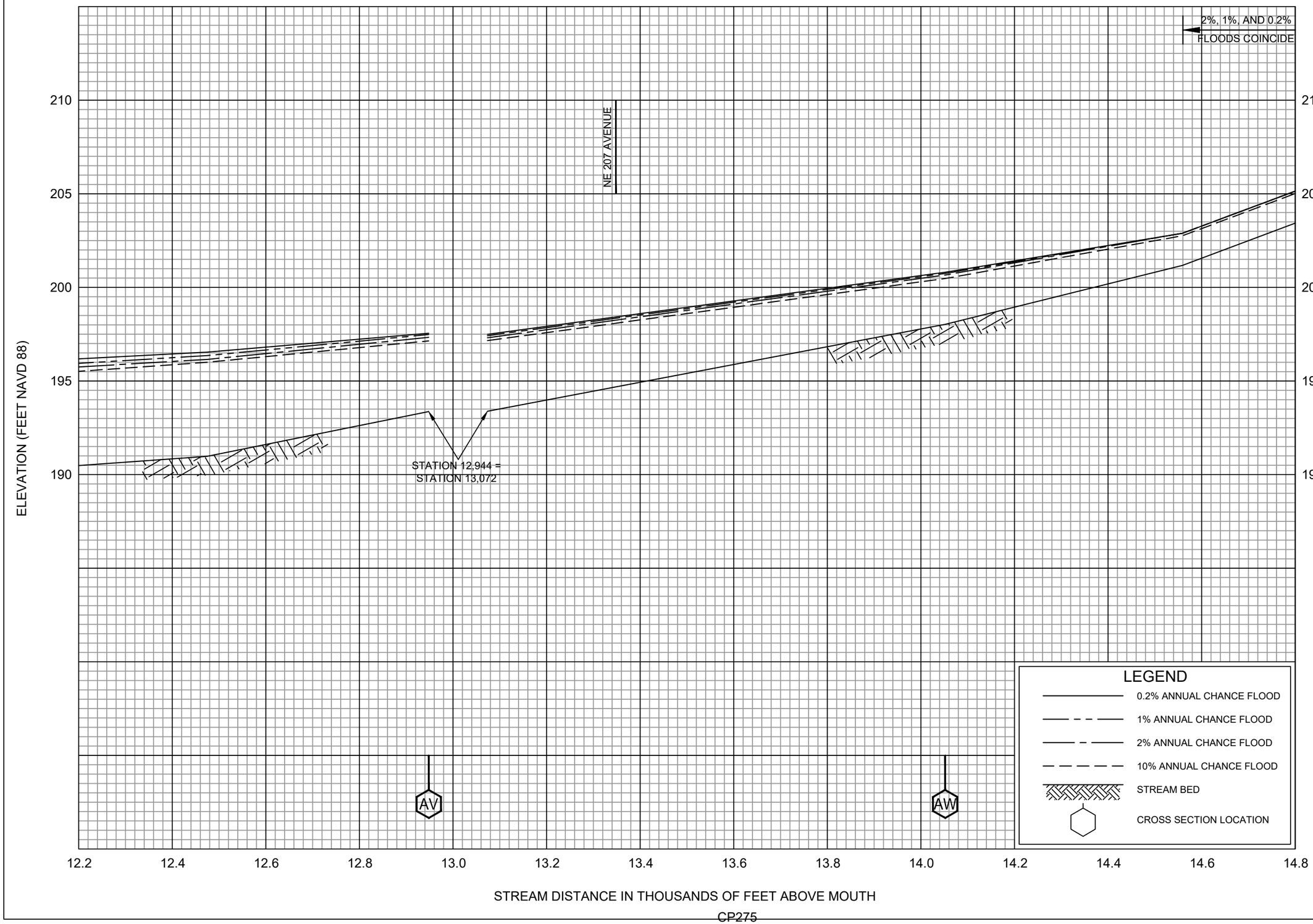
FLOOD PROFILES

FAIRVIEW CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



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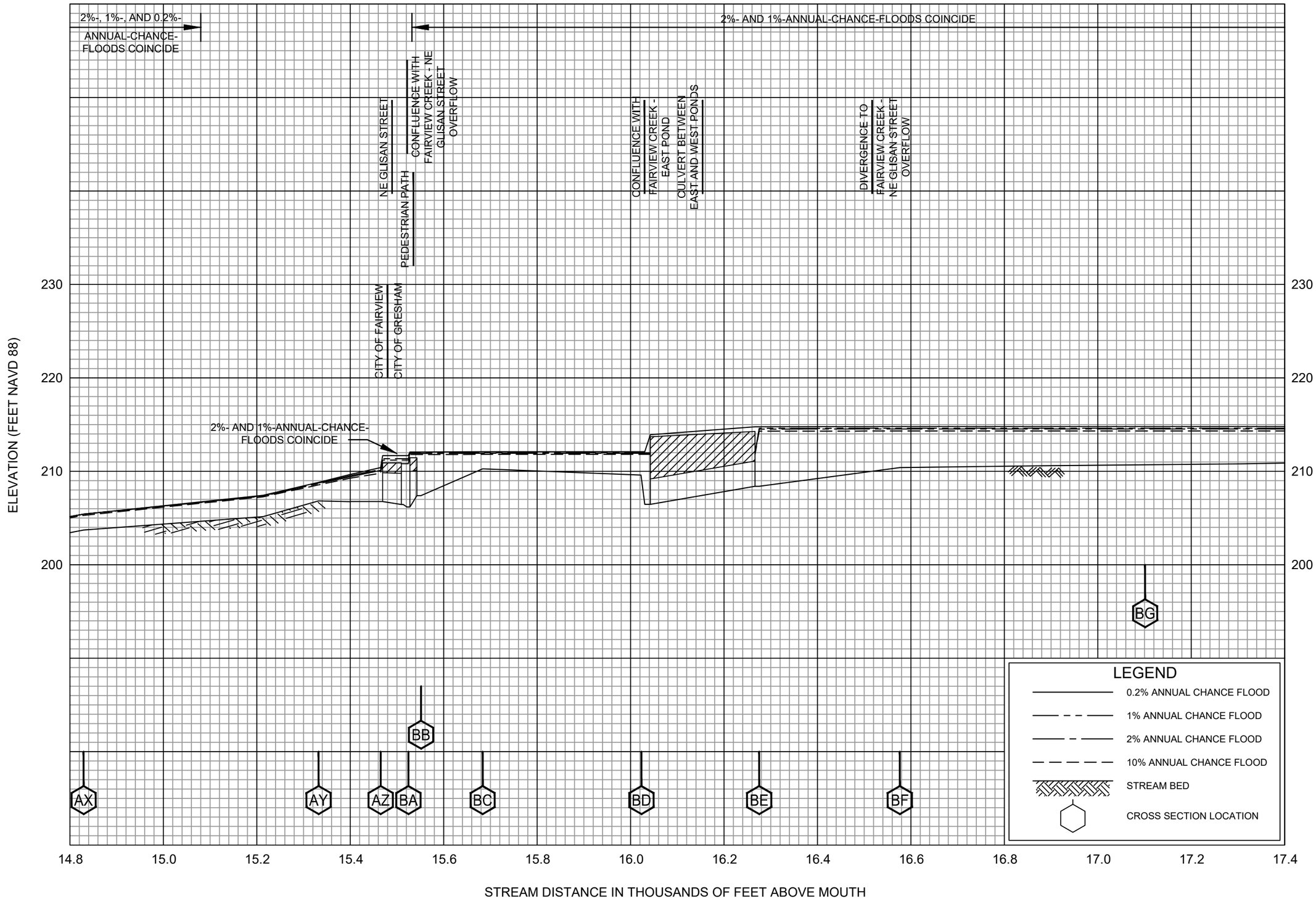

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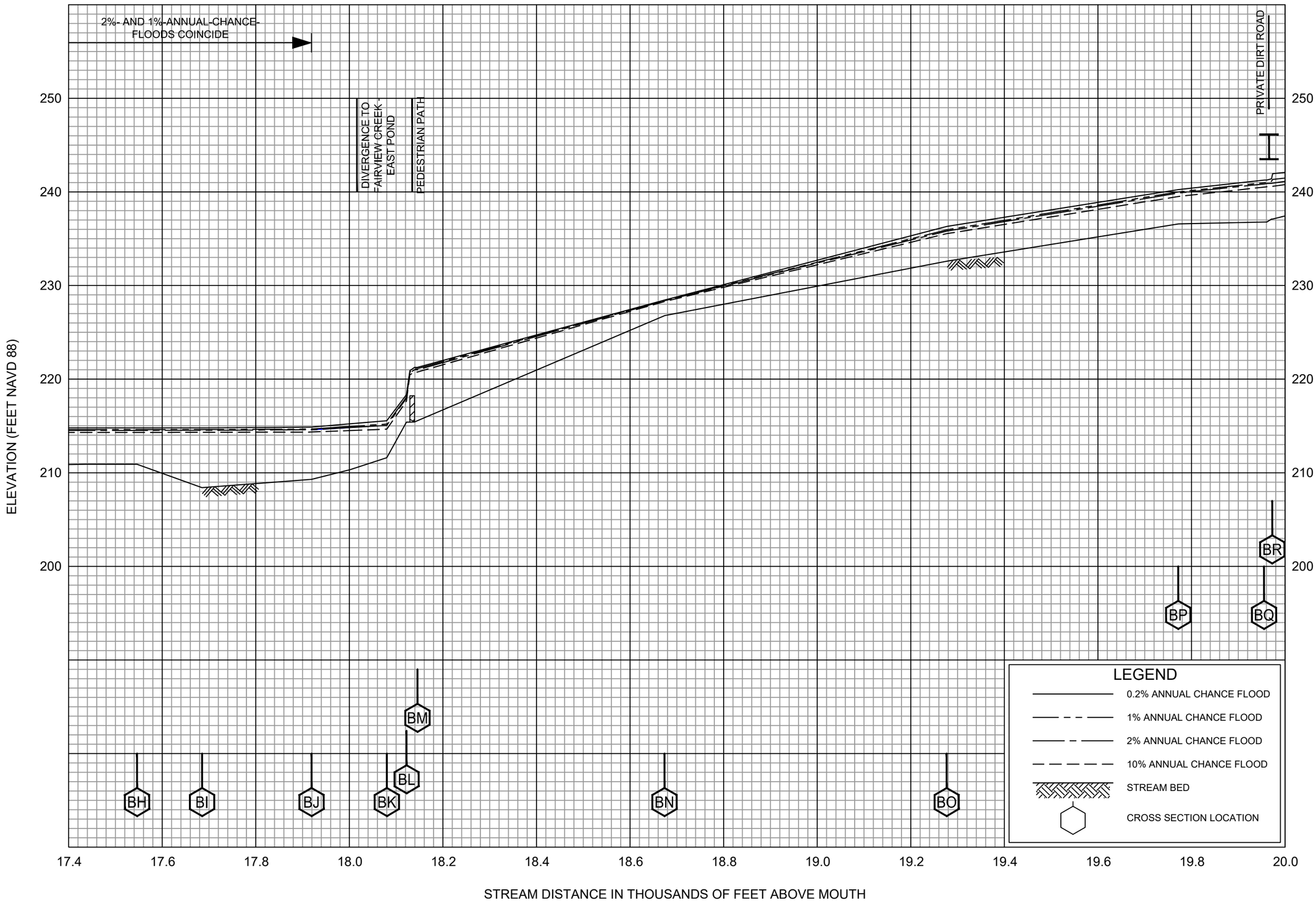

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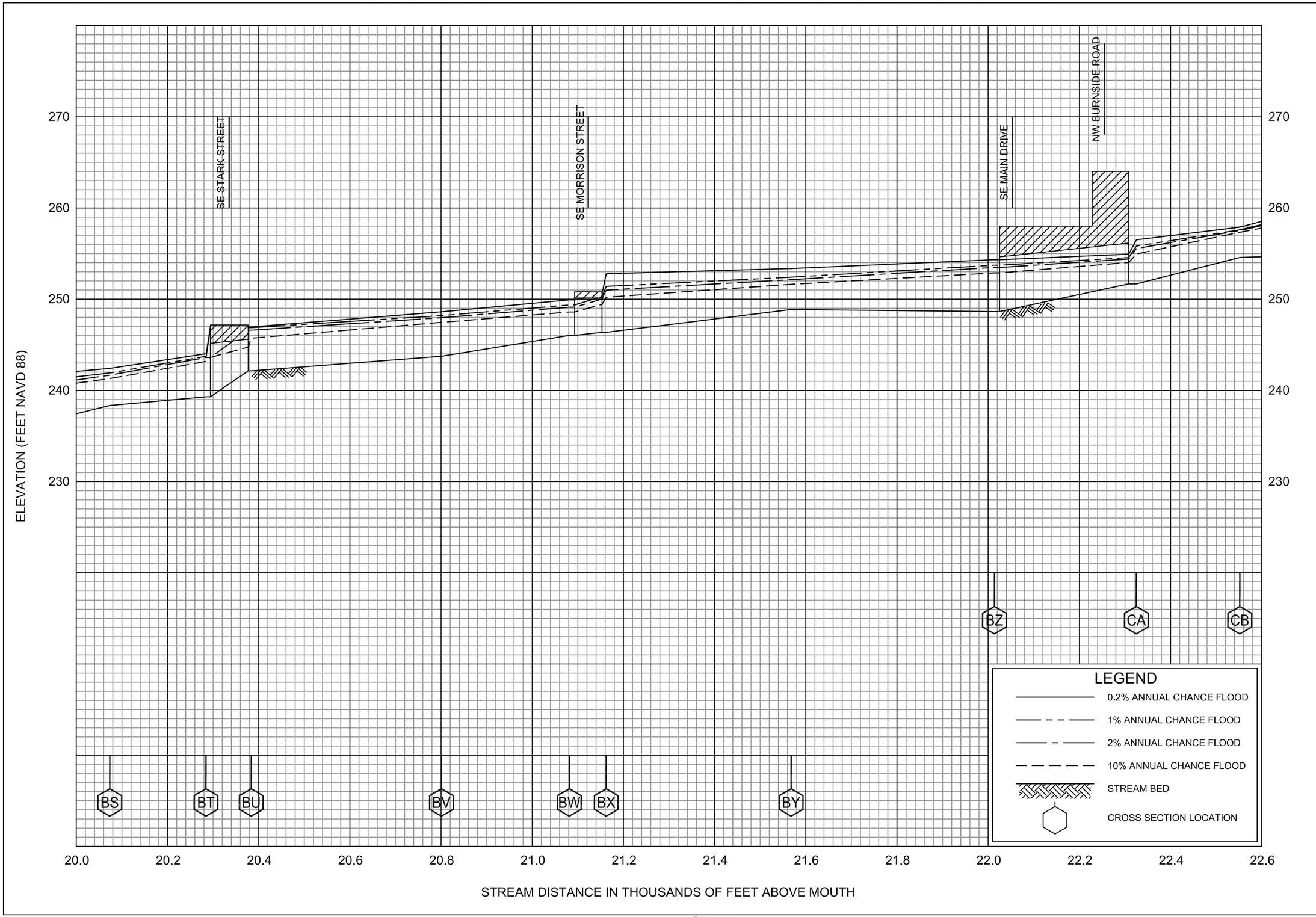

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FAIRVIEW CREEK

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MULTNOMAH COUNTY, OR

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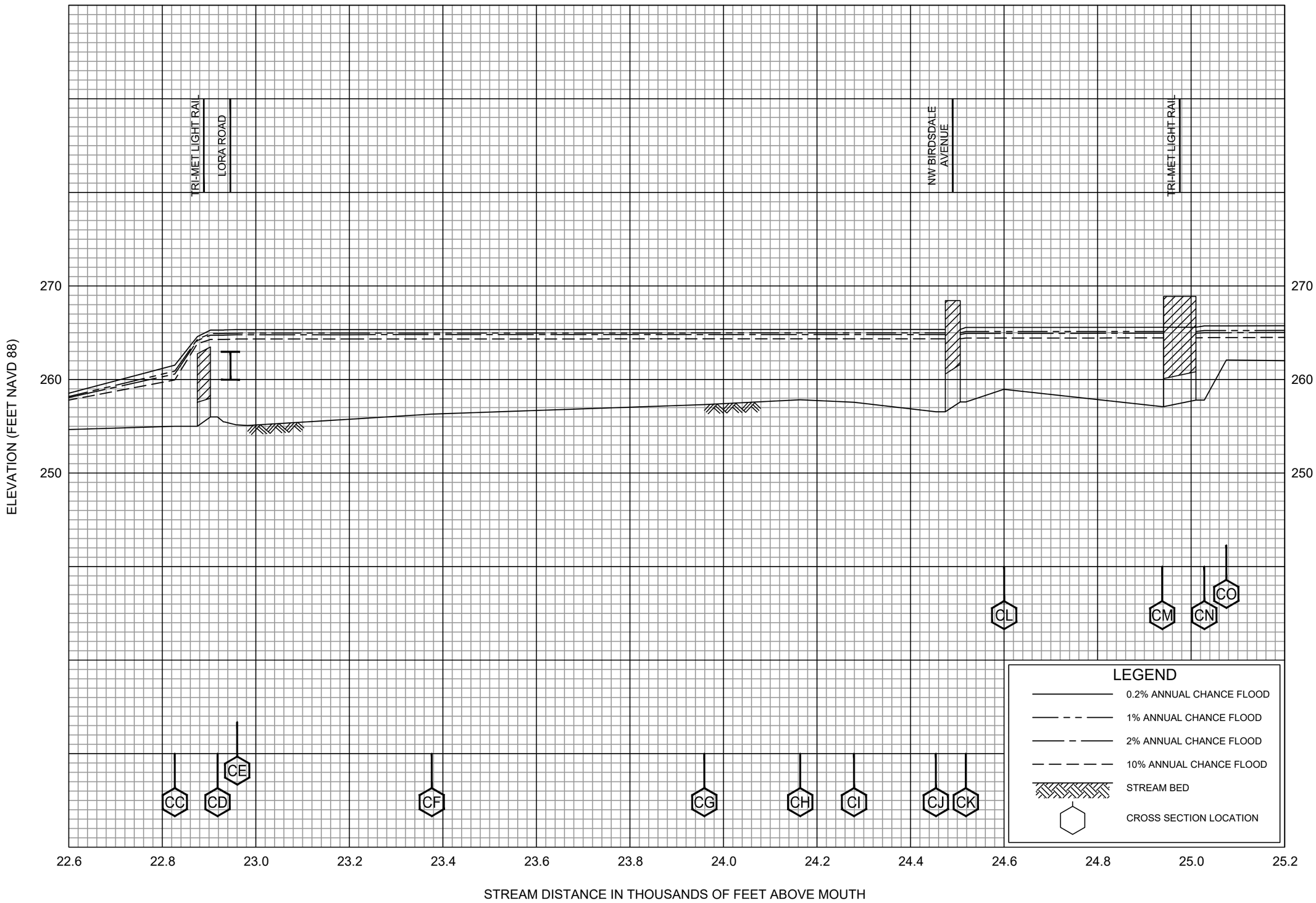

FLOOD PROFILES

FAIRVIEW CREEK

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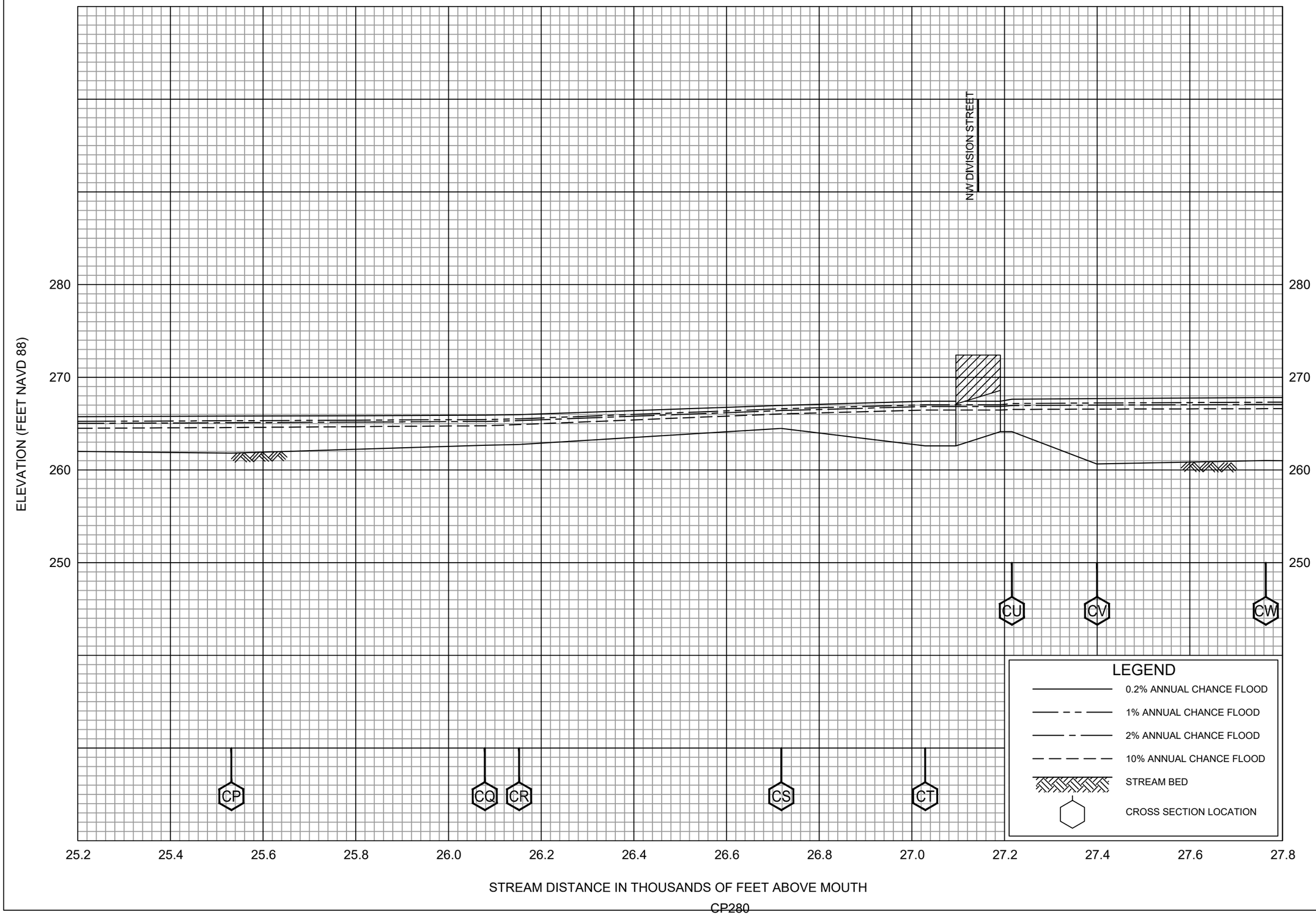

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MULTNOMAH COUNTY, OR

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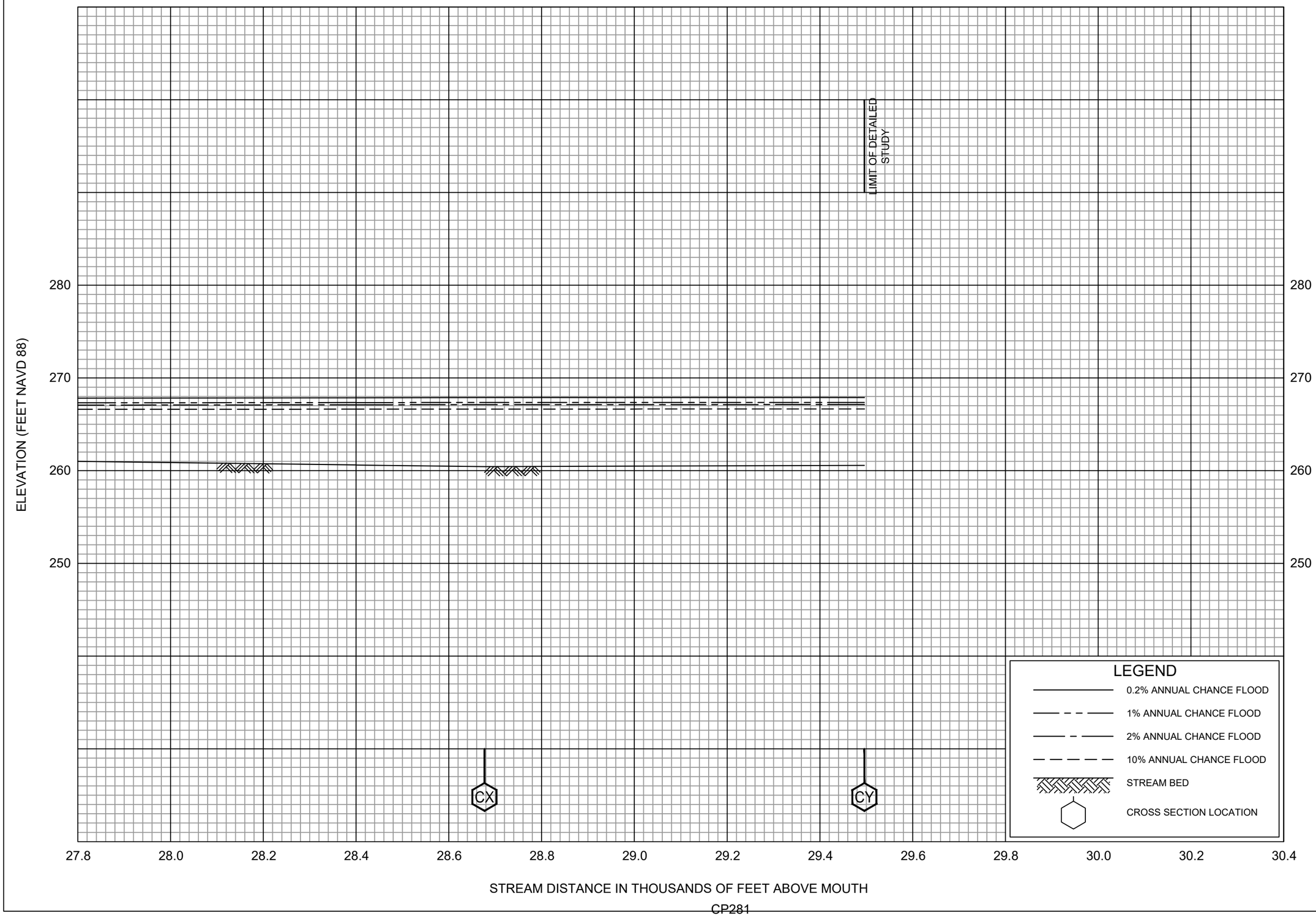

FLOOD PROFILES

FAIRVIEW CREEK

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MULTNOMAH COUNTY, OR

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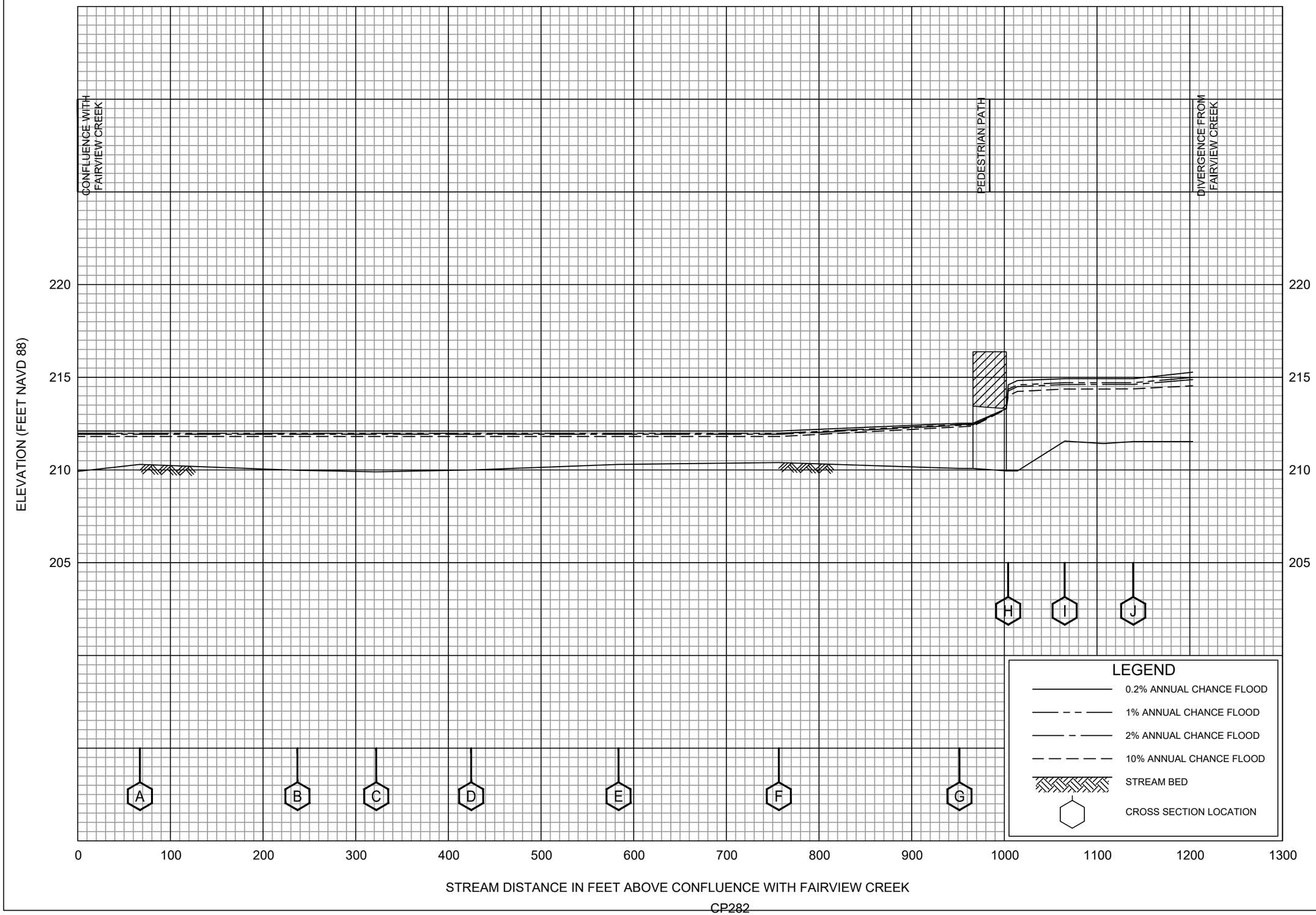


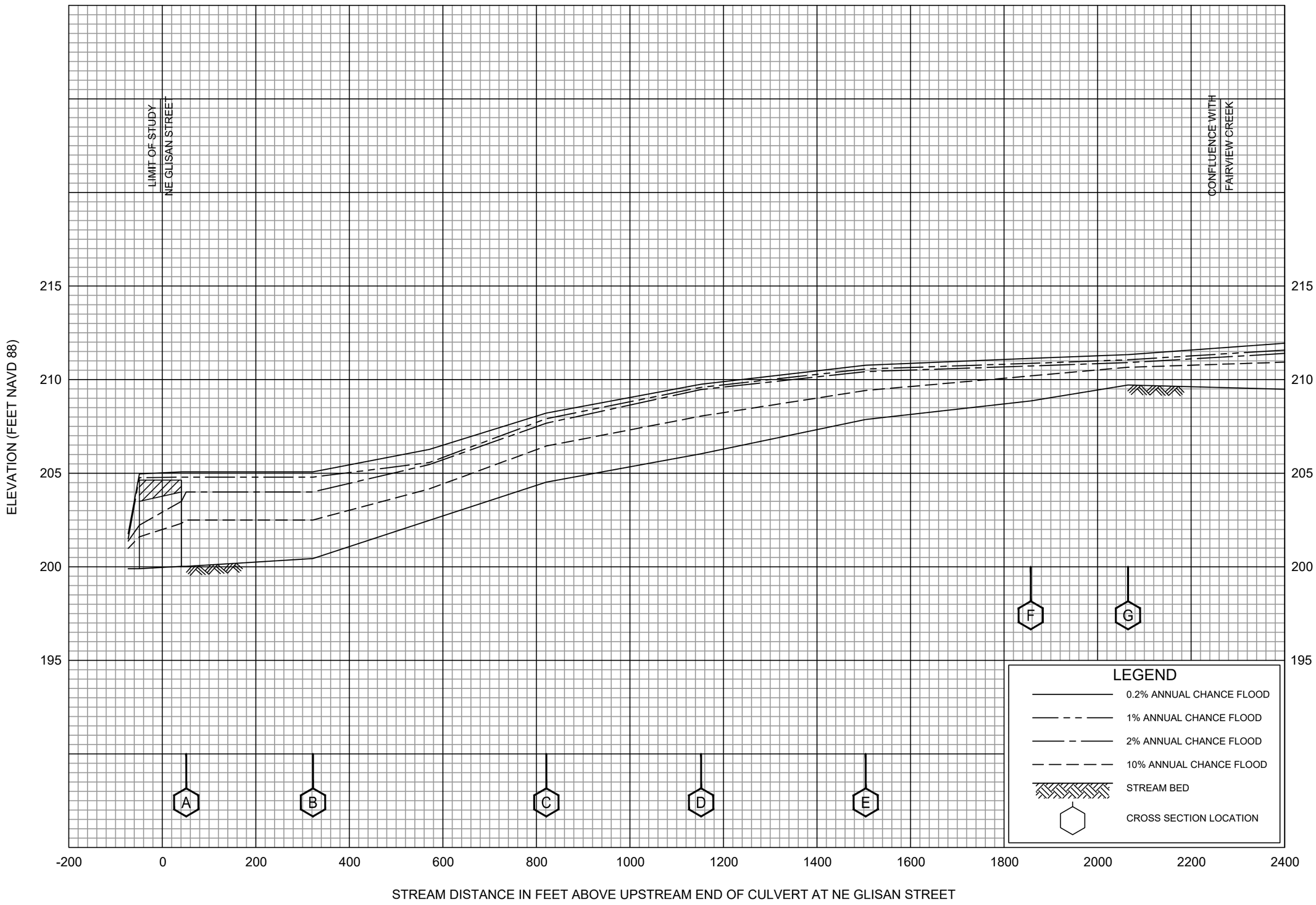
FLOOD PROFILES

FAIRVIEW CREEK - EAST POND

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



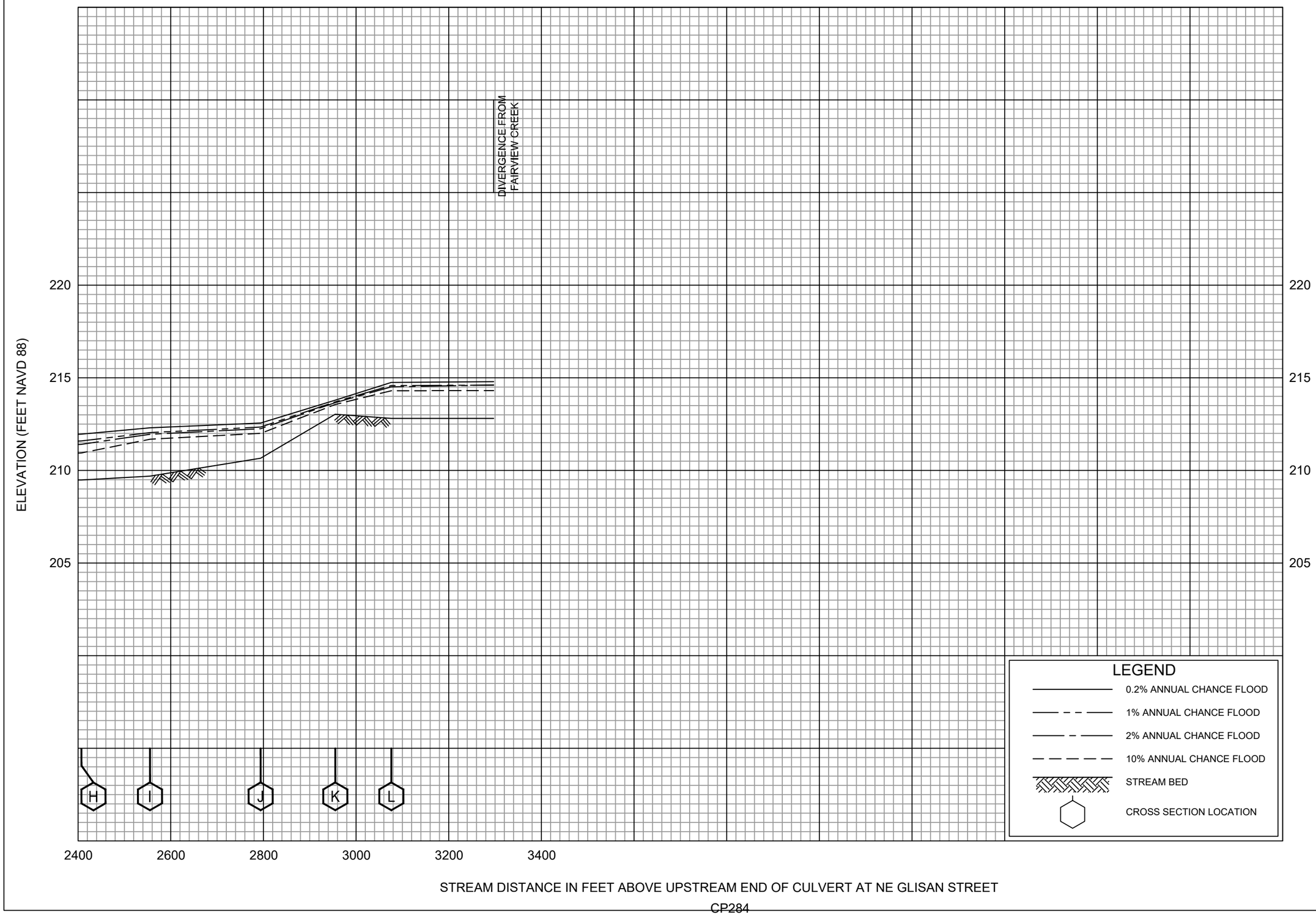
FLOOD PROFILES

FAIRVIEW CREEK - NE GLISAN STREET OVERFLOW

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

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MULTNOMAH COUNTY, OR

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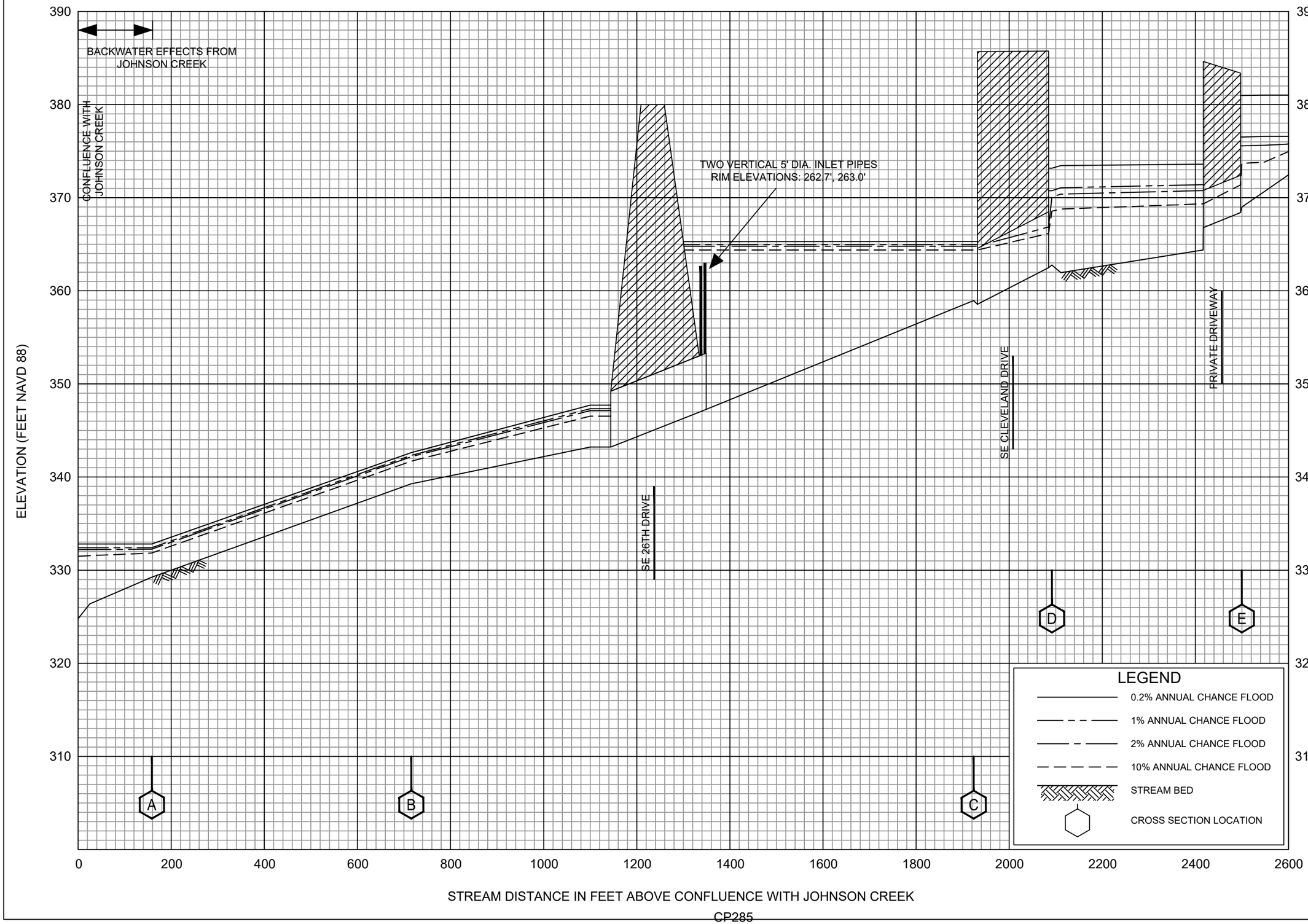


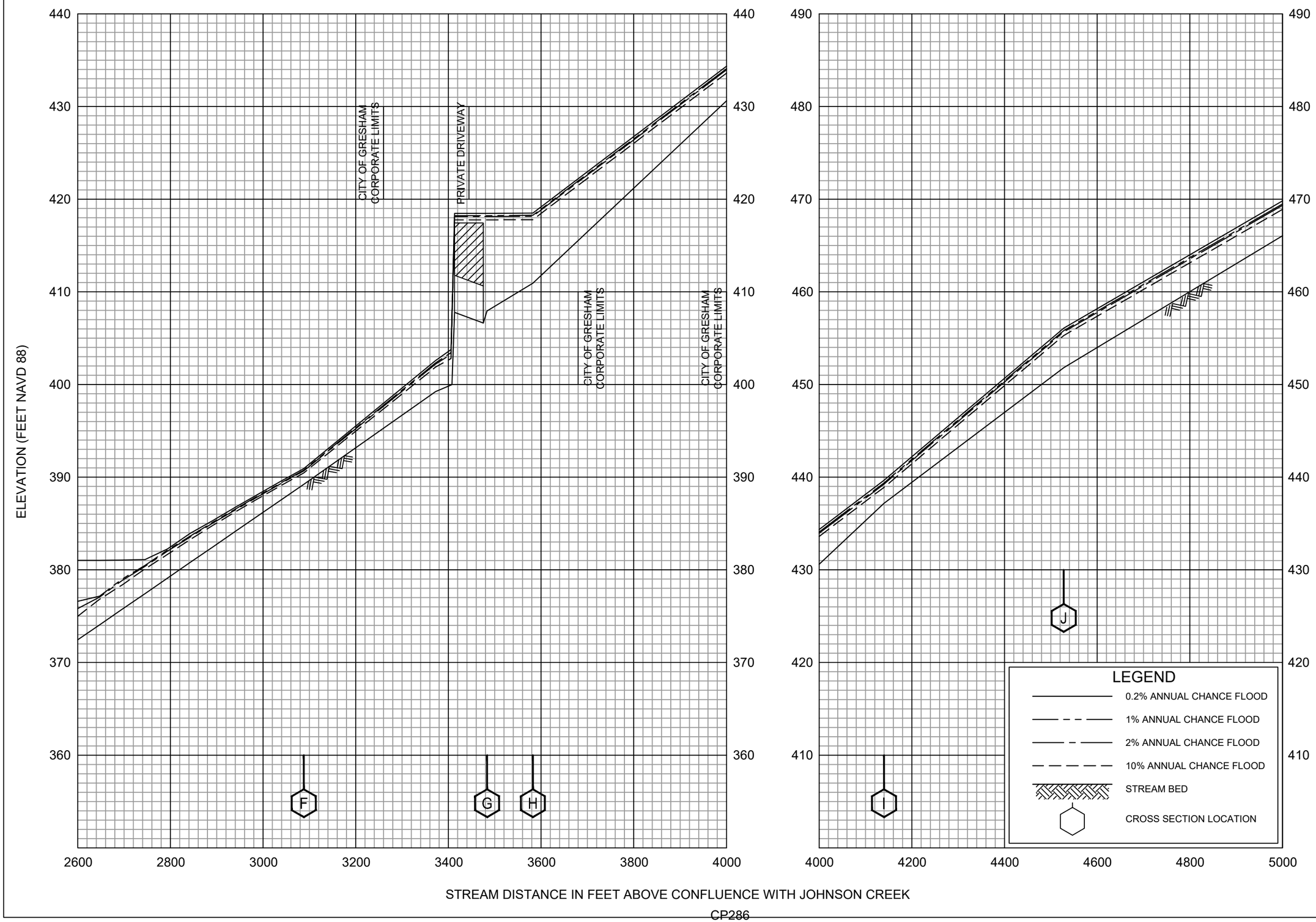
FLOOD PROFILES

HOGAN CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

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MULTNOMAH COUNTY, OR

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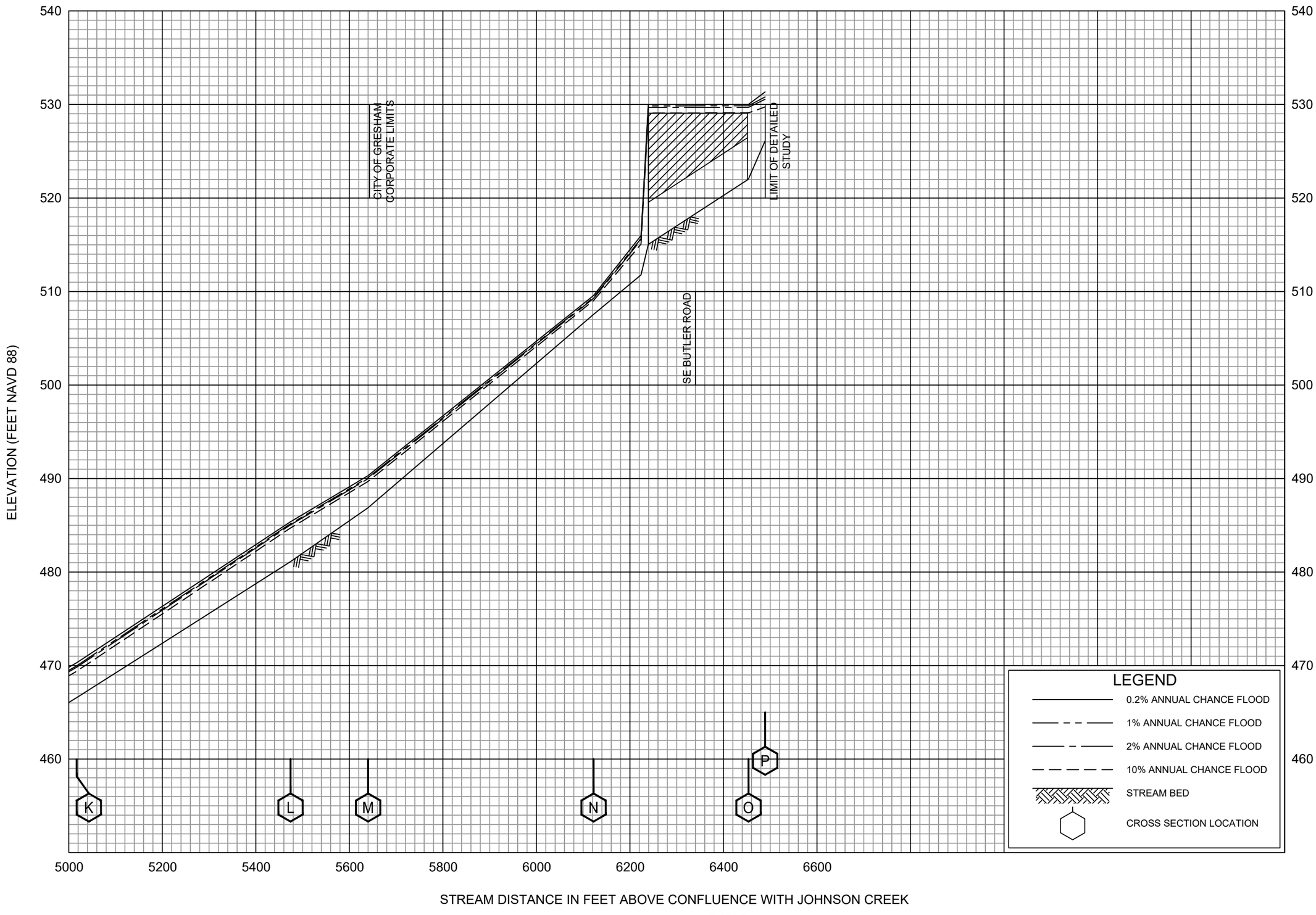

FLOOD PROFILES

HOGAN CREEK

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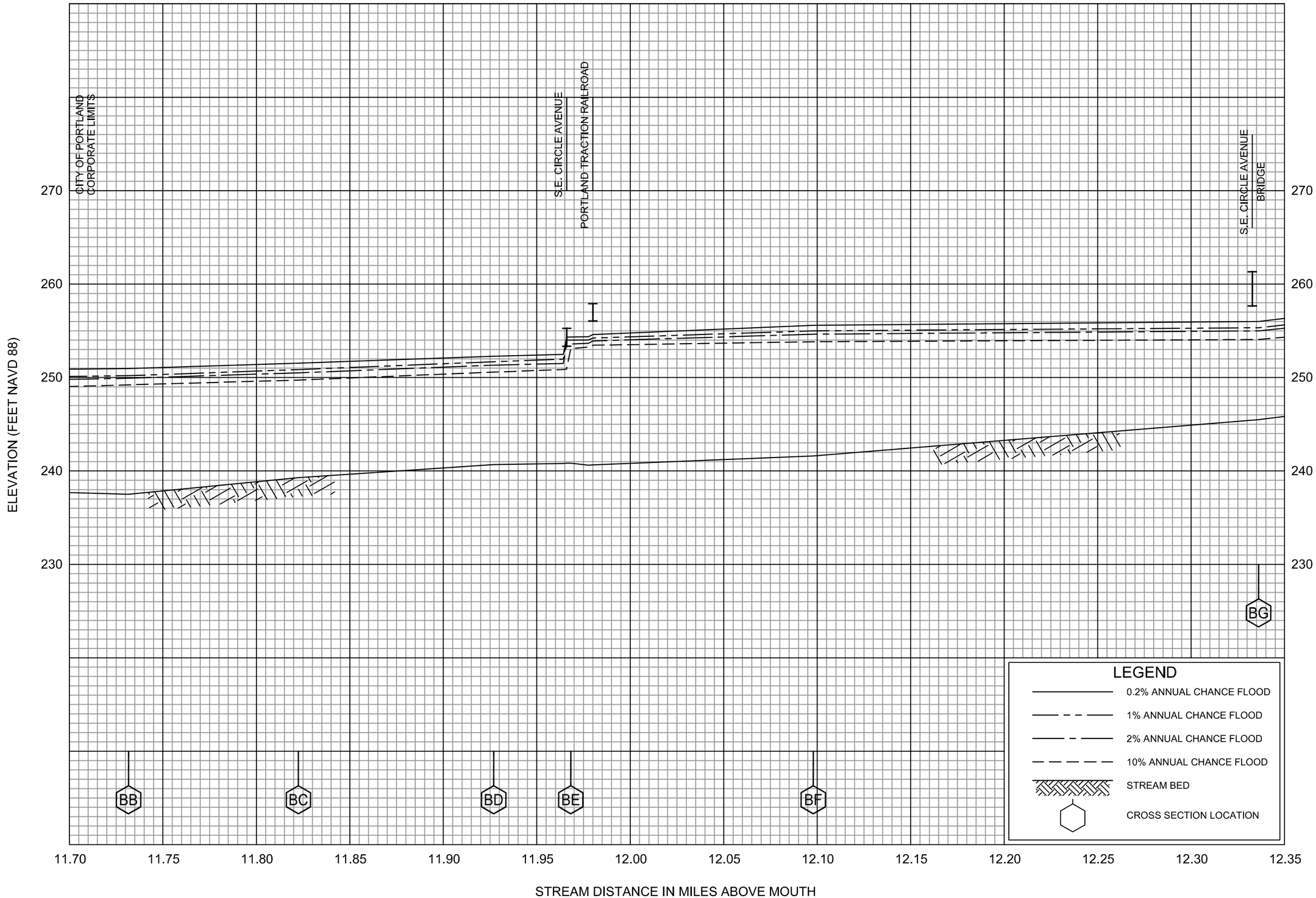

FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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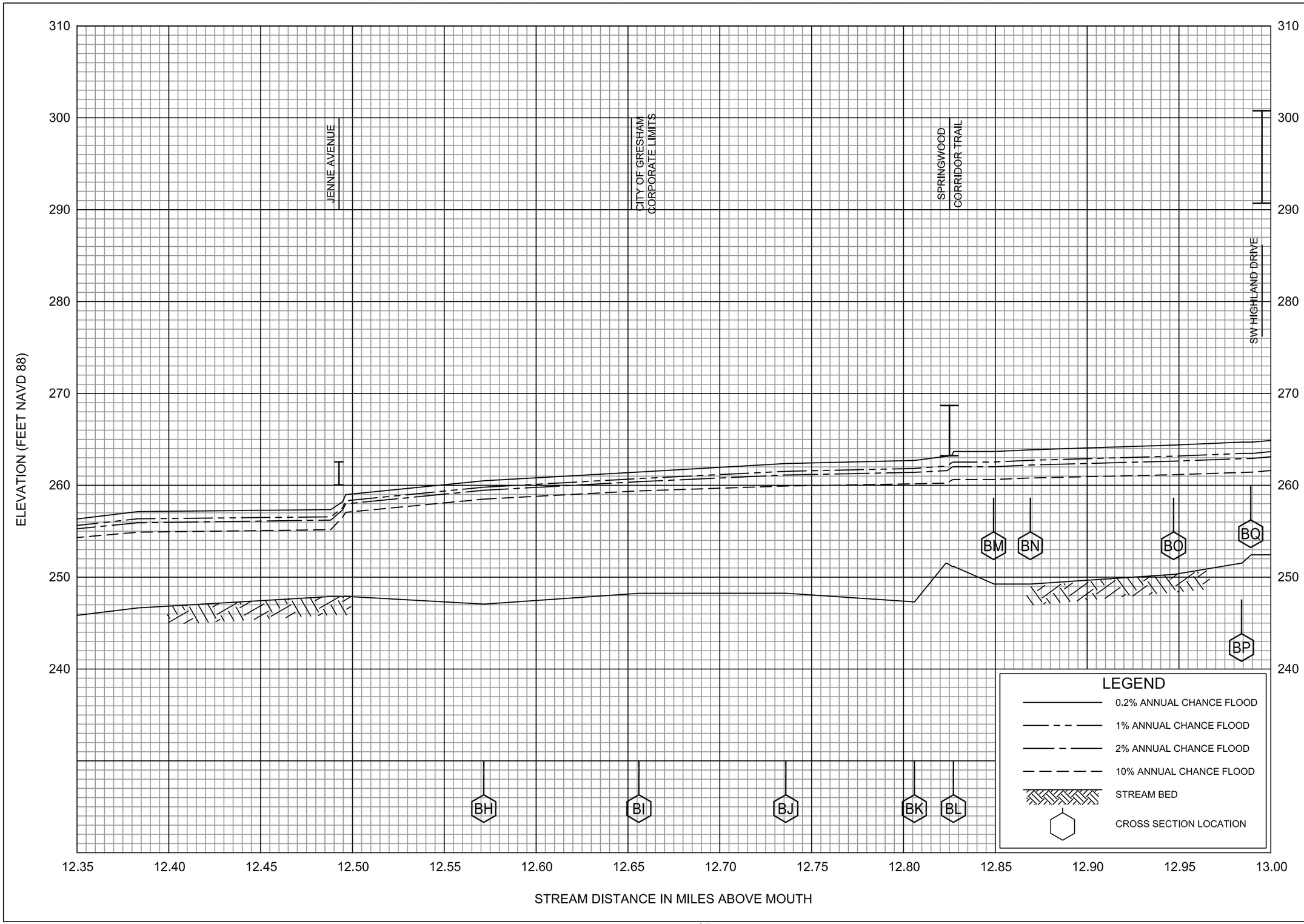

FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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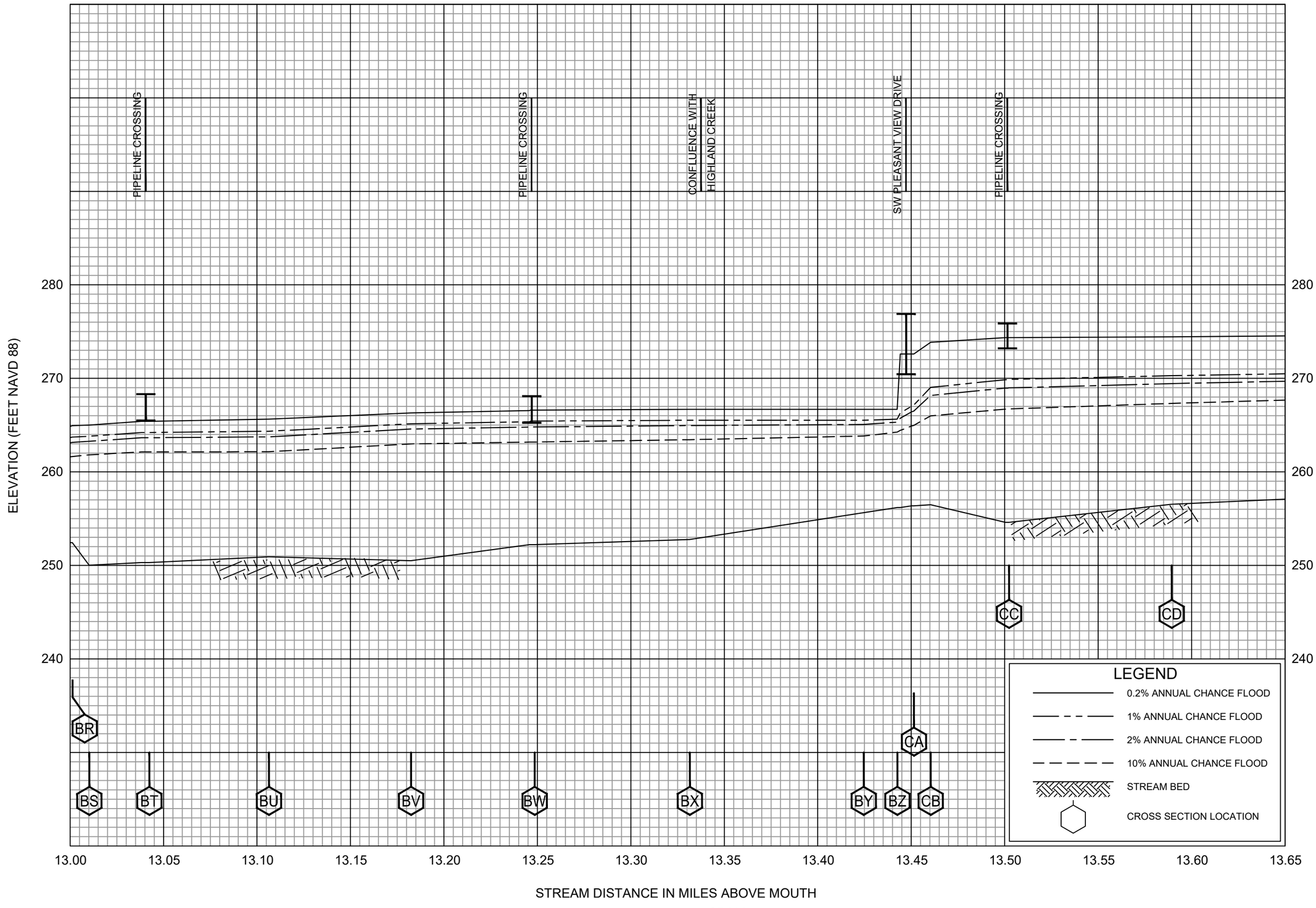

FLOOD PROFILES

JOHNSON CREEK

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MULTNOMAH COUNTY, OR

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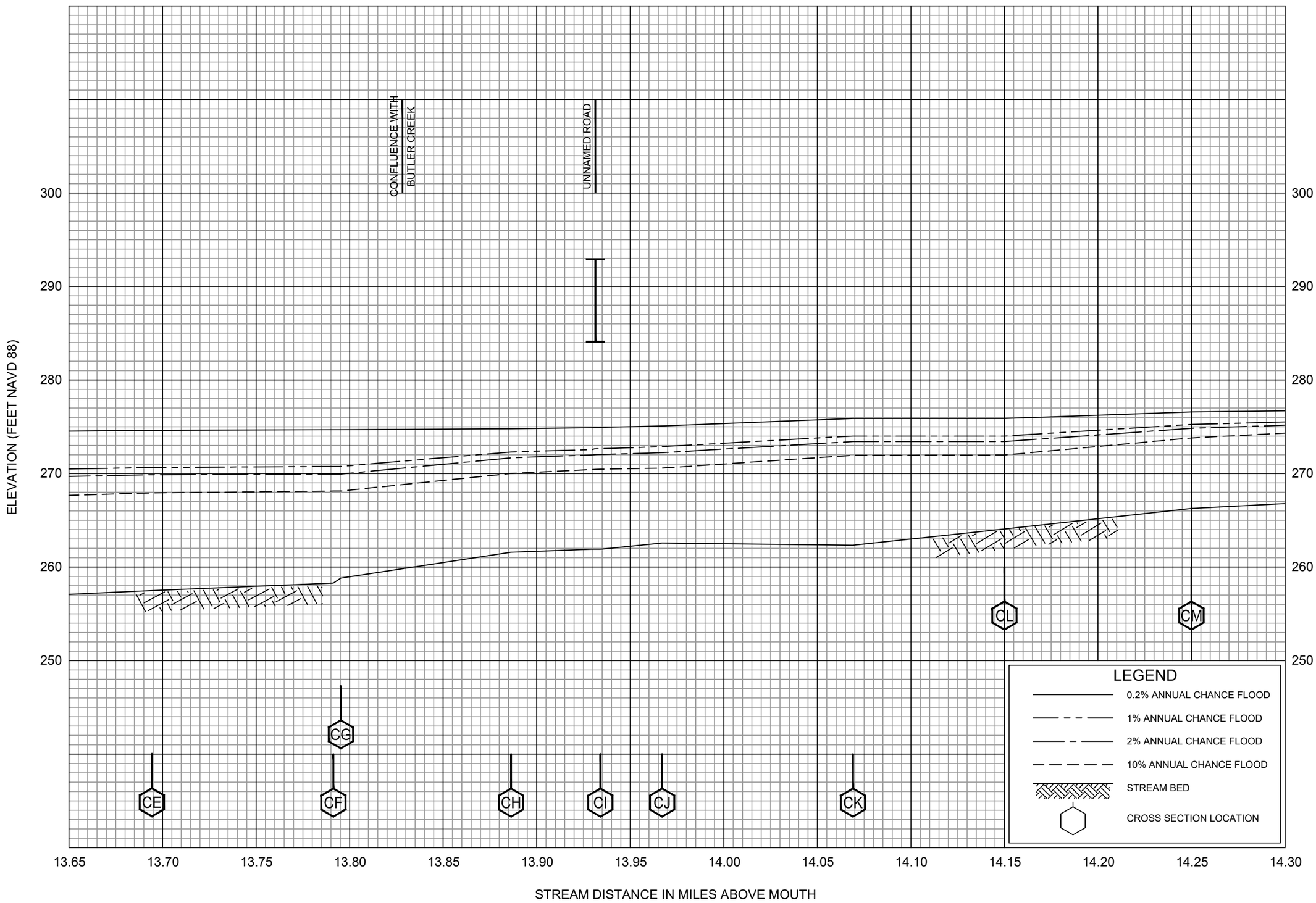

FLOOD PROFILES

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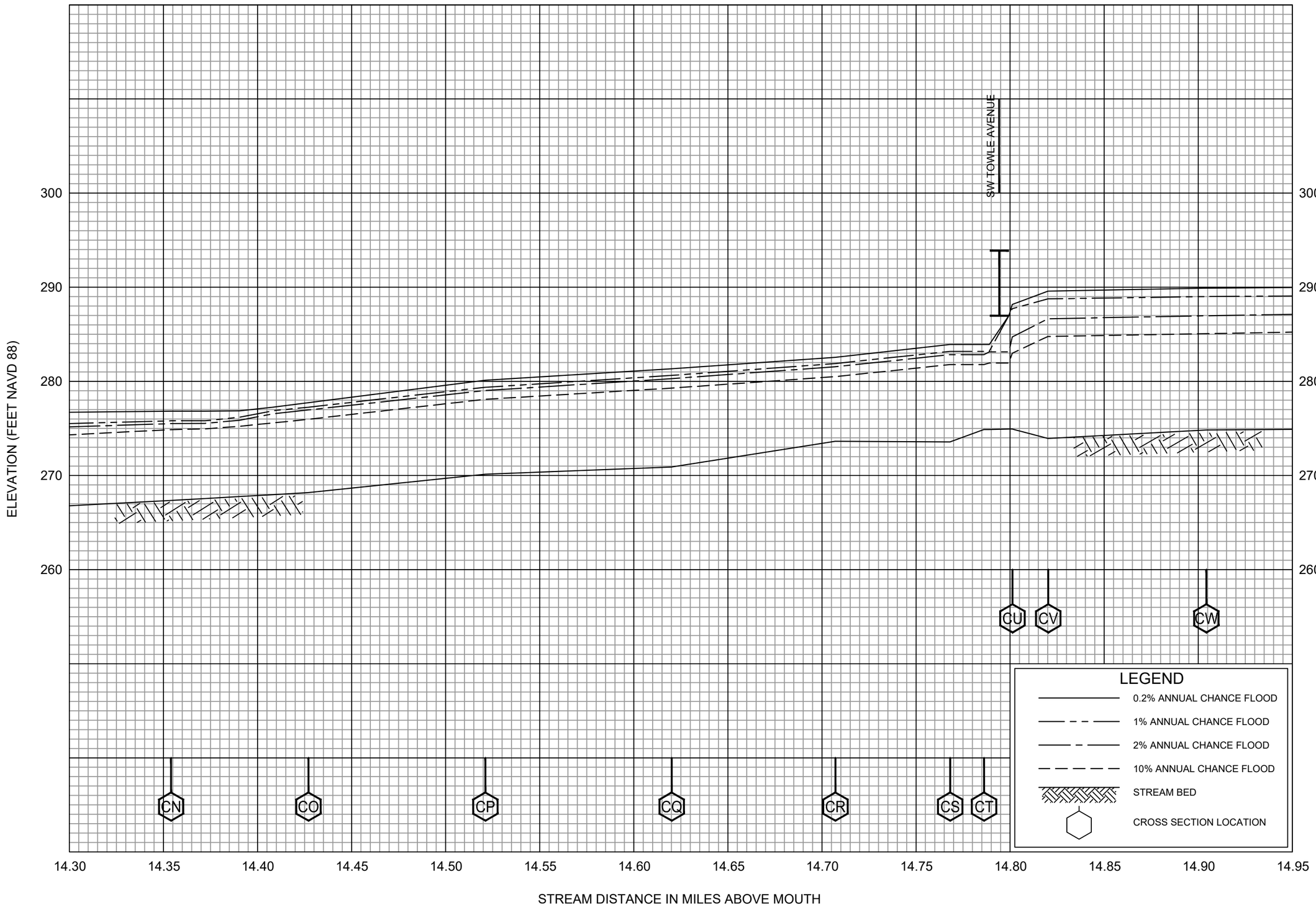

FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

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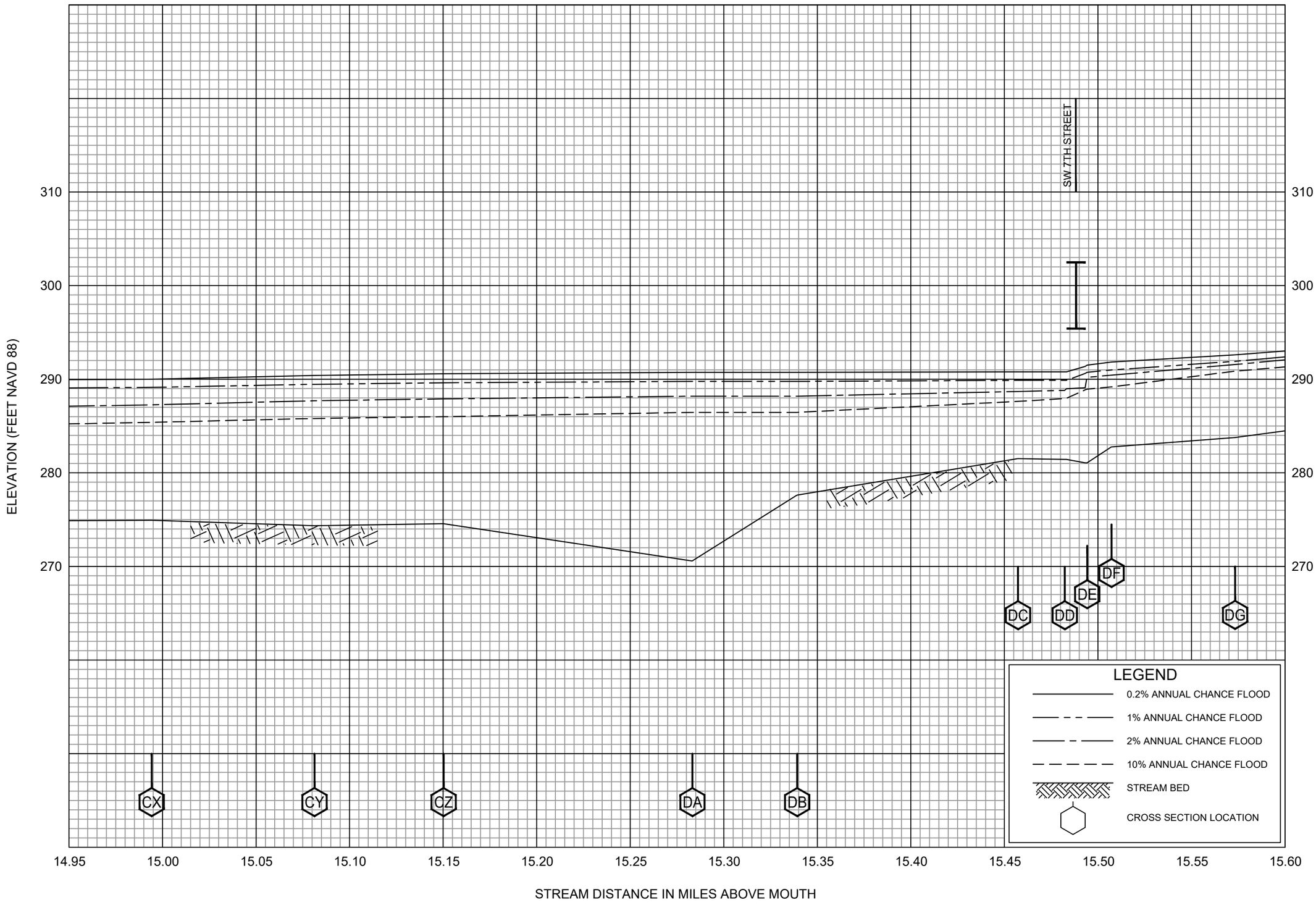

FLOOD PROFILES

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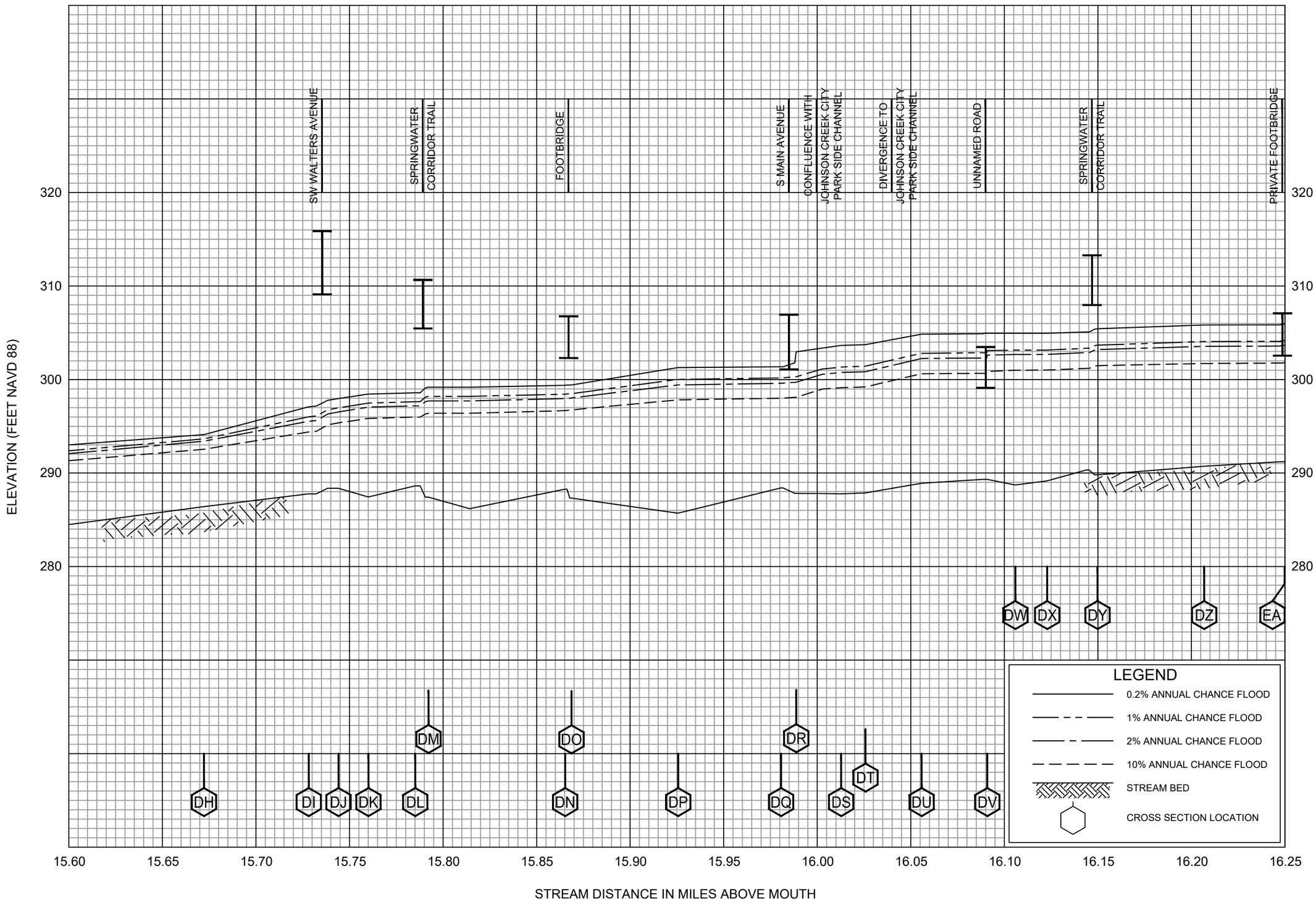

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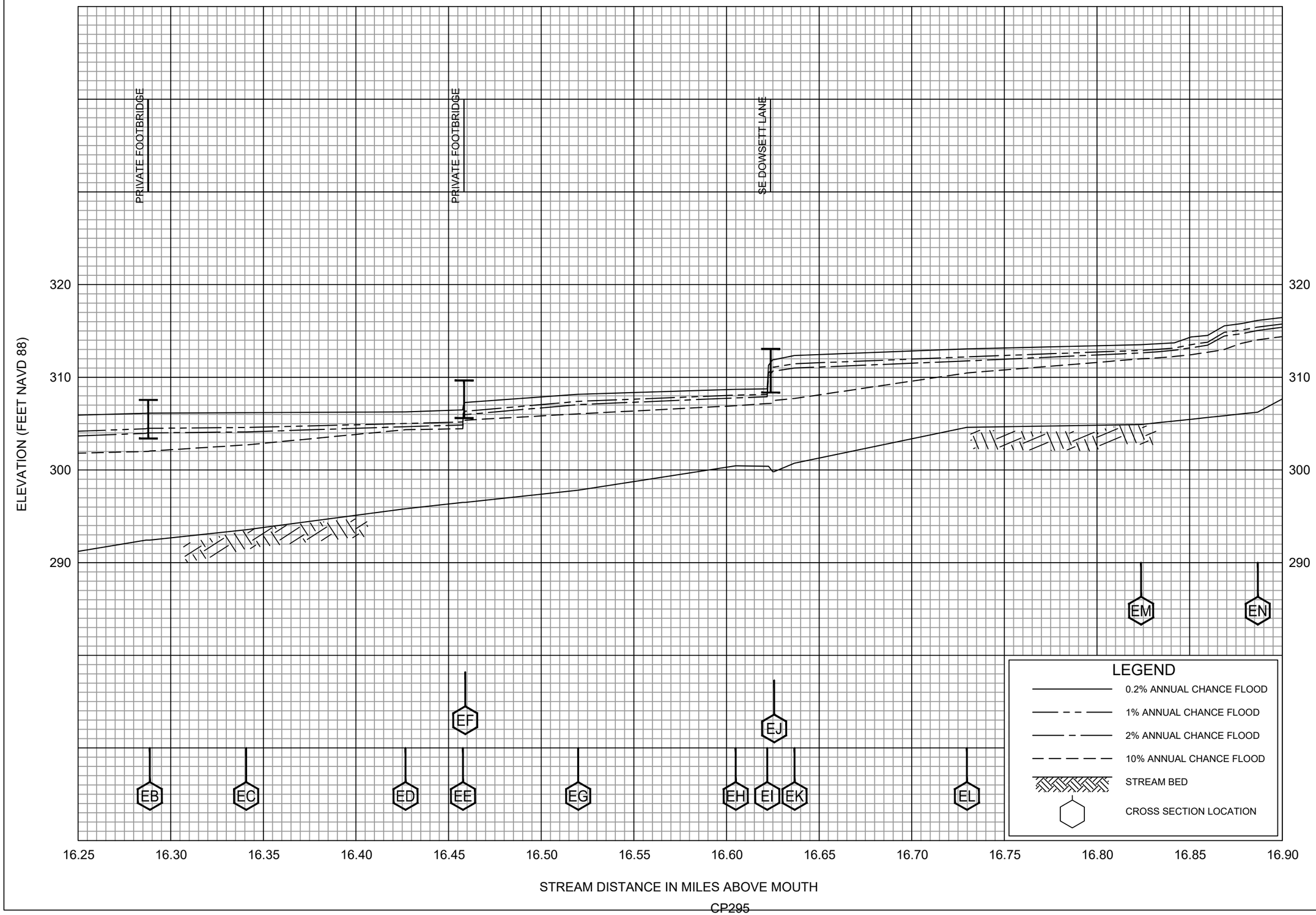

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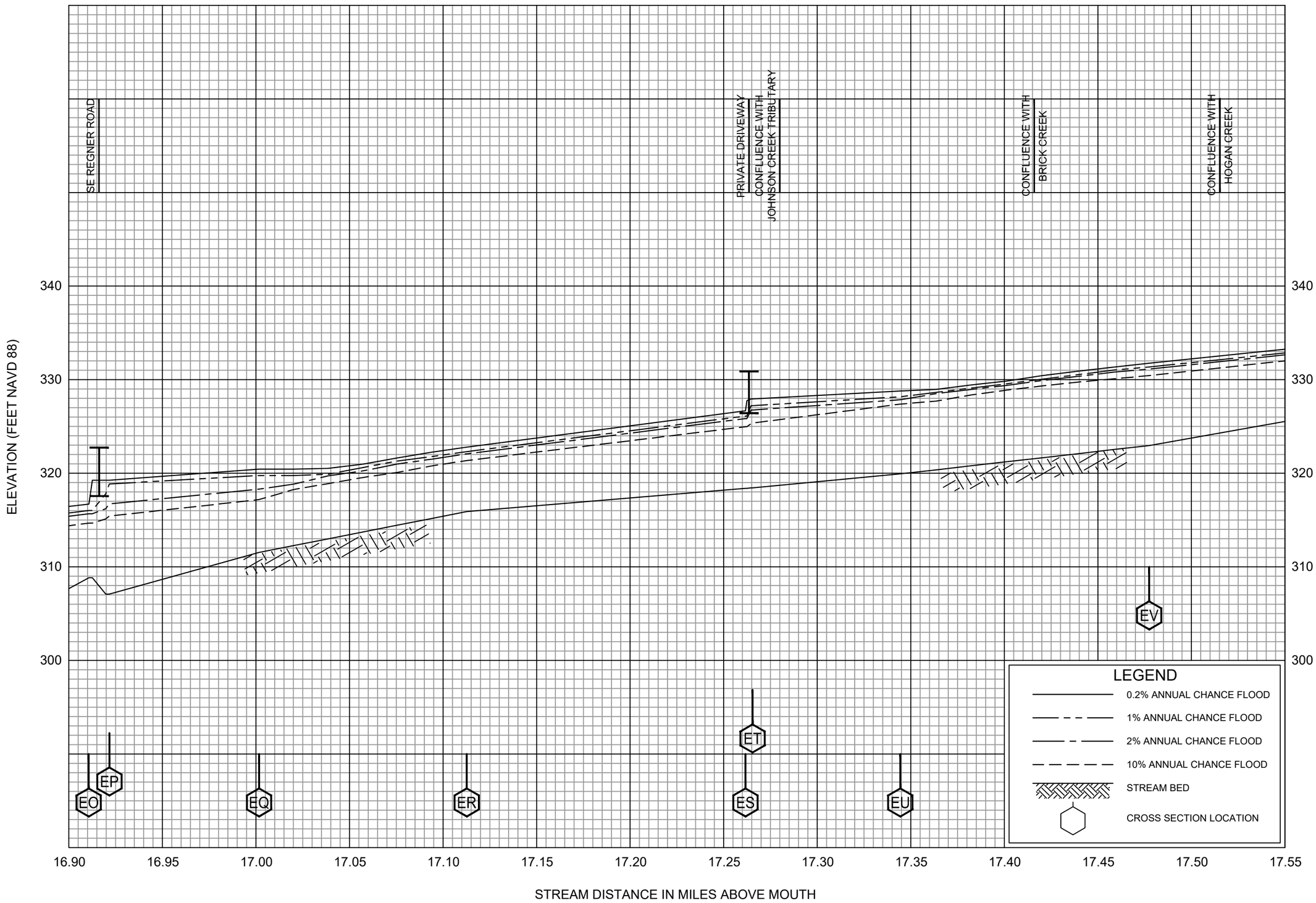

FLOOD PROFILES

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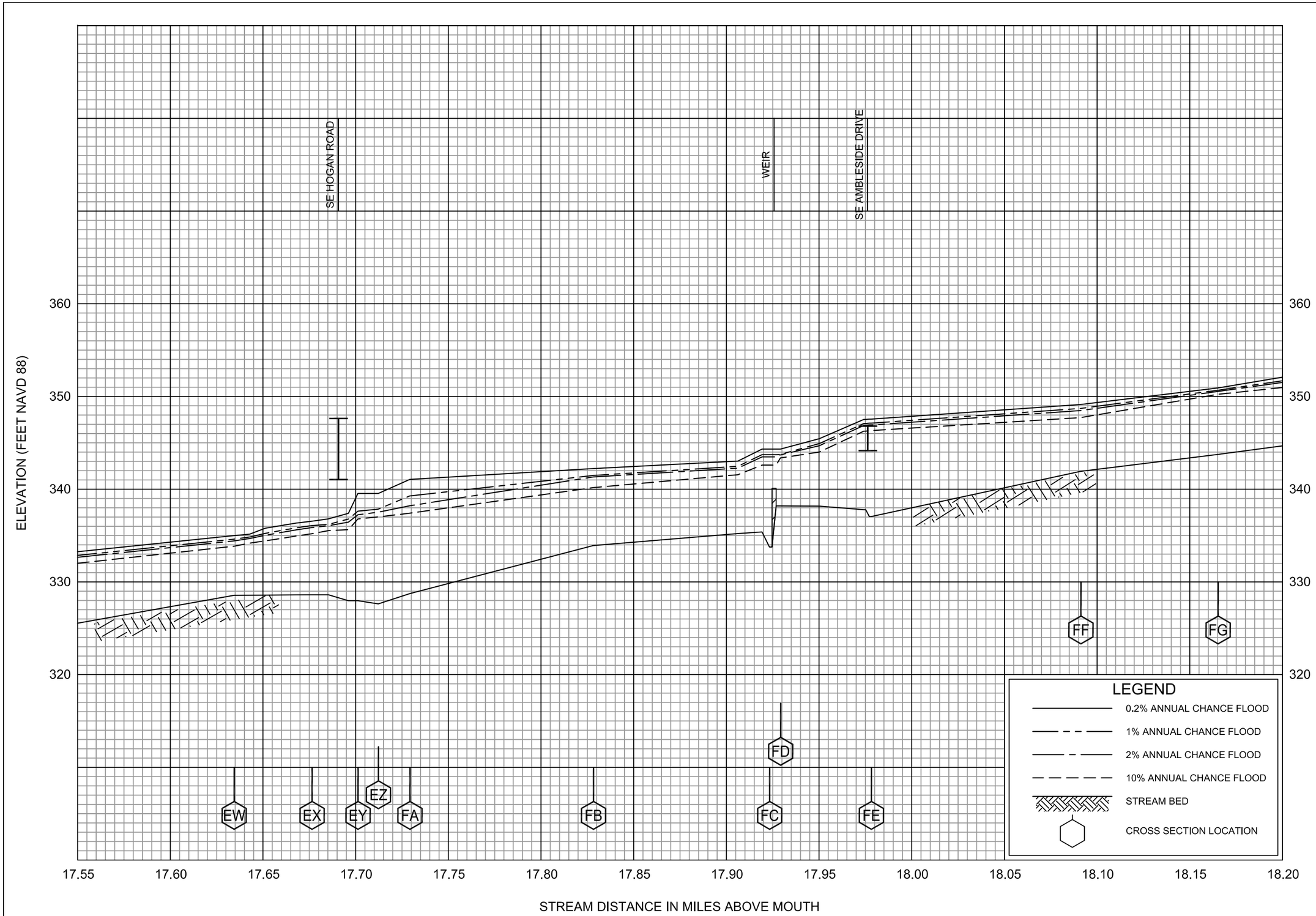

FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

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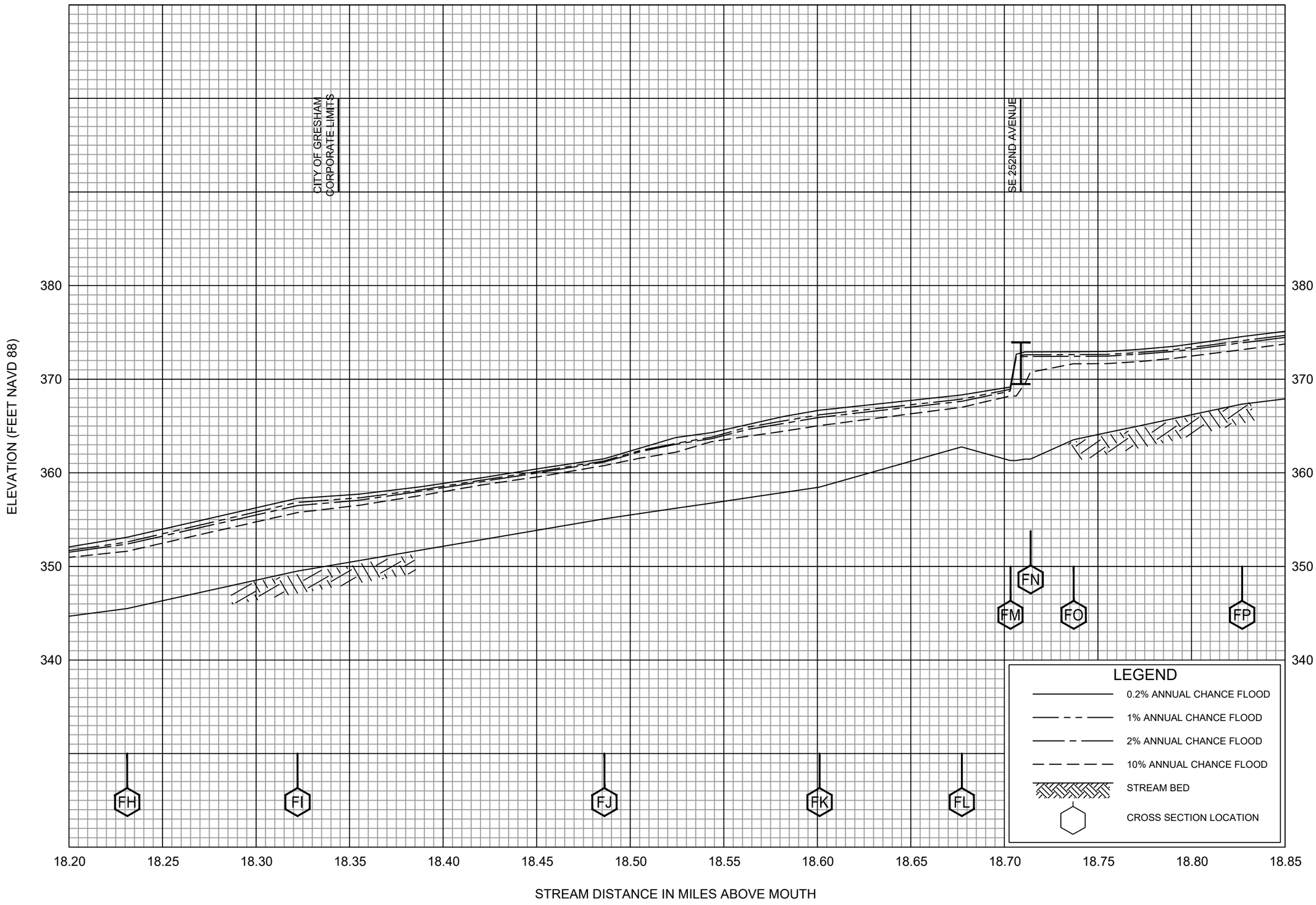
40P



FLOOD PROFILES

JOHNSON CREEK

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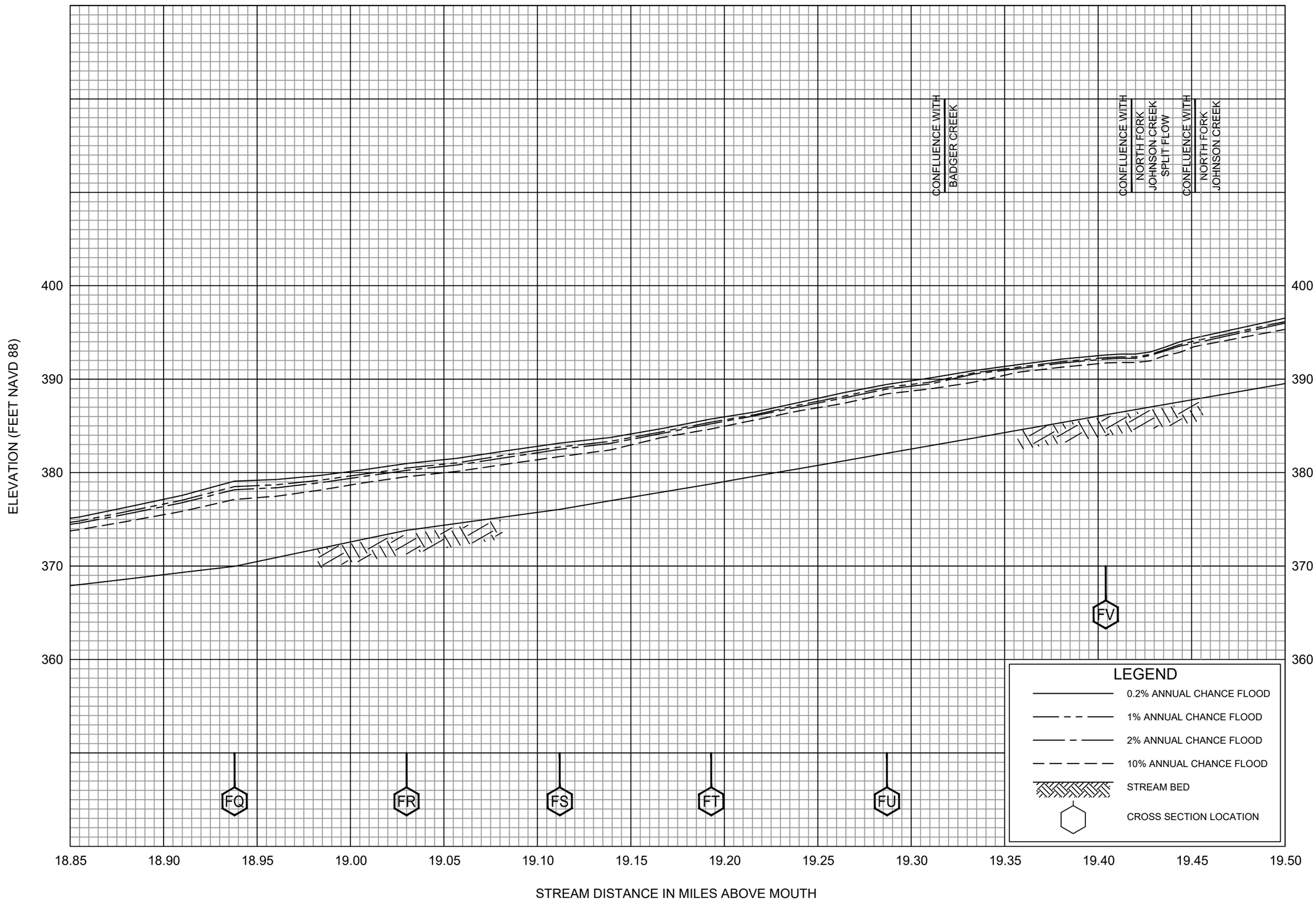

FLOOD PROFILES

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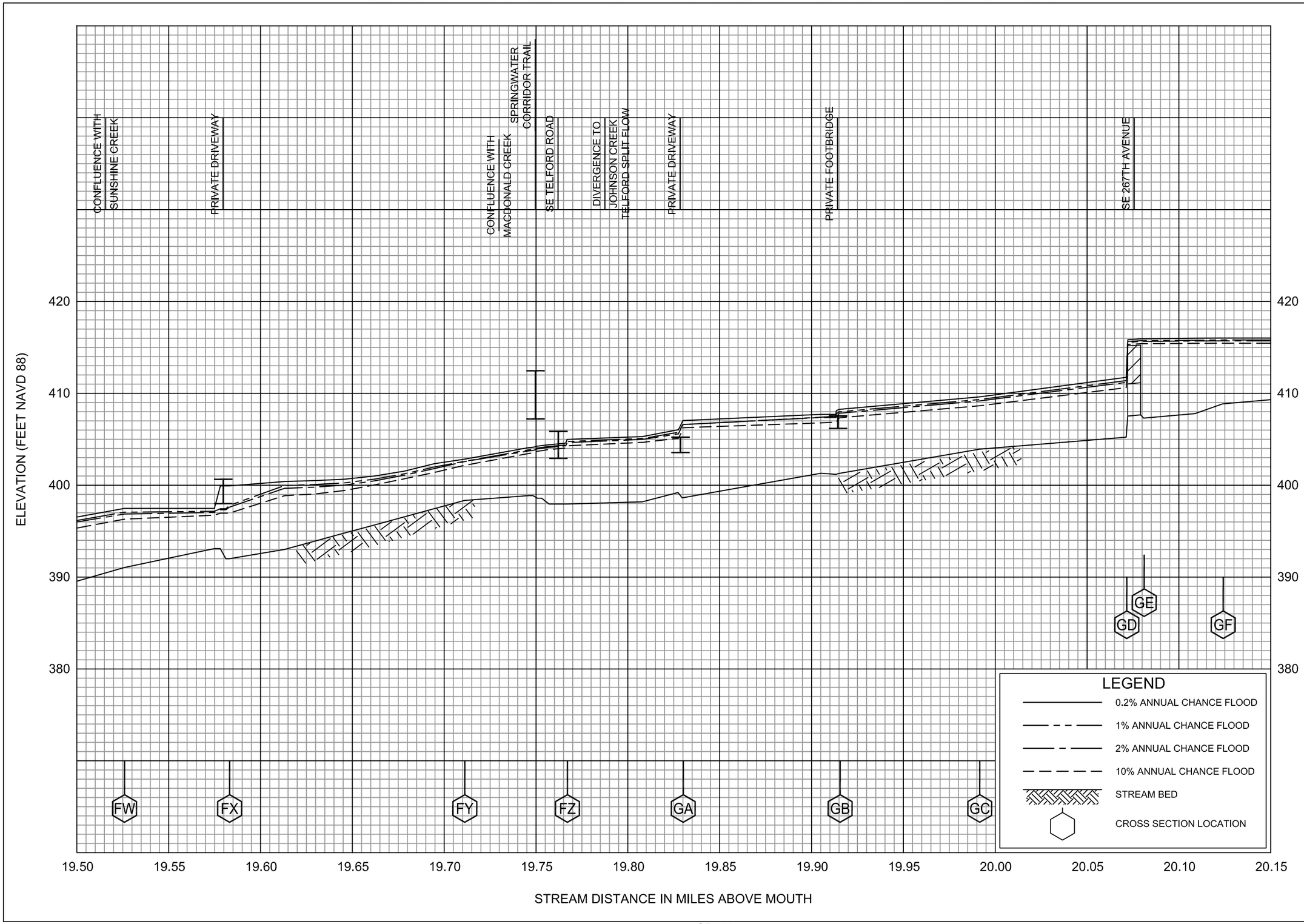

FLOOD PROFILES

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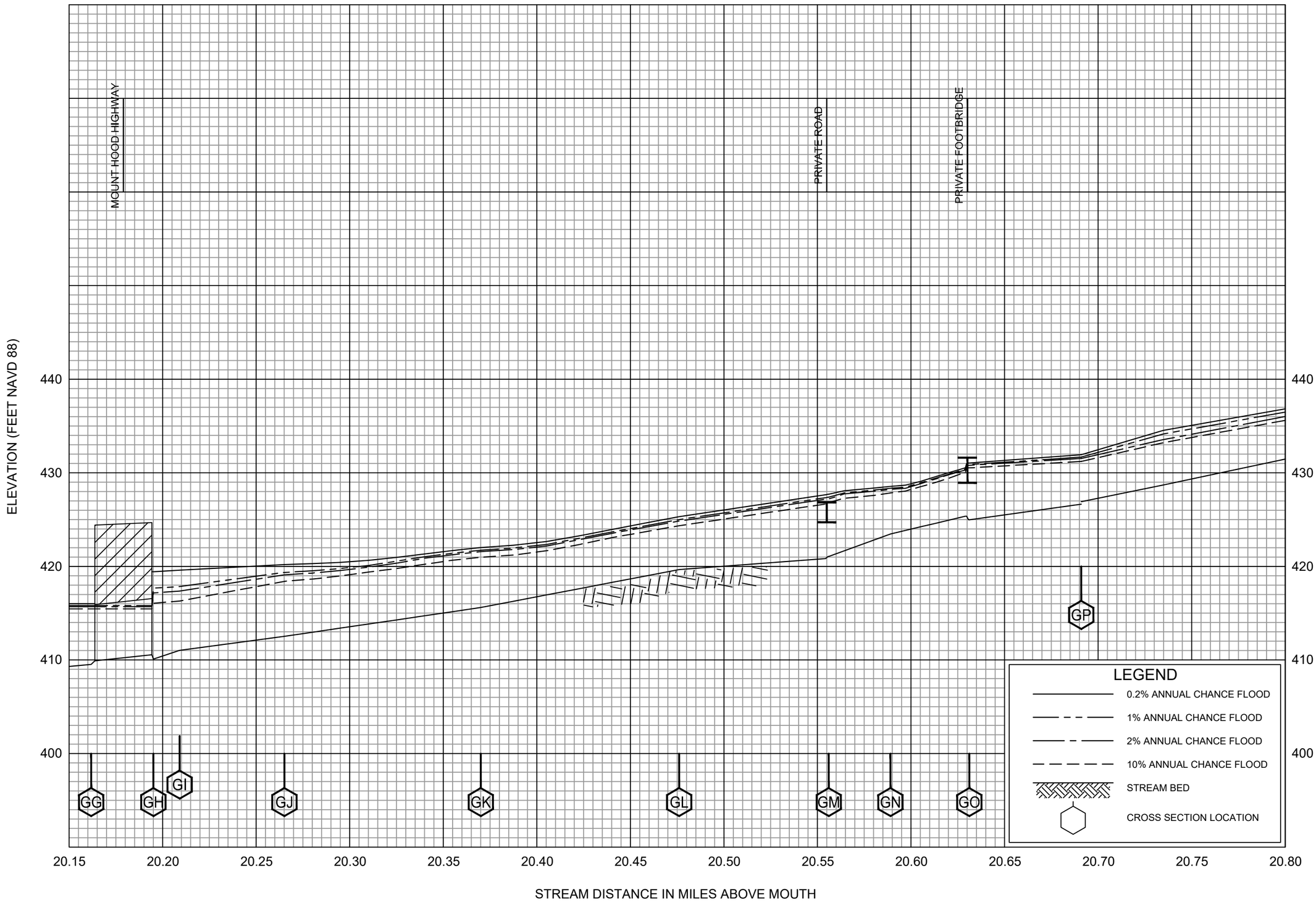

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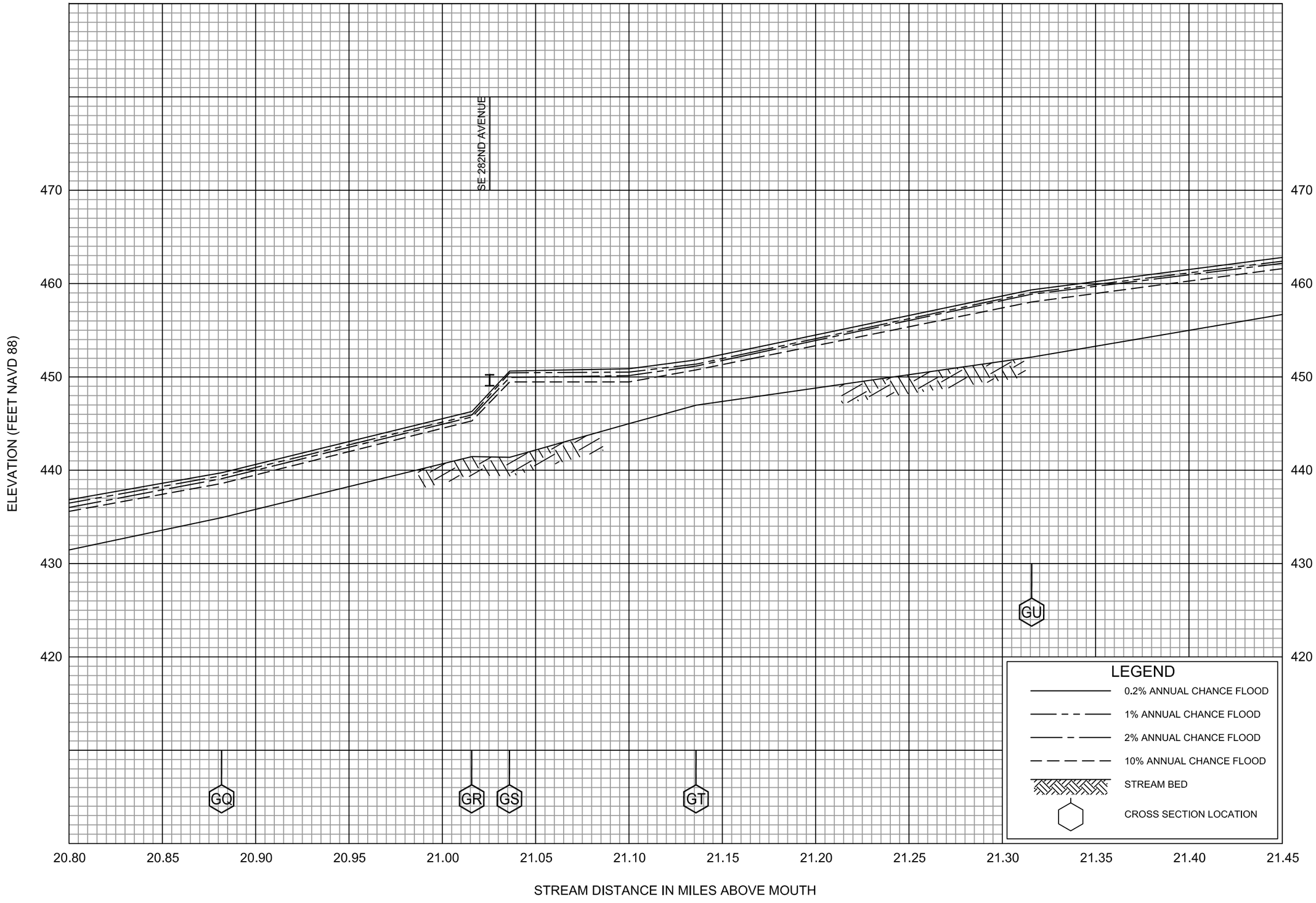

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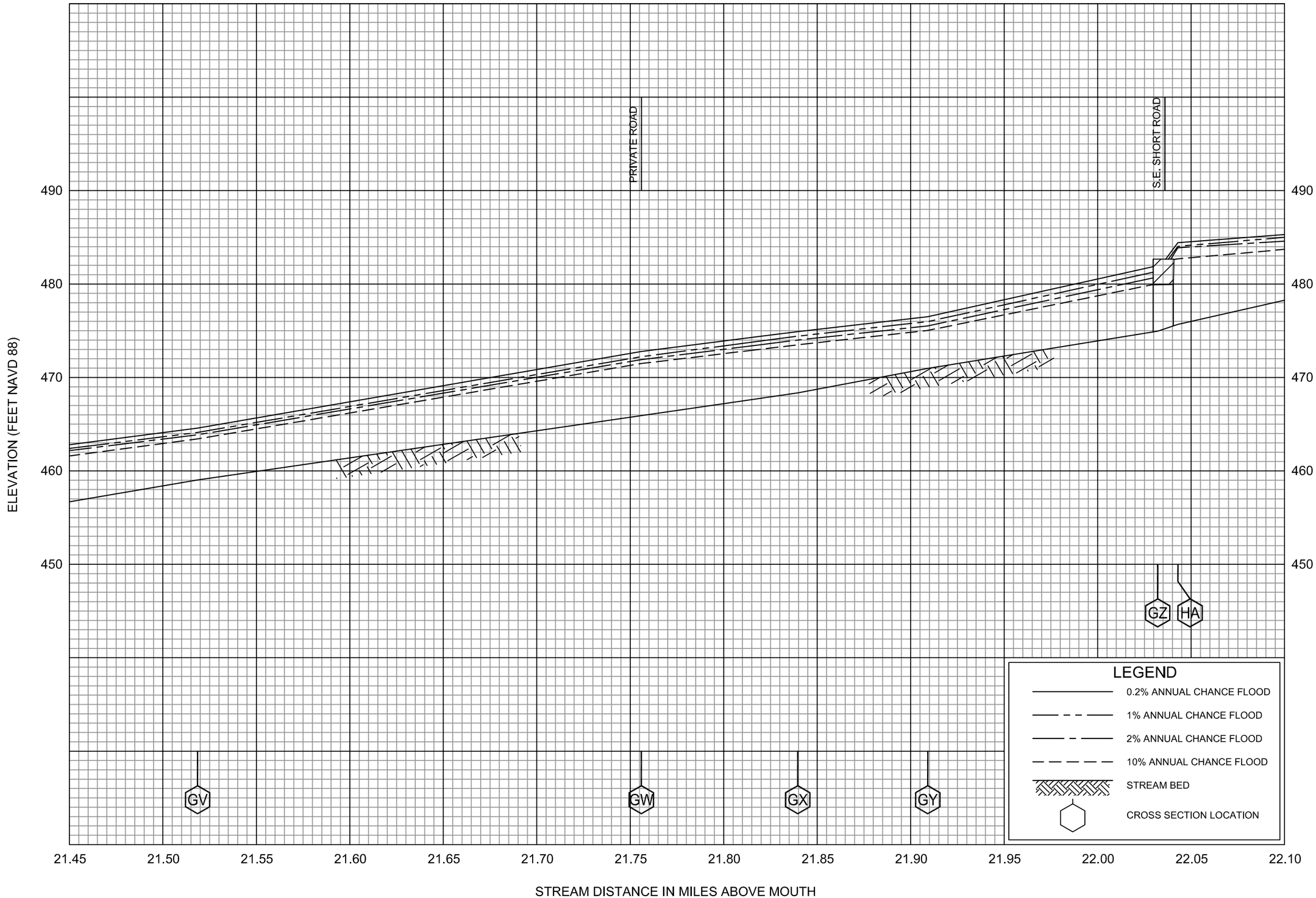

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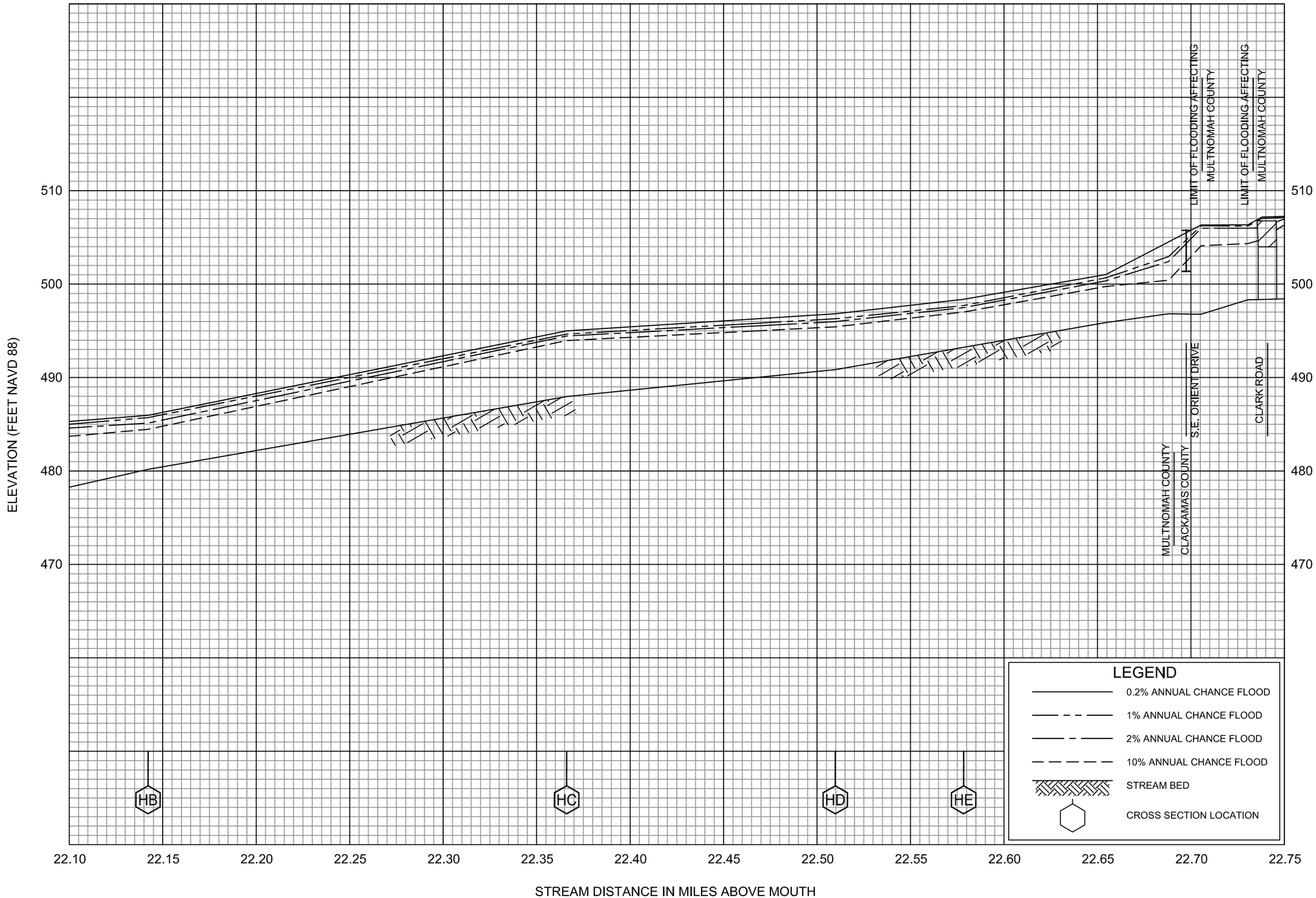

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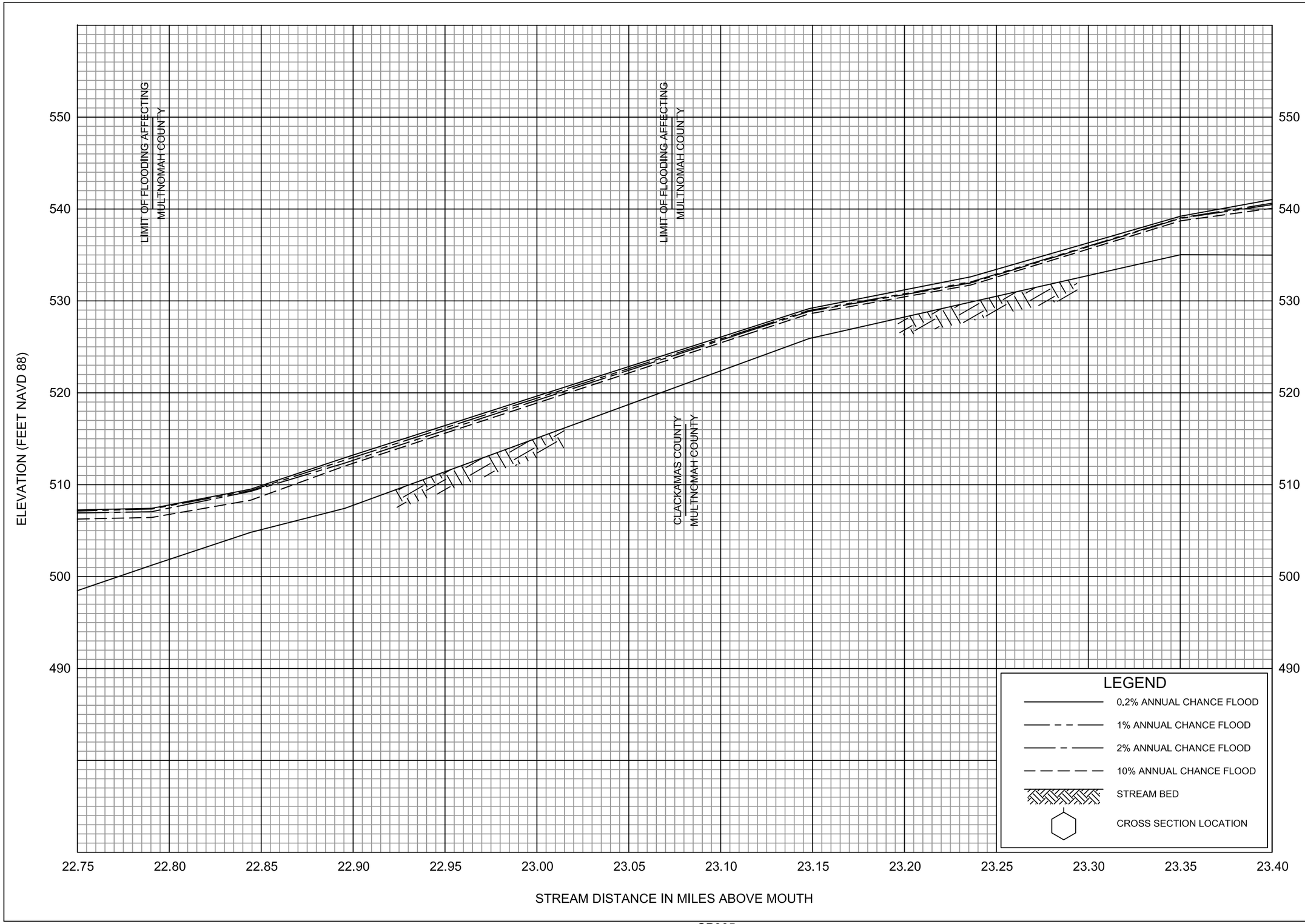

FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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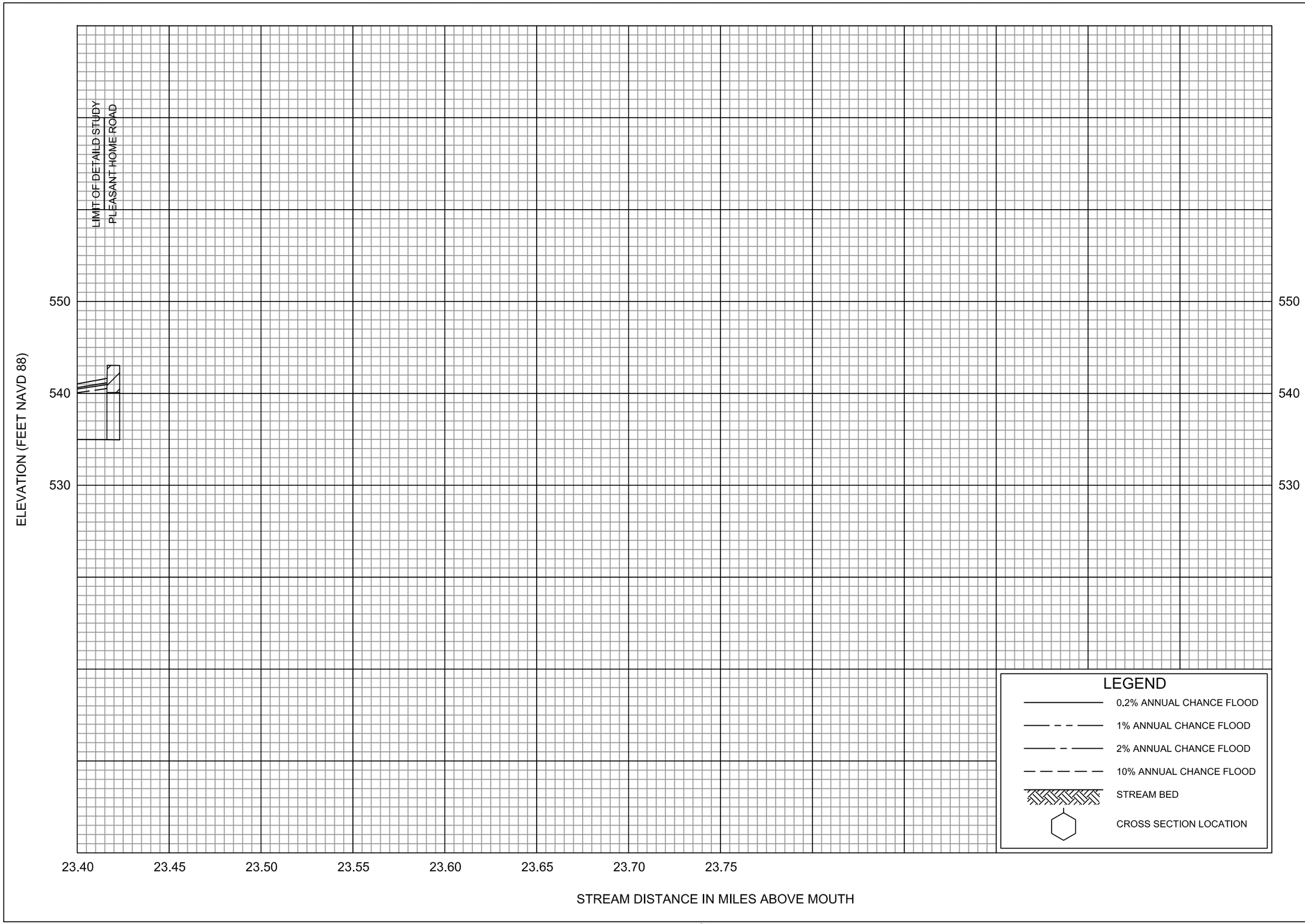


FLOOD PROFILES

JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

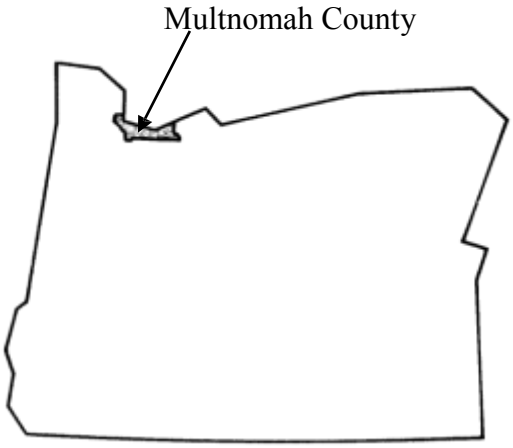
MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

FLOOD INSURANCE STUDY

Volume 2 of 2

MULTNOMAH COUNTY, OREGON AND INCORPORATED AREAS



COMMUNITY NAME	COMMUNITY NUMBER
FAIRVIEW, CITY OF	410180
GRESHAM, CITY OF	410181
*MAYWOOD PARK, CITY OF	410068
MULTNOMAH COUNTY UNINCORPORATED AREAS	410179
TROUTDALE, CITY OF	410184
*WOOD VILLAGE, CITY OF	410185

*No Special Flood Hazard Data

REVISED: February 1, 2019

Federal Emergency Management Agency

Flood Insurance Study Number

41051CV002B

NOTICE TO
FLOOD INSURANCE STUDY USERS

Communities participating in the National Flood Insurance Program have established repositories of flood hazard data for floodplain management and flood insurance purposes. This Flood Insurance Study (FIS) report may not contain all data available within the Community Map Repository. Please contact the Community Map Repository for any additional data.

The Federal Emergency Management Agency (FEMA) may revise and republish part or all of this FIS report at any time. In addition, FEMA may revise part of this FIS report by the Letter of Map Revision process, which does not involve republication or redistribution of the FIS report. Therefore, users should consult with community officials and check the Community Map Repository to obtain the most current FIS report components.

This preliminary FIS report does not include unrevised Floodway Data Tables or unrevised Flood Profiles. These Floodway Data Tables and Flood Profiles will appear in the final FIS report.

Initial Countywide FIS Effective Date: December 18, 2009
Revised Countywide Date: February 1, 2019

TABLE OF CONTENTS
Volume 1 – February 1, 2019

1.0 INTRODUCTION 1
1.1 Purpose of Study 1
1.2 Authority and Acknowledgments 1
1.3 Coordination 5

2.0 AREA STUDIED 6
2.1 Scope of Study 6
2.2 Community Description 18
2.3 Principal Flood Problems 25
2.4 Flood Protection Measures 27

3.0 ENGINEERING METHODS 31
3.1 Hydrologic Analyses 31
3.2 Hydraulic Analyses 40
3.3 Vertical Datum 45

4.0 FLOODPLAIN MANAGEMENT APPLICATIONS 46
4.1 Floodplain Boundaries 46
4.2 Floodways 48

5.0 INSURANCE APPLICATIONS 83

6.0 FLOOD INSURANCE RATE MAP 84

7.0 OTHER STUDIES 87

8.0 LOCATION OF DATA 87

9.0 BIBLIOGRAPHY AND REFERENCES 87

FIGURES

Volume 1 – February 1, 2019 (continued)

Figure 1 - FIRM Index……...11
Figure 2 - FIRM Note to Users……...12
Figure 3 - FIRM Legend……14
Figure 4 - Floodway Schematic……..49

TABLES

Table 1 - Initial and Final CCO Meetings……...5
Table 2 - Limits of Detailed Study……6
Table 3 - Approximate Studies……9
Table 4 - Community Map Repositories……18
Table 5 - Regulatory Effect of Flood-Control Reservoirs……...29
Table 6 - Summary of Elevations……32
Table 7 - Summary of Discharges……..36
Table 8 - Roughness Coefficients (Manning's "n" Values)……45
Table 9 -Vertical Datum Conversions……46
Table 10 - Floodway Data……50
Table 11 - Flood Insurace Zones Within Each Community……..84
Table 12 - Community Map History……85
Table 13 - Listing of NFIP Jurisdictions……...86

EXHIBITS

Exhibit 1 - Flood Profiles — Panels

Beaver Creek	01P-04P
Brick Creek	05P
Burlingame Creek	06-P
Columbia River	07P – 12P
Fairview Creek	13P – 24P
Fairview Creek - East Pond	25P
Fairview Creek – NE Glisan Street Overflow	26P – 27P
Hogan Creek	28P – 30P
Johnson Creek	31P – 49P

EXHIBITS

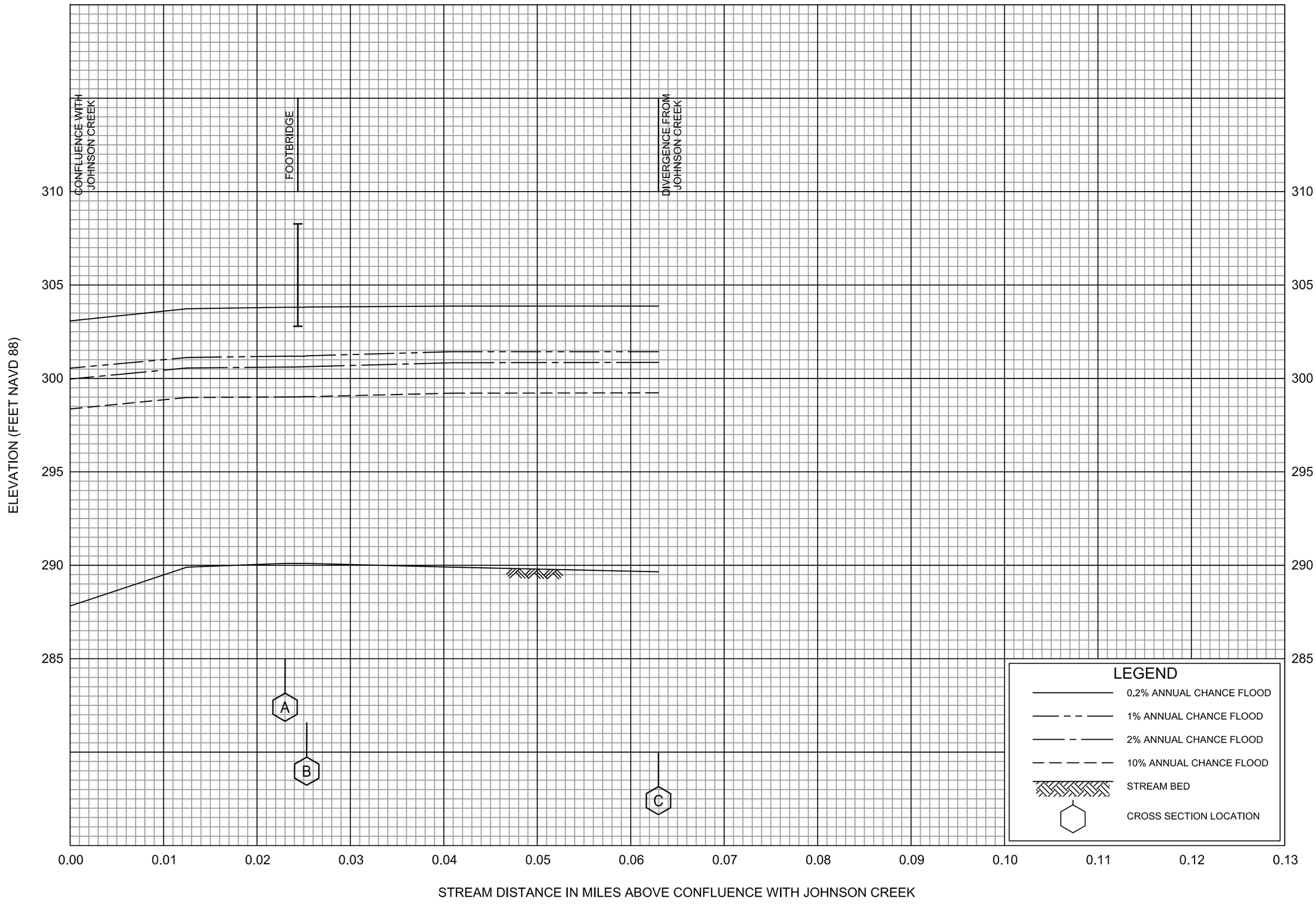
Volume 2 – February 1, 2019

Exhibit 1 - Flood Profiles (continued)

Johnson Creek City Park Side Channel	50P
Johnson Telford Split Flow	51P
Kelley Creek	52P– 56P
Kelly Creek	57P – 60P
MacDonald Creek	61P
Multnomah Channel	62P – 63P
North Fork Johnson Creek	64P – 66P
North Fork Johnson Creek Split Flow	67P
Sandy River	68P – 71P
Sunshine Creek	72P
Unnamed Tributary to Rock Creek	73P
Willamette River	74P – 75P

PUBLISHED SEPARATELY

Exhibit 2 - Flood Insurance Rate Map Index
Flood Insurance Rate Map



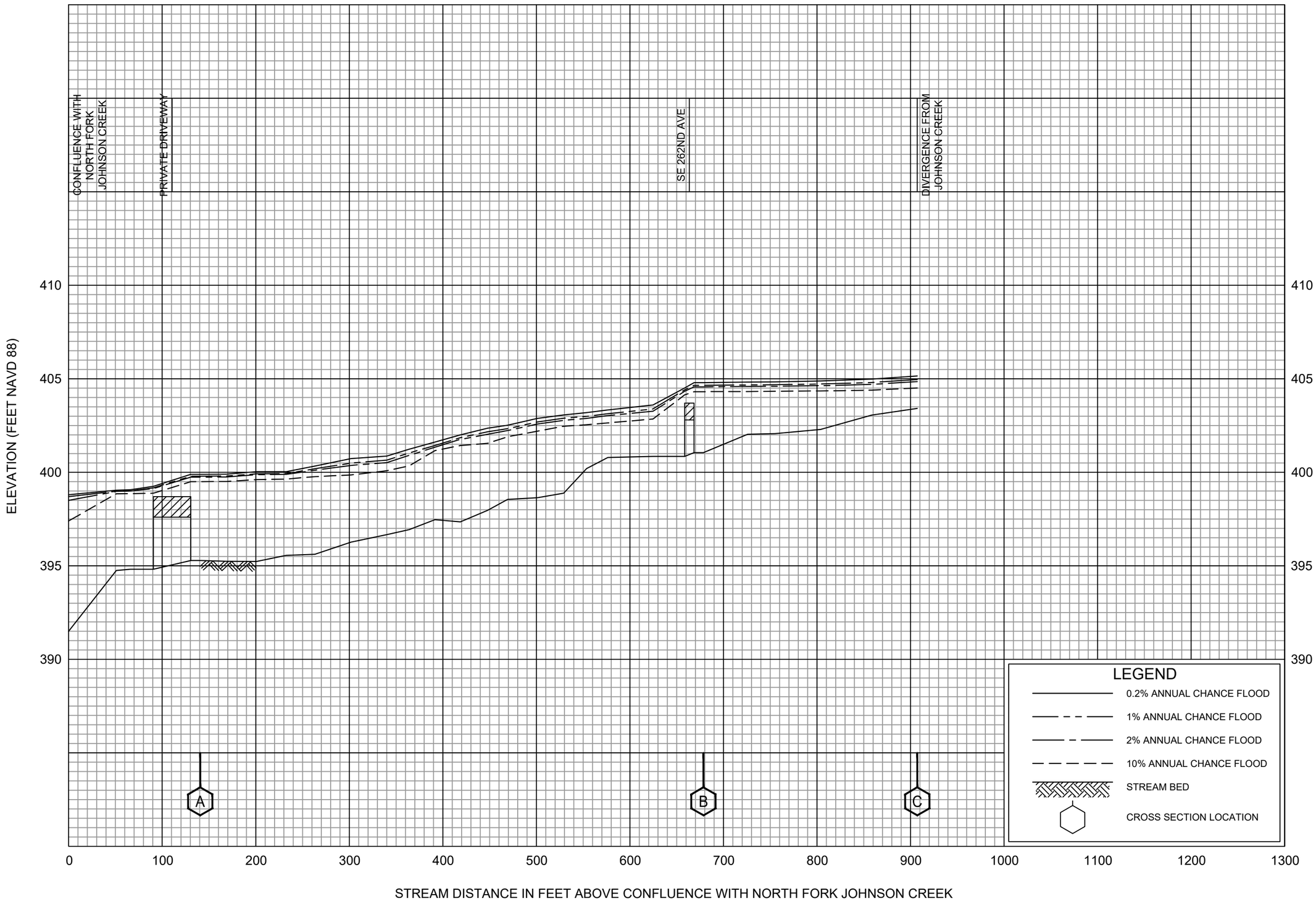
FLOOD PROFILES

JOHNSON CREEK CITY PARK SIDE CHANNEL

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



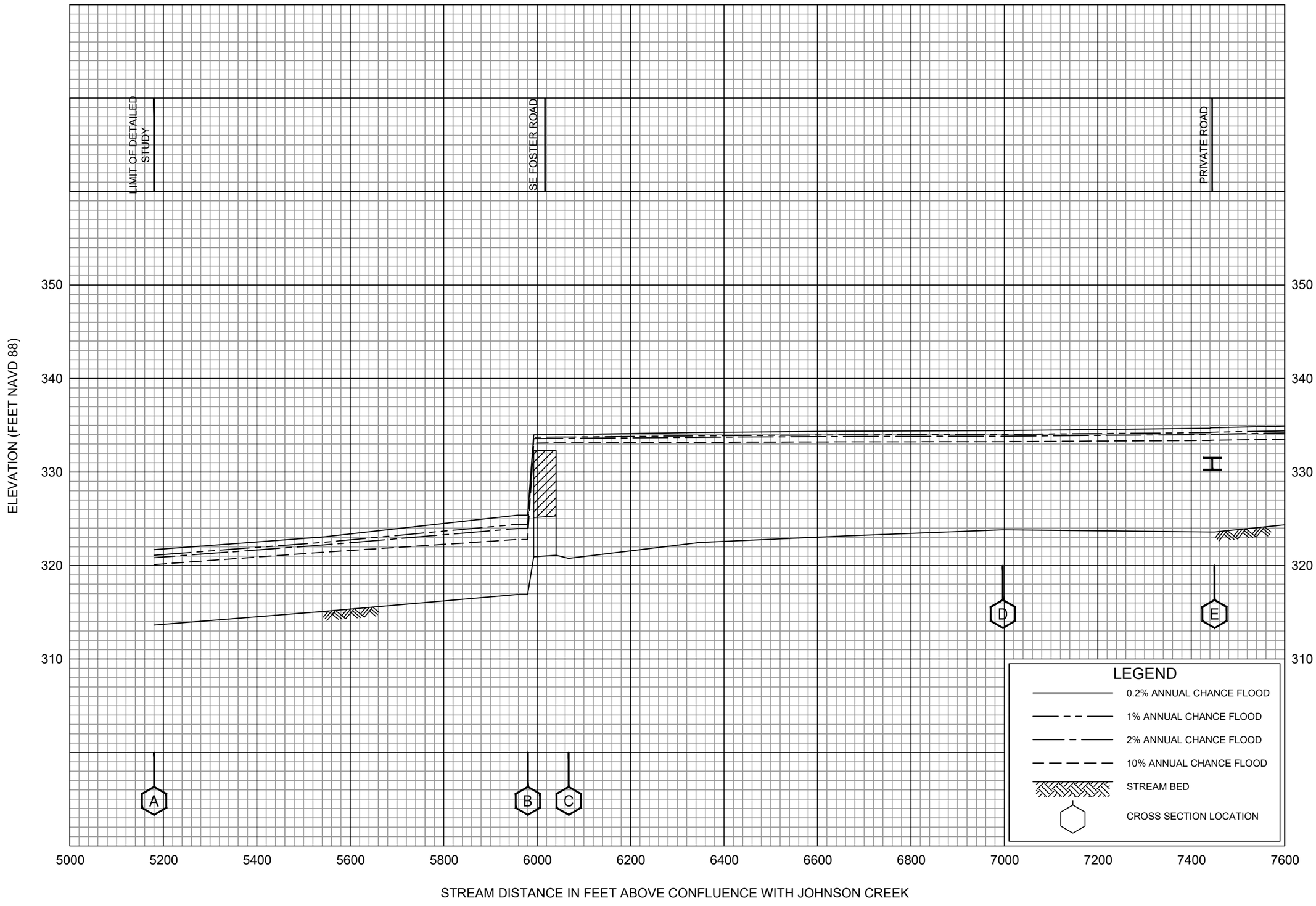
FLOOD PROFILES

JOHNSON CREEK TELFORD SPLIT FLOW

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

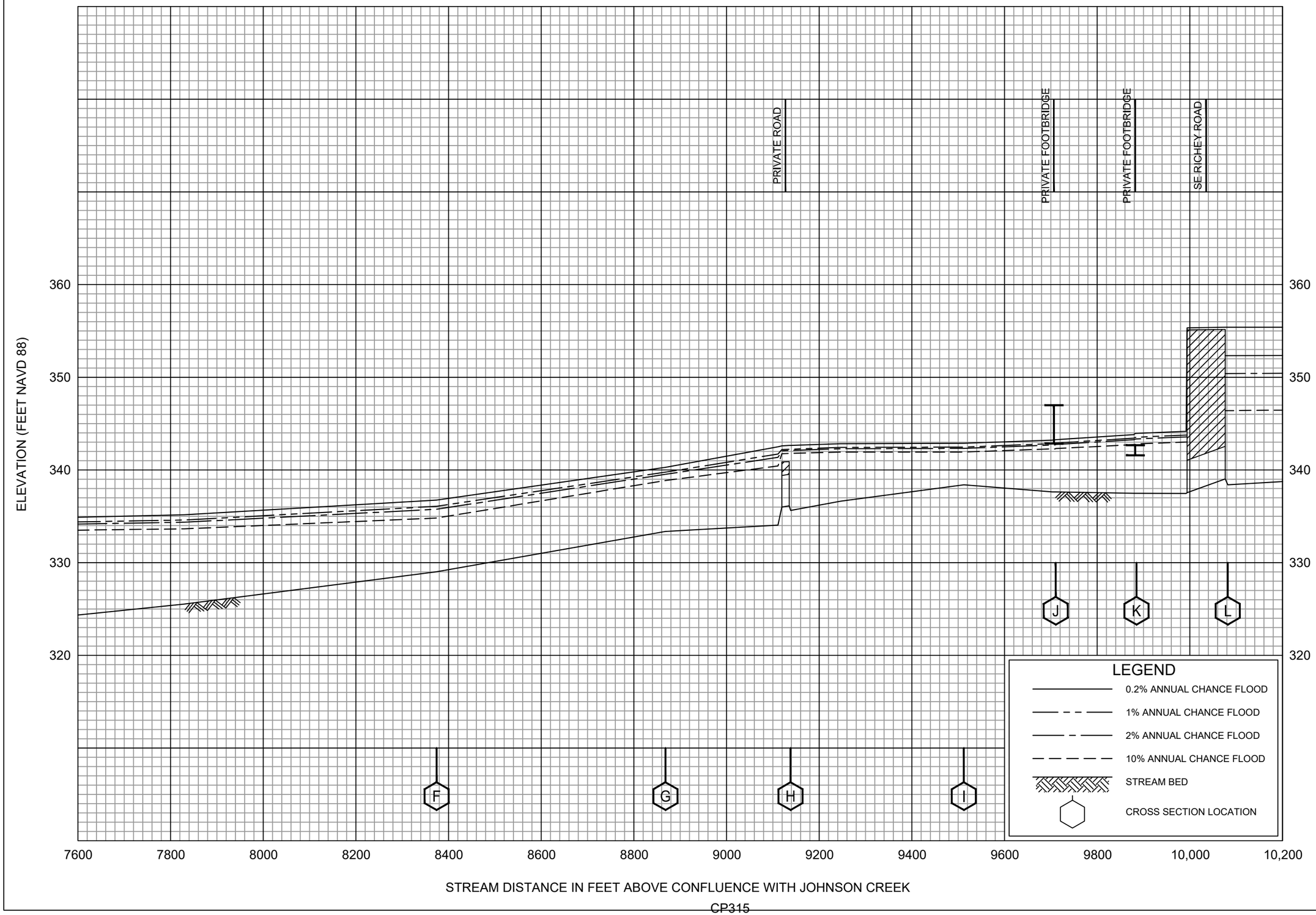
KELLEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

52P



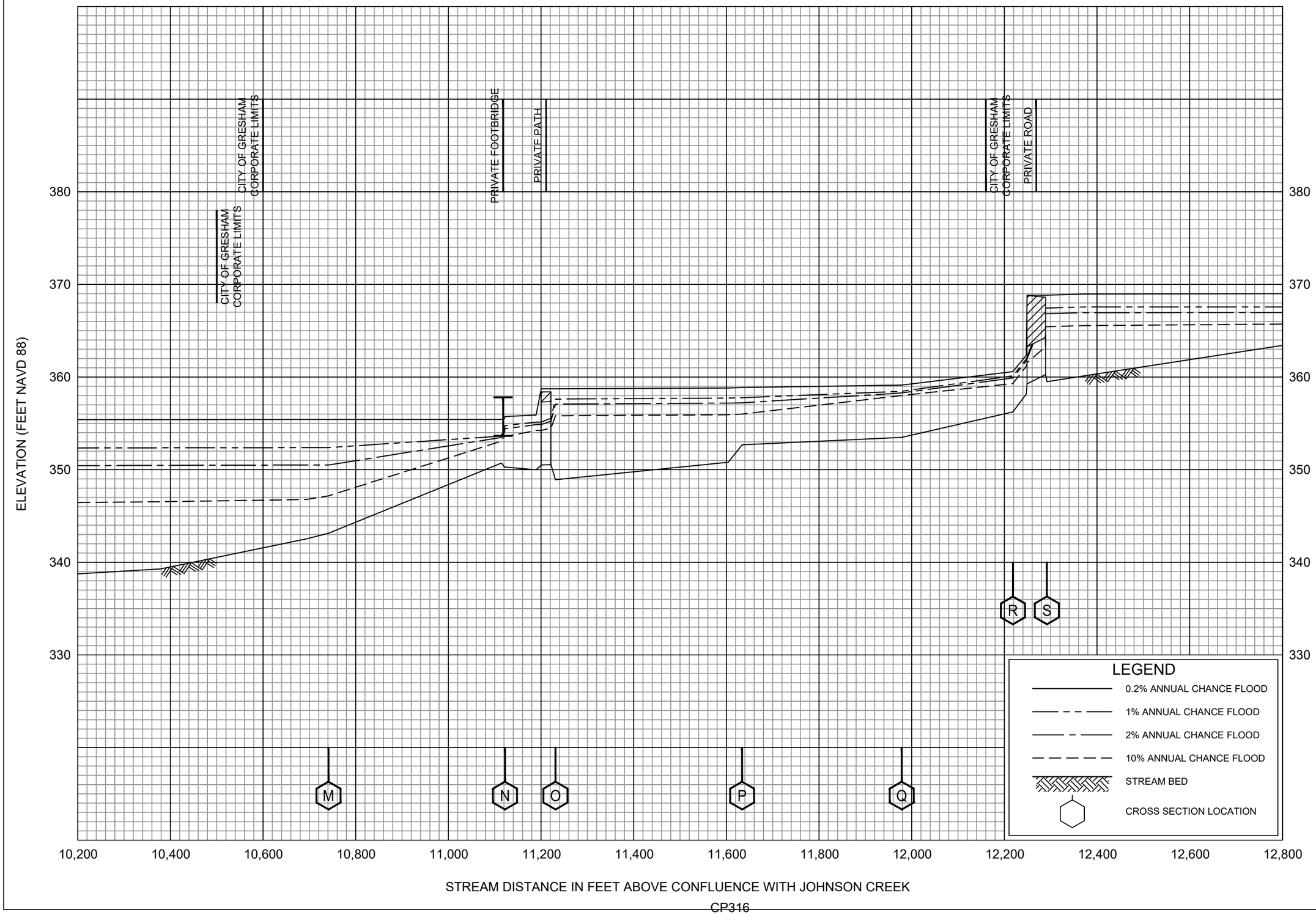
FLOOD PROFILES

KELLEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



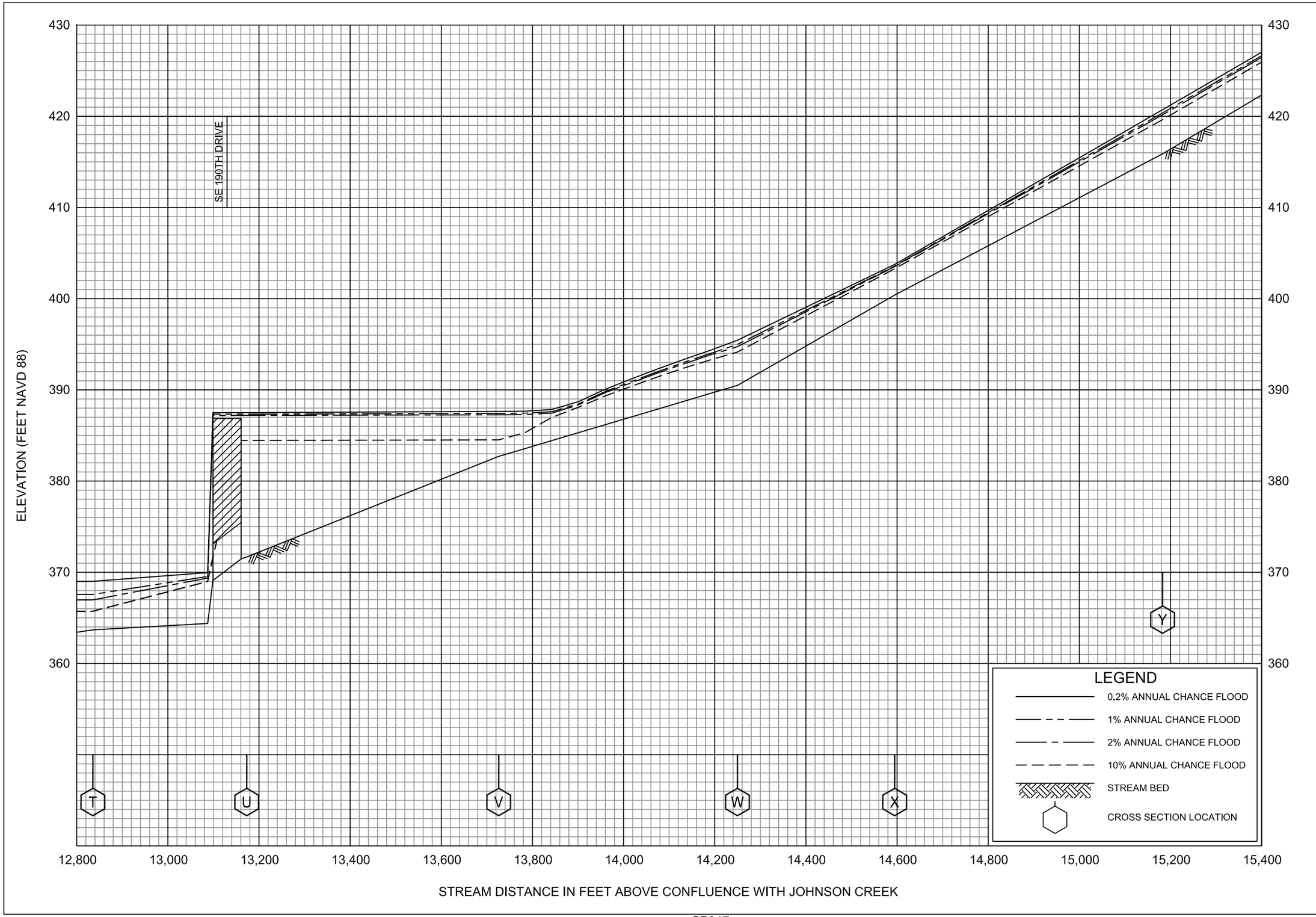
FLOOD PROFILES

KELLEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

KELLEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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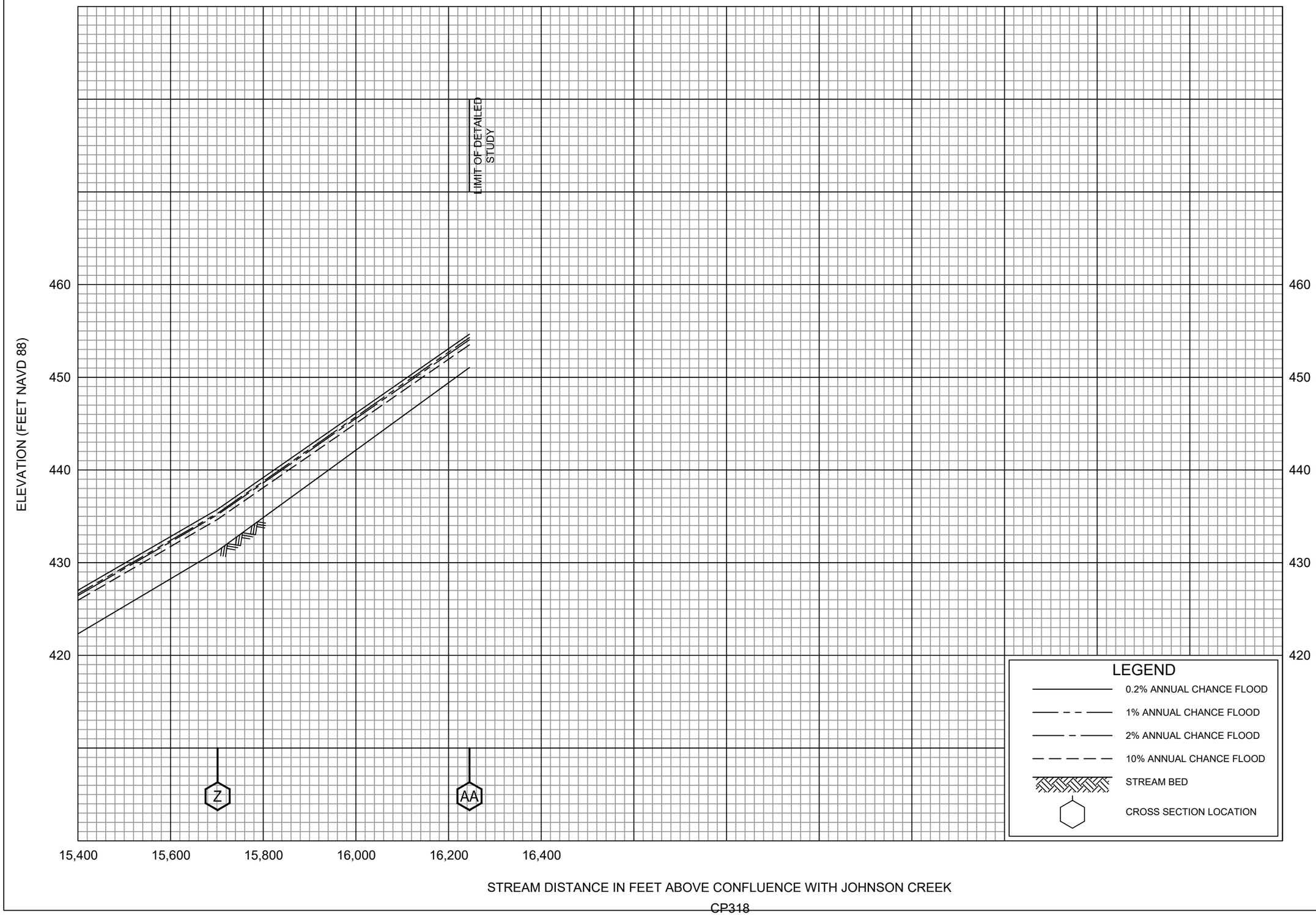


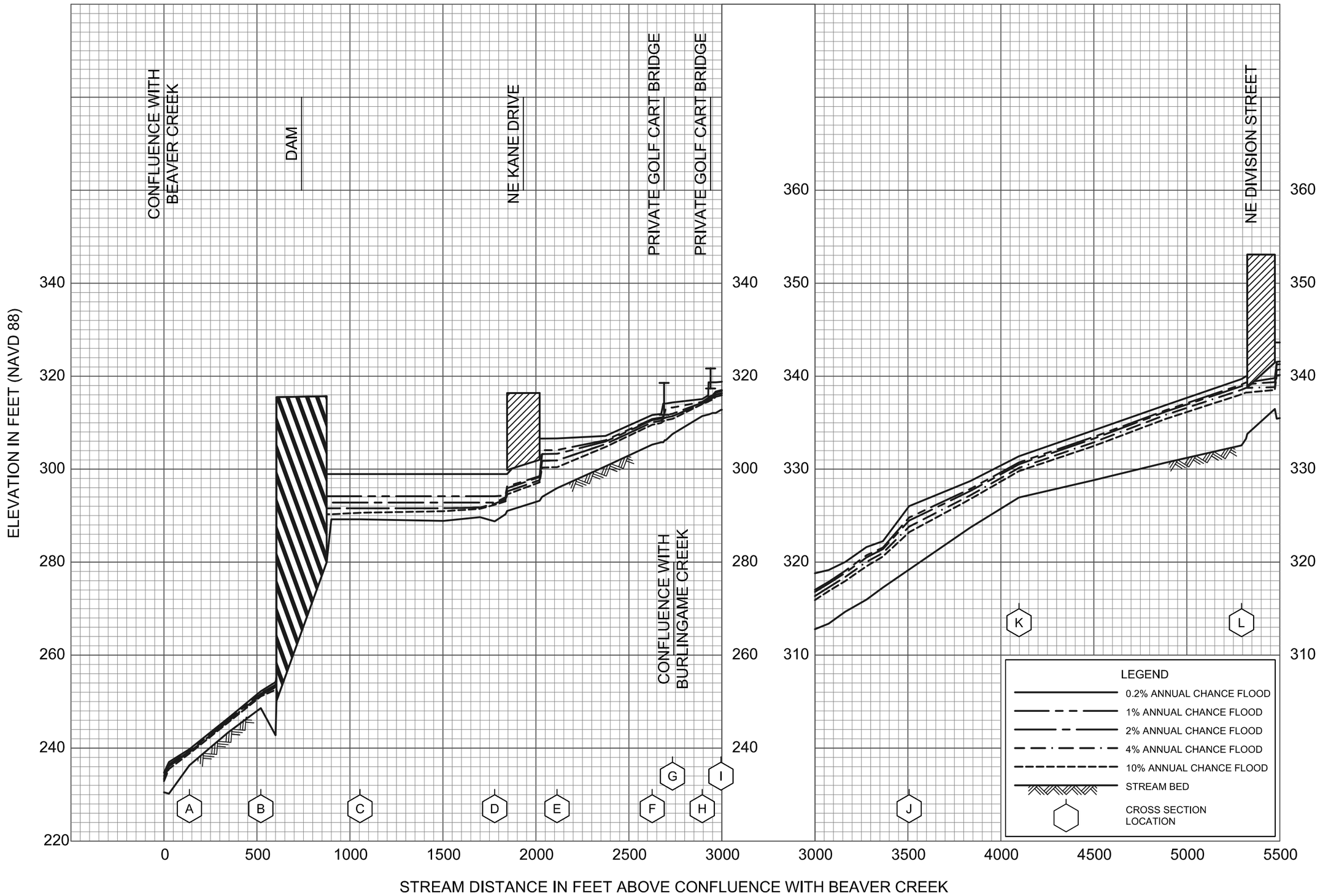
FLOOD PROFILES

KELLEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

KELLY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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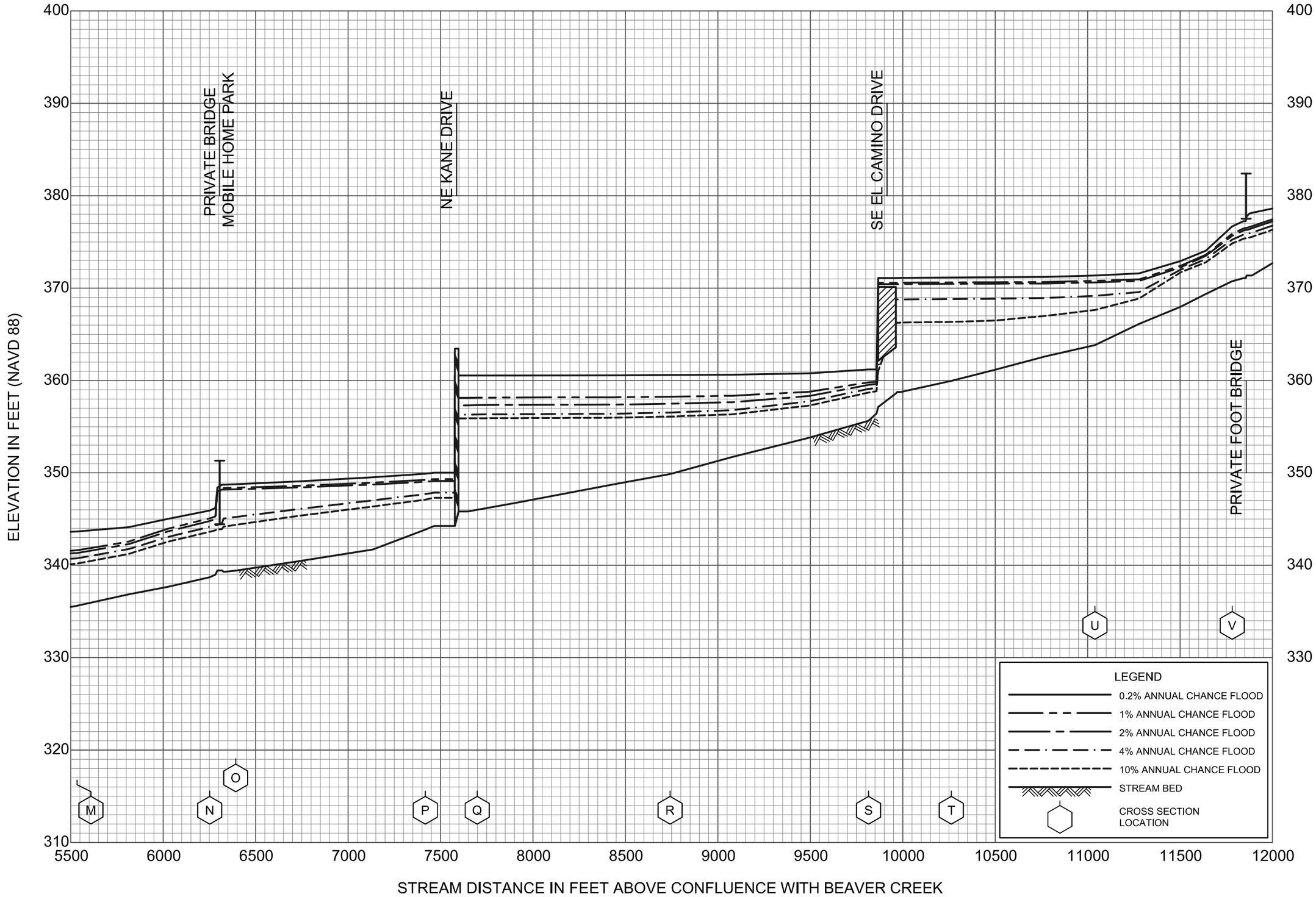

FLOOD PROFILES

KELLY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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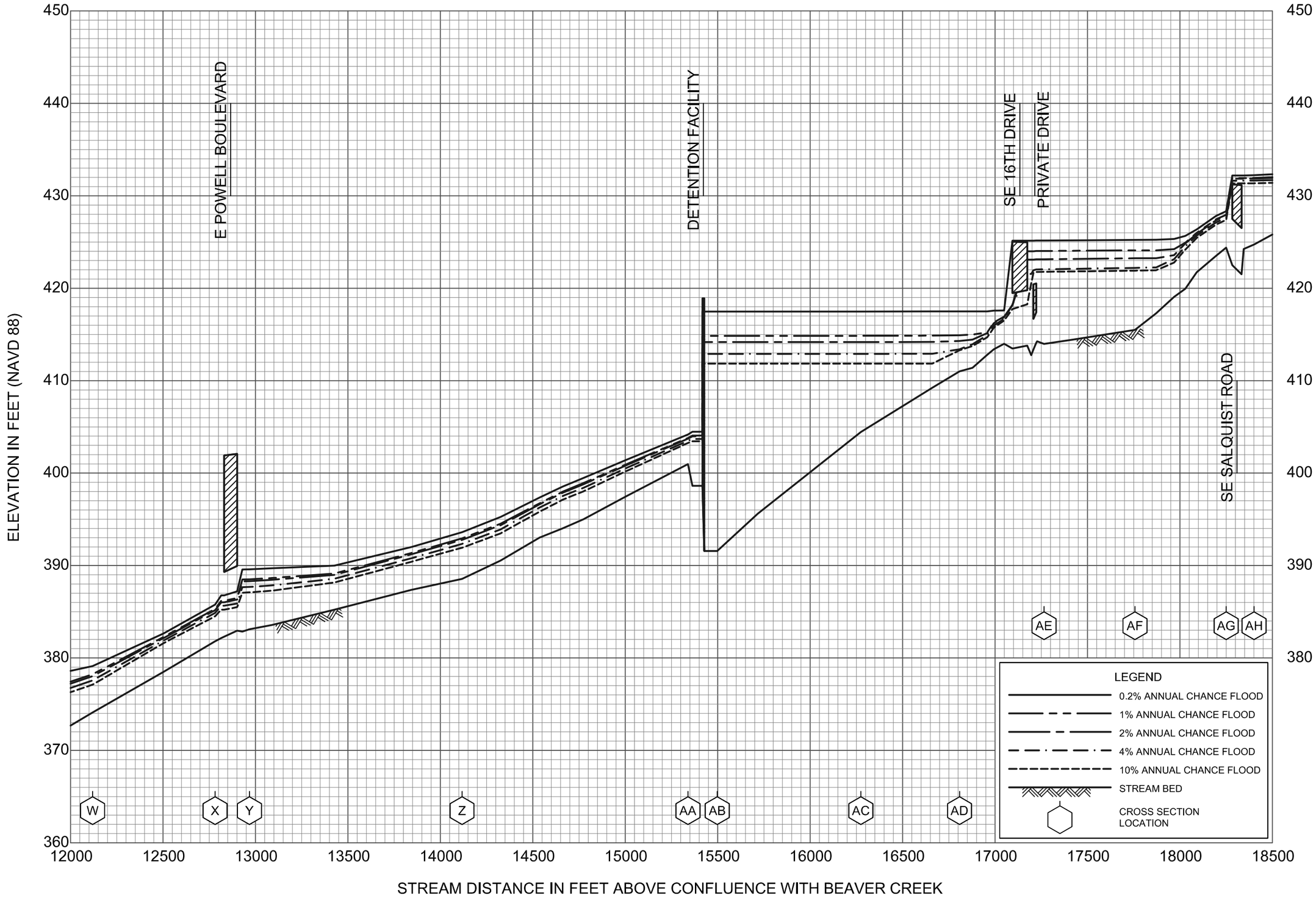

FLOOD PROFILES

KELLY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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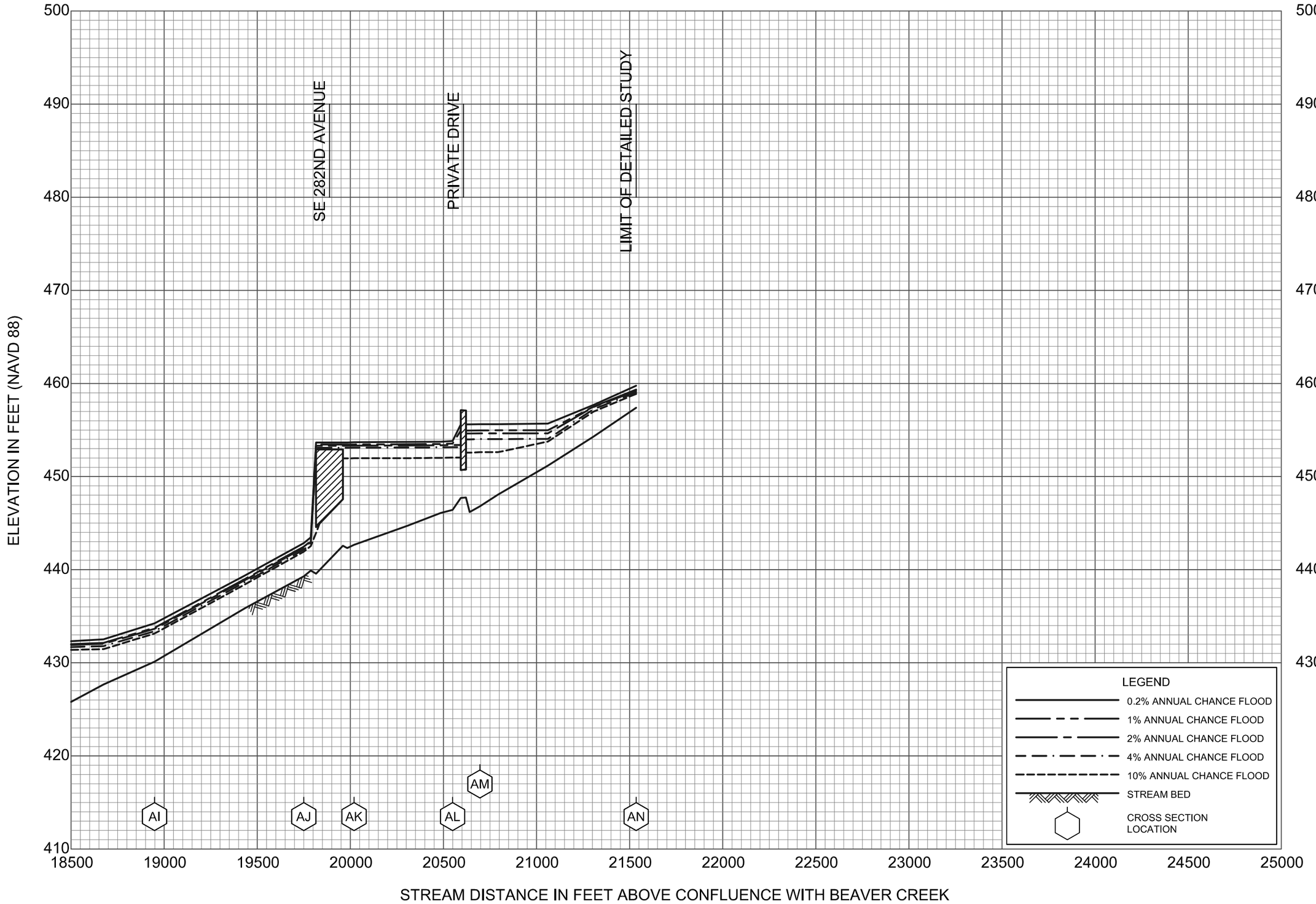

FLOOD PROFILES

KELLY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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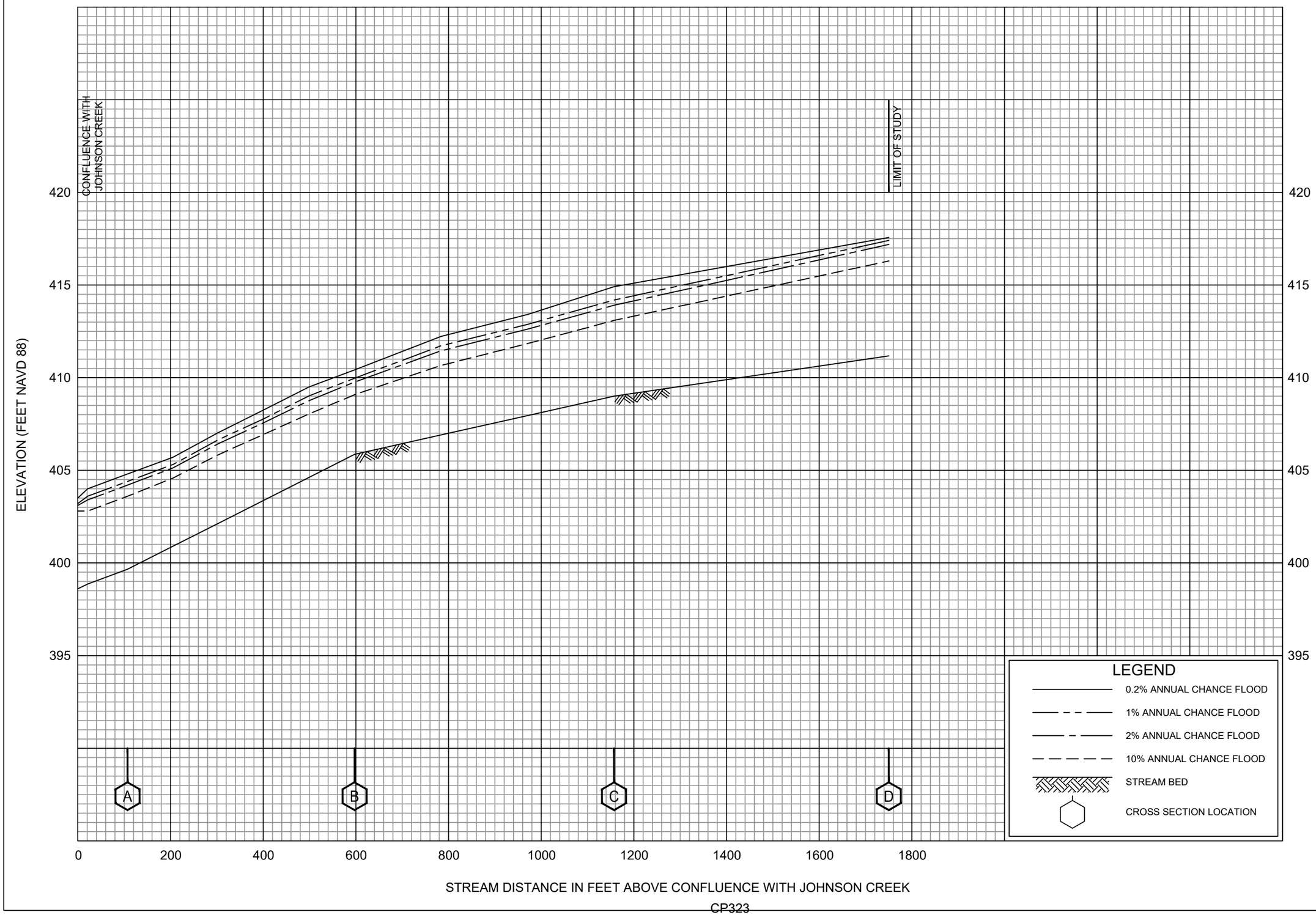


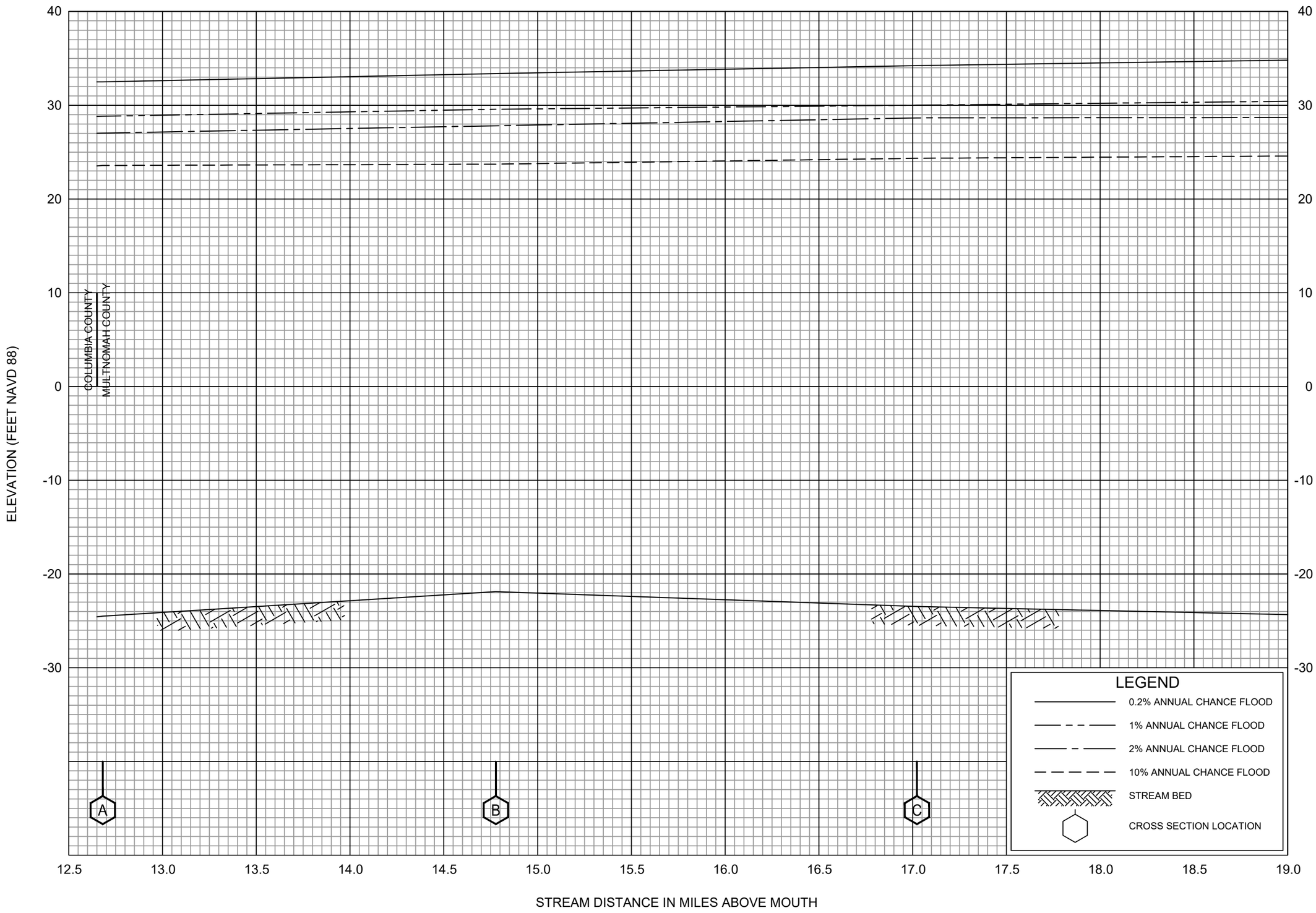
FLOOD PROFILES

MACDONALD CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



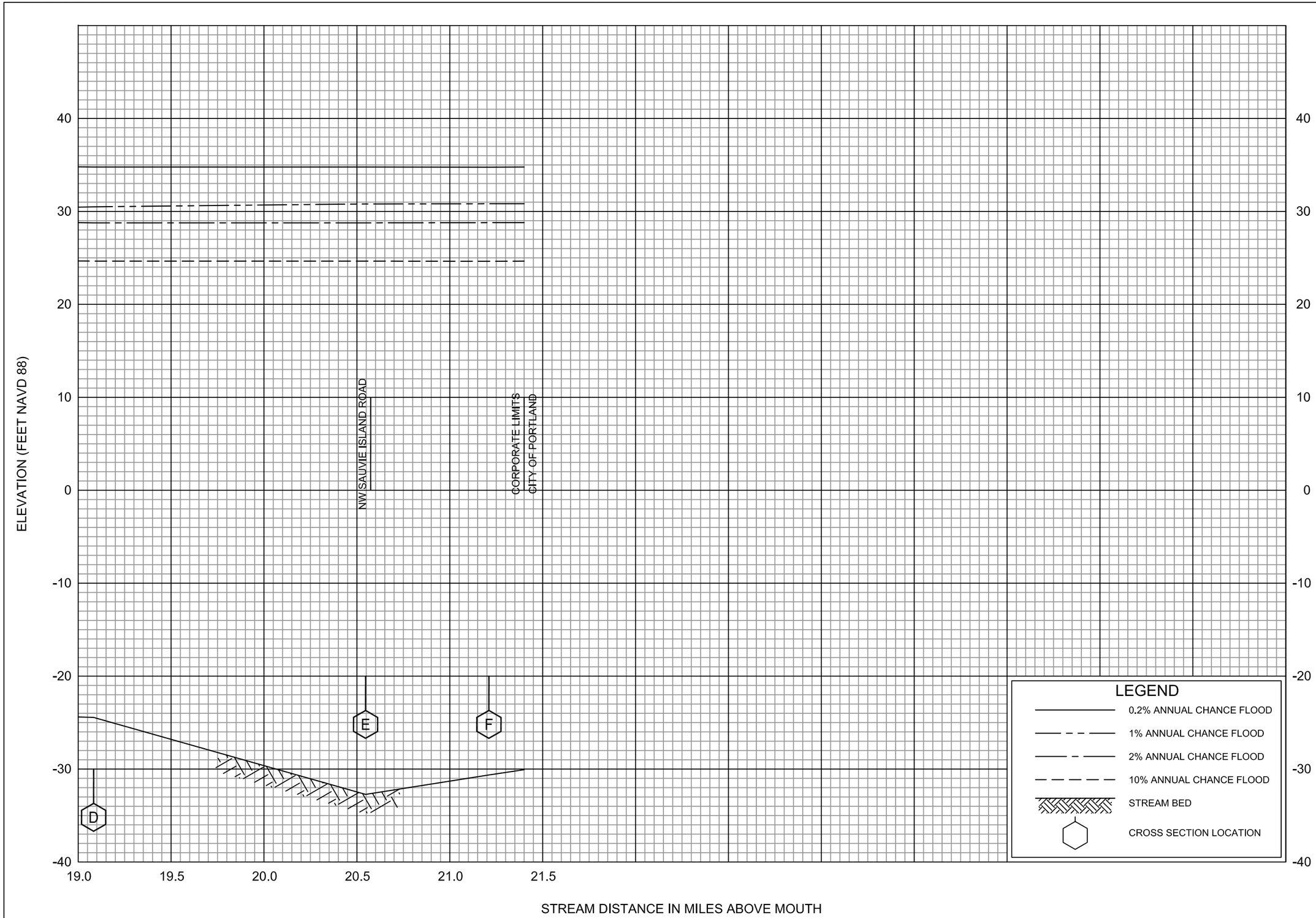
FLOOD PROFILES

MULTNOMAH CHANNEL

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

MULTNOMAH CHANNEL

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

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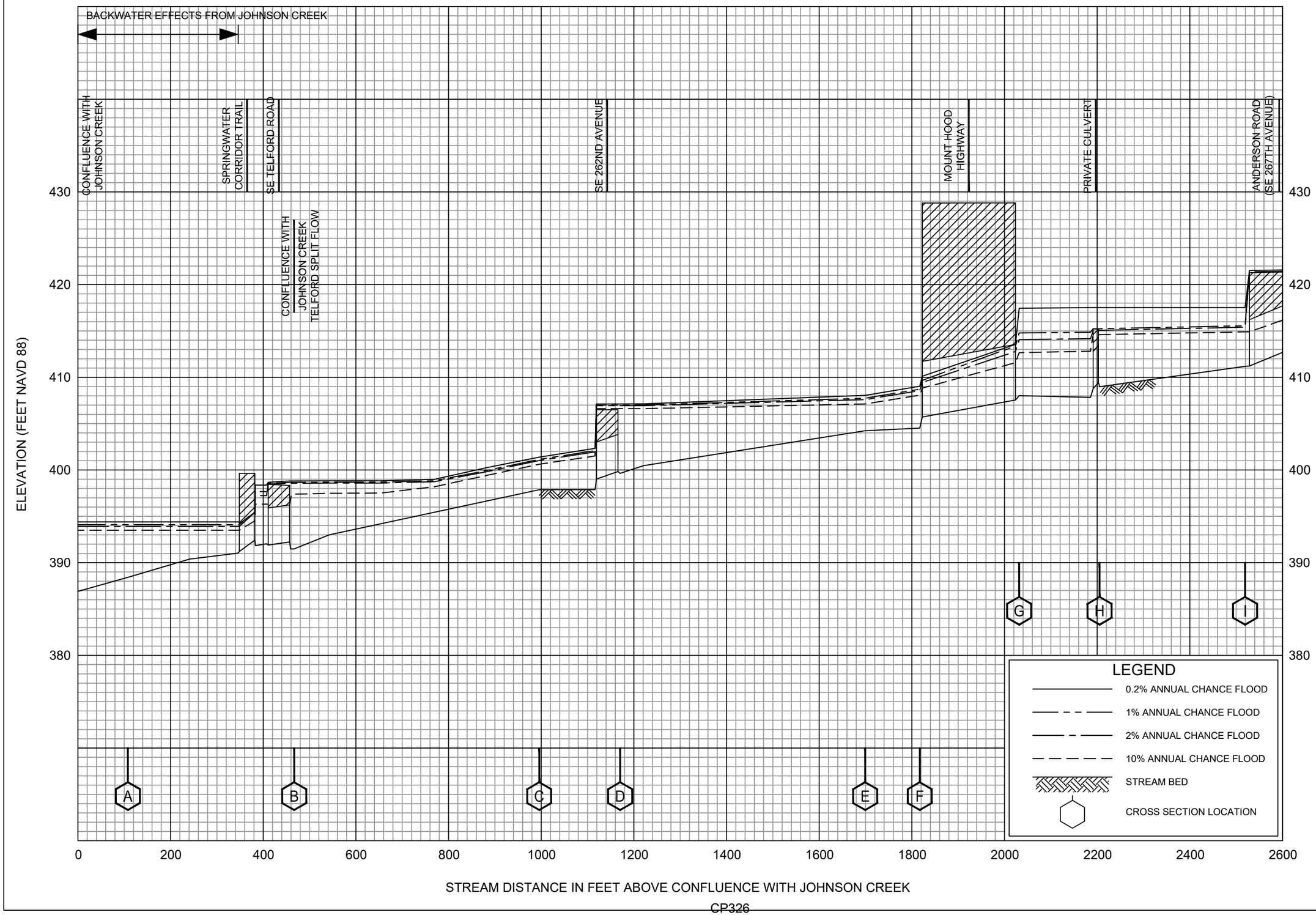


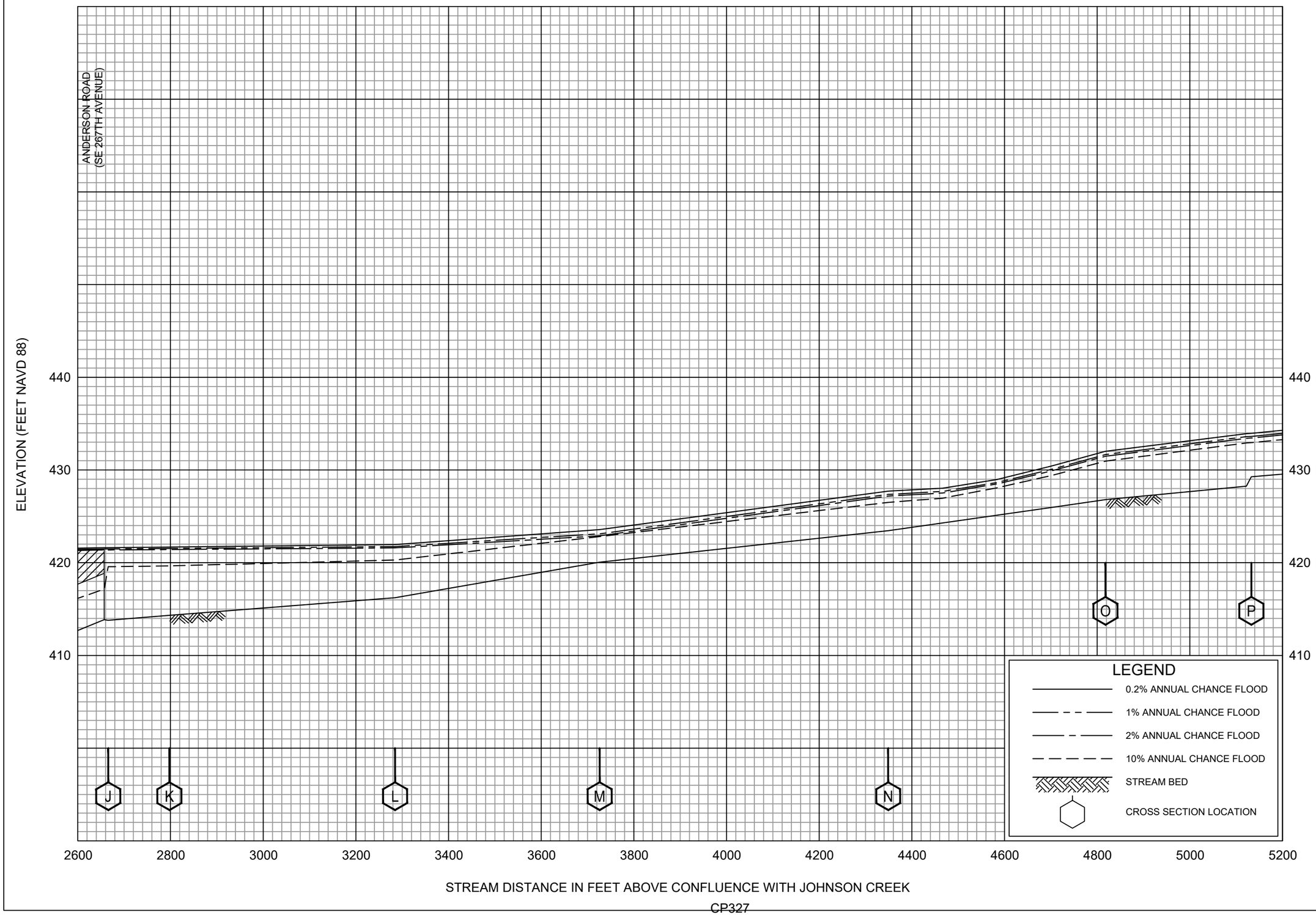
FLOOD PROFILES

NORTH FORK JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



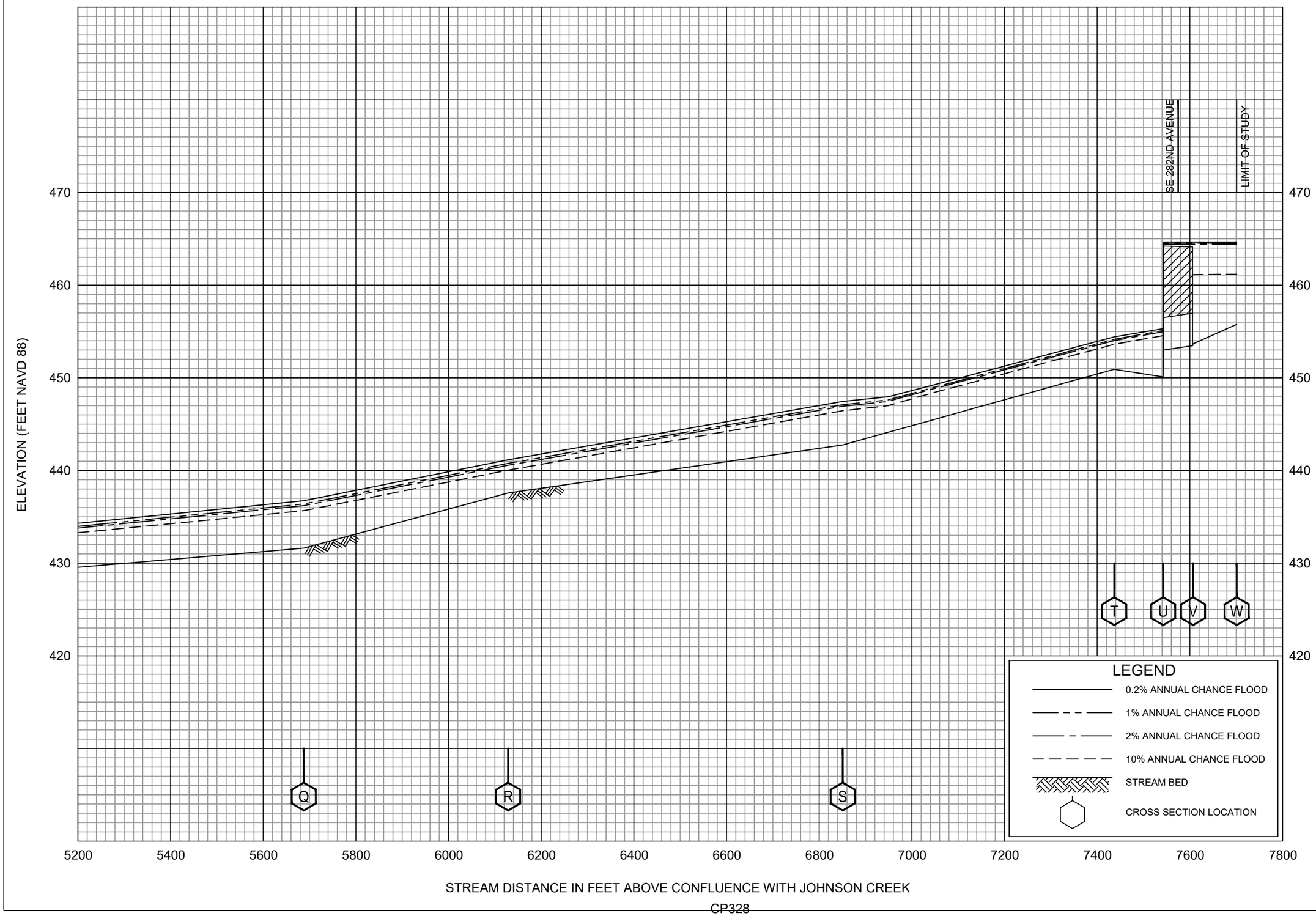
FLOOD PROFILES

NORTH FORK JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



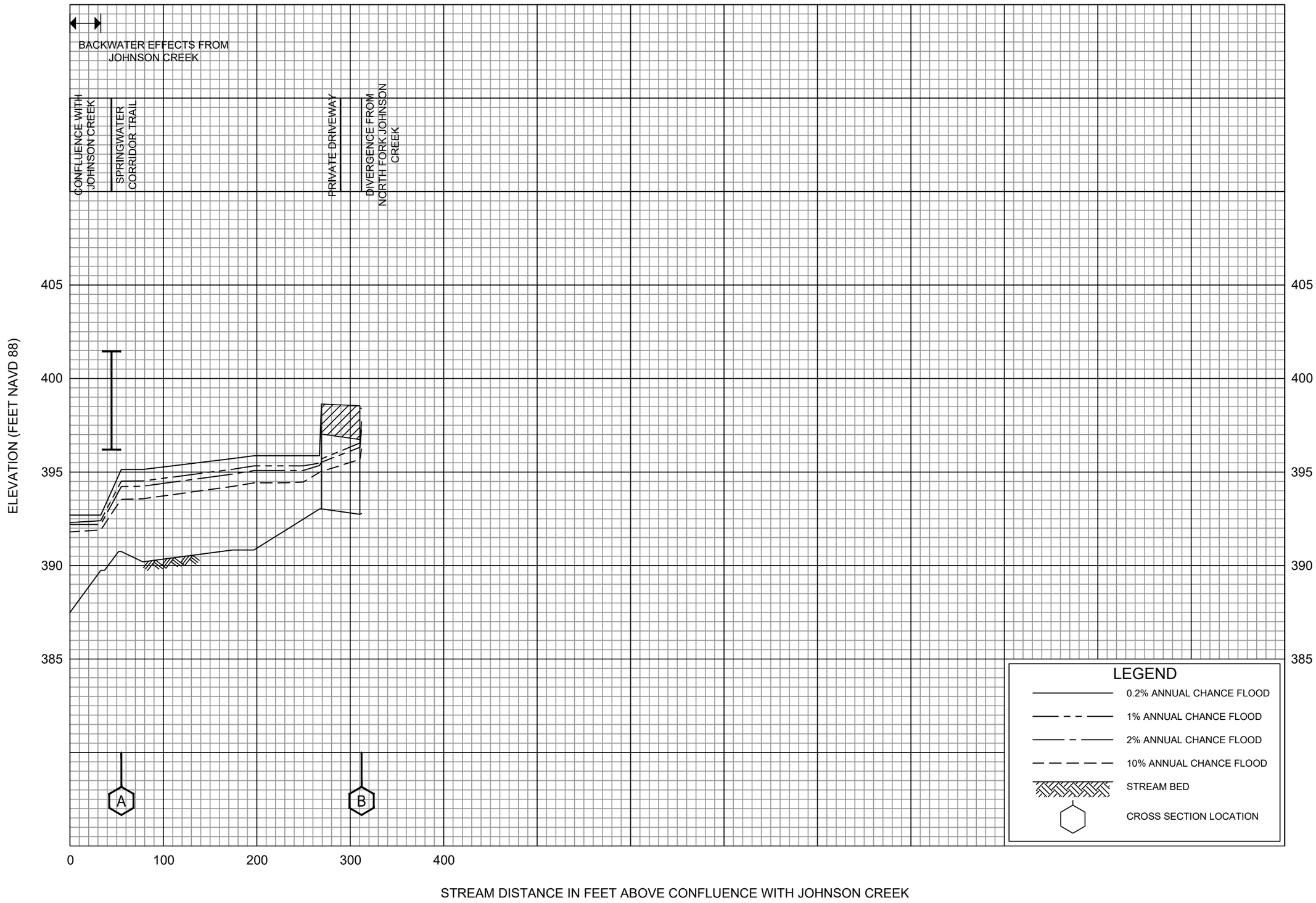
FLOOD PROFILES

NORTH FORK JOHNSON CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



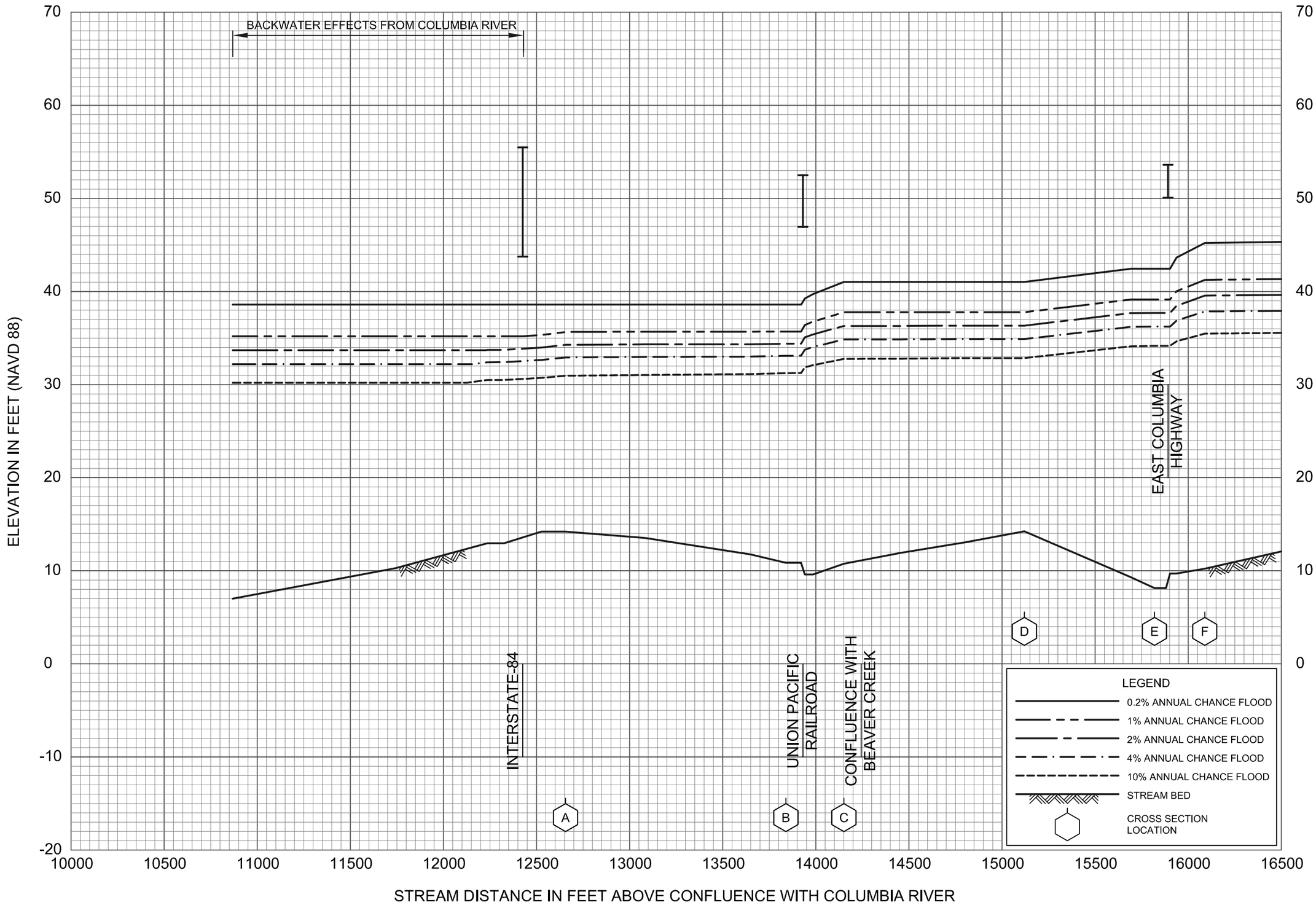
FLOOD PROFILES

NORTH FORK JOHNSON CREEK SPLIT FLOW

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

SANDY RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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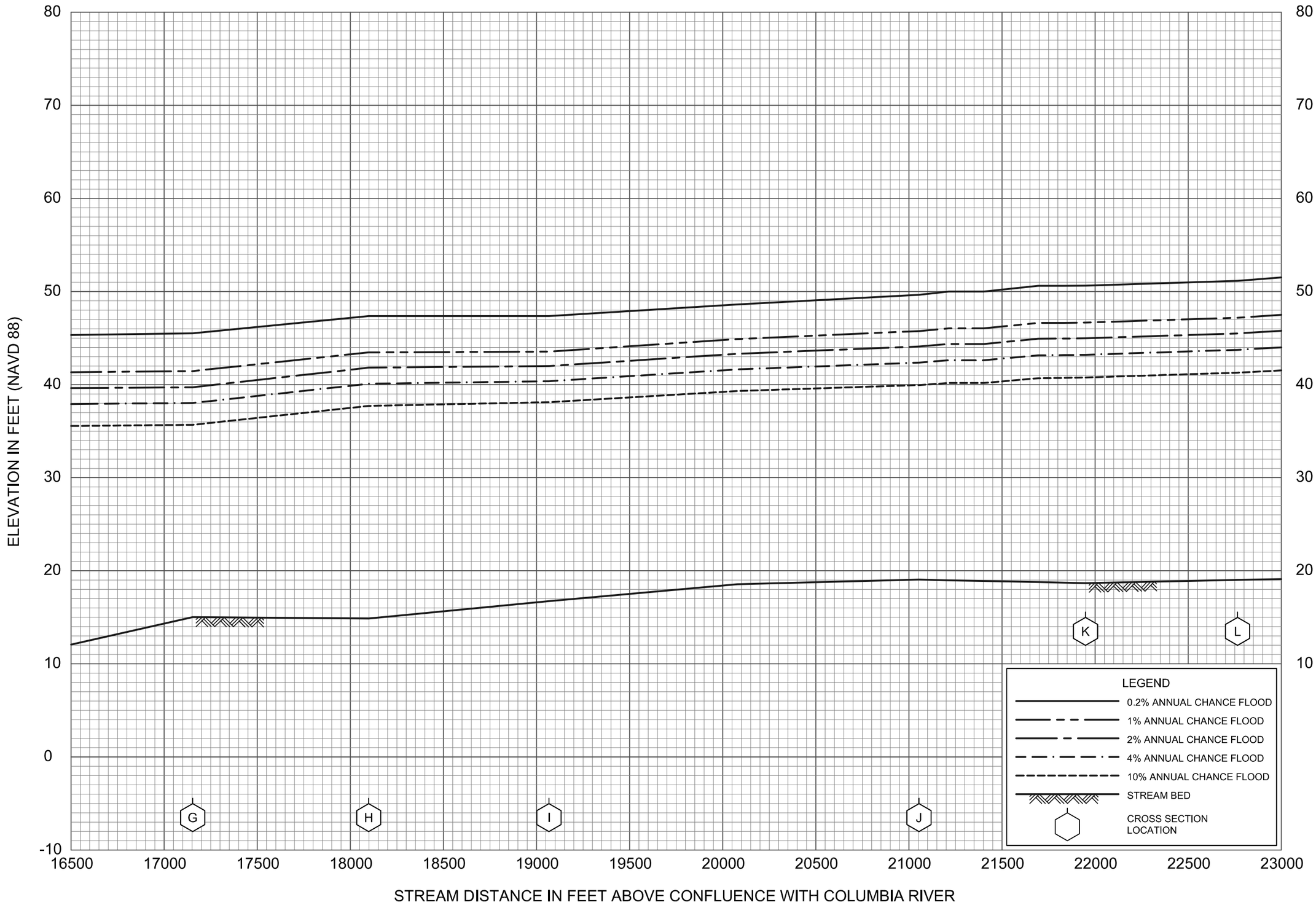

FLOOD PROFILES

SANDY RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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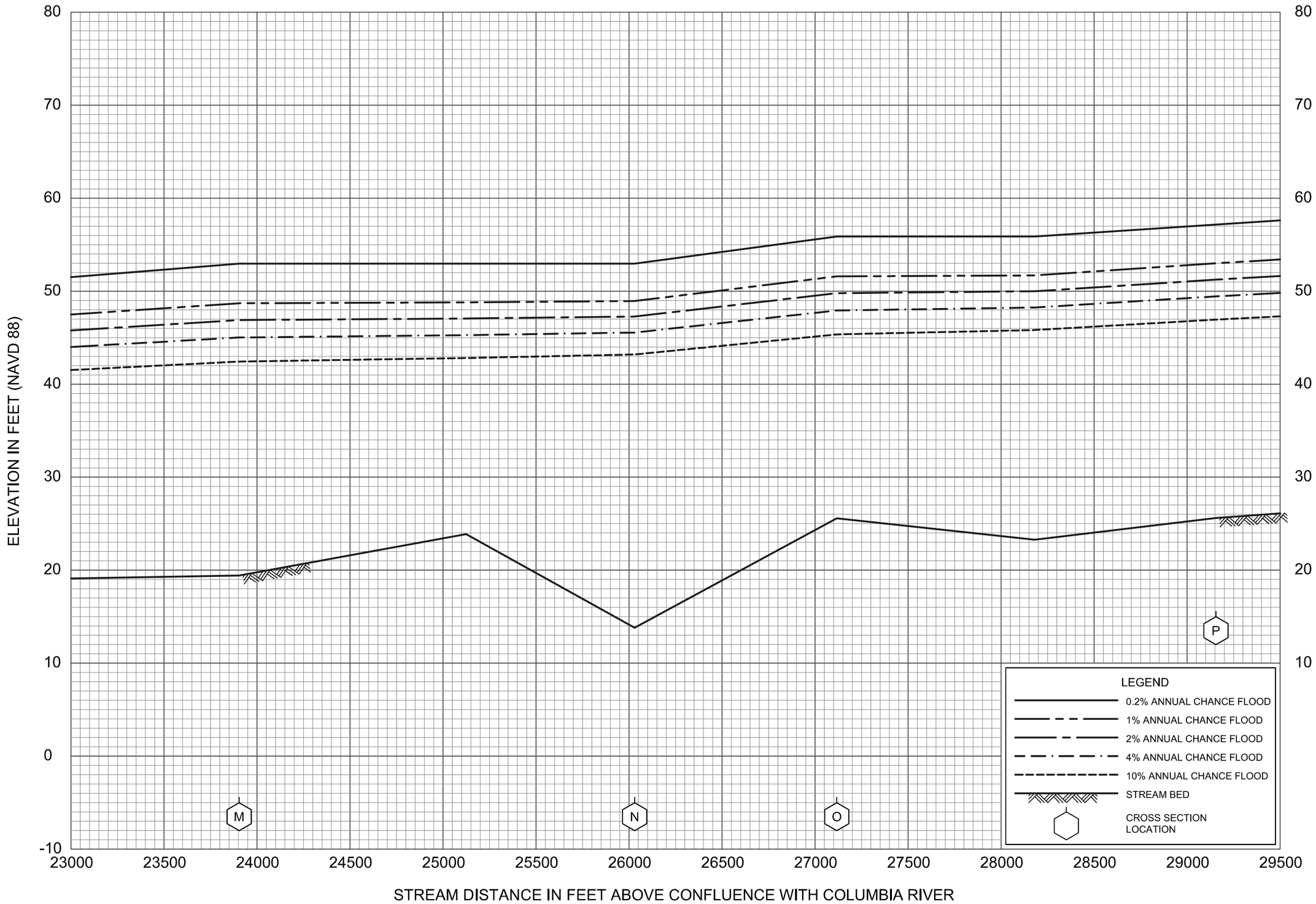

FLOOD PROFILES

SANDY RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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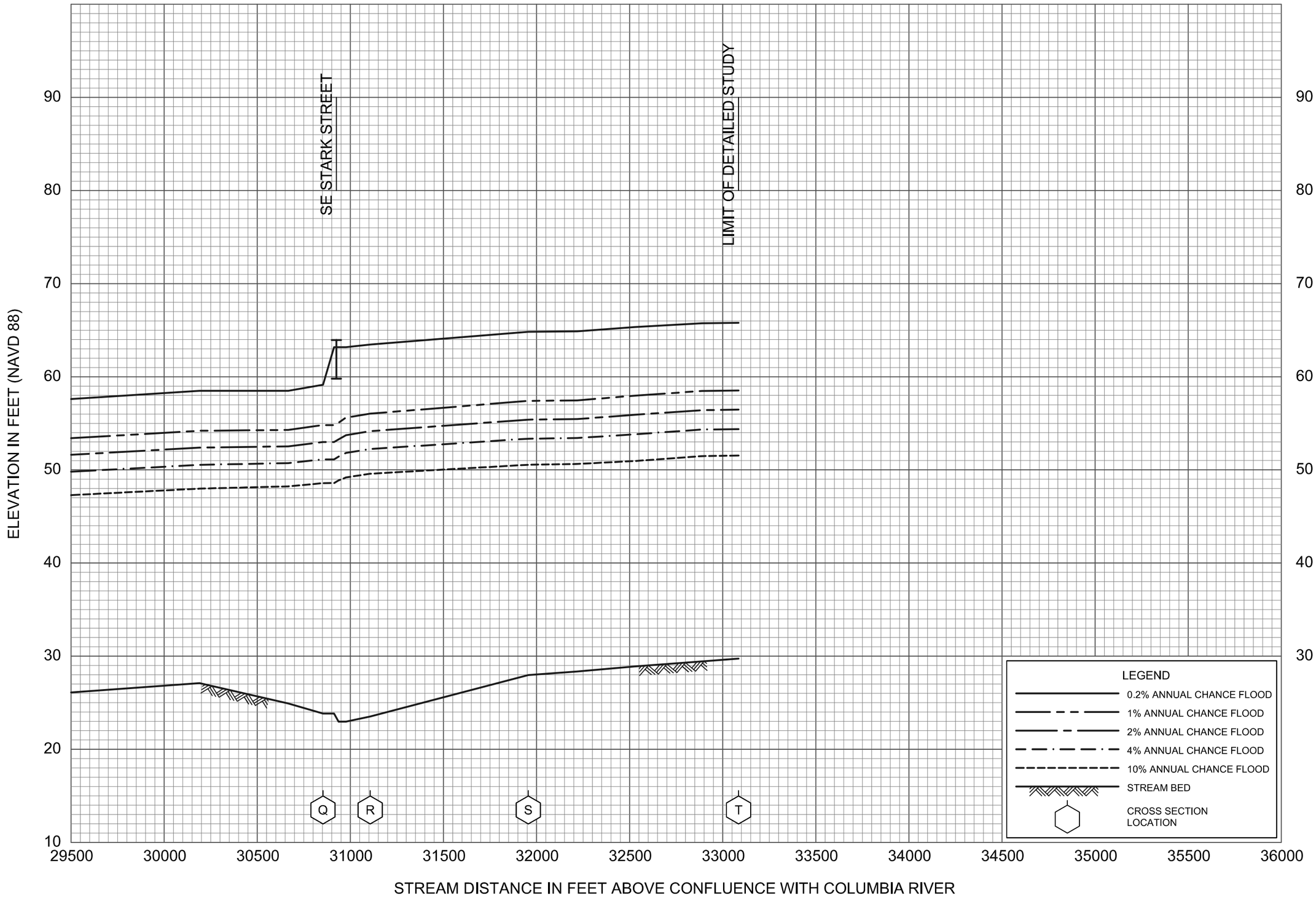

FLOOD PROFILES

SANDY RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH CO, OR

AND INCORPORATED AREAS

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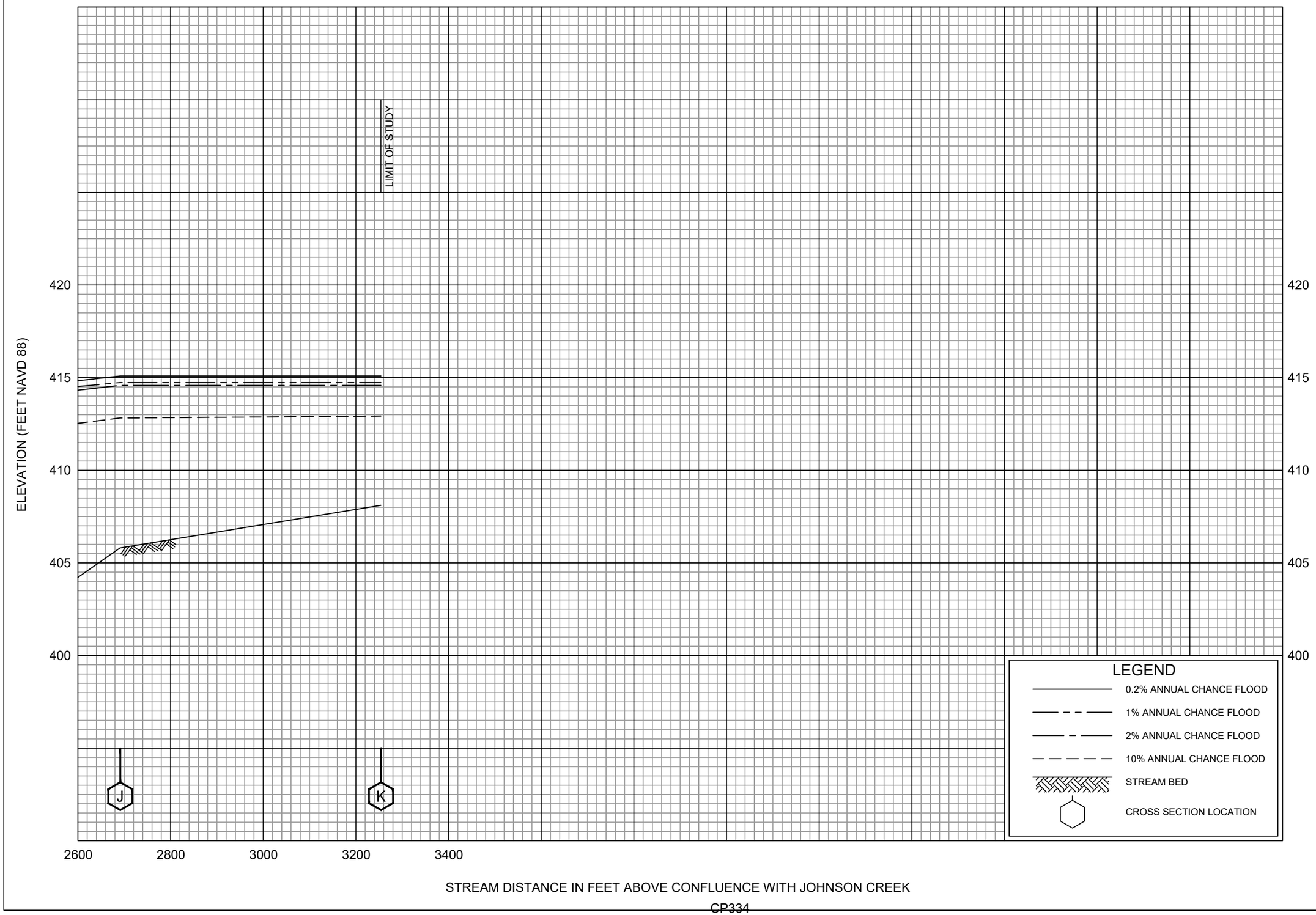


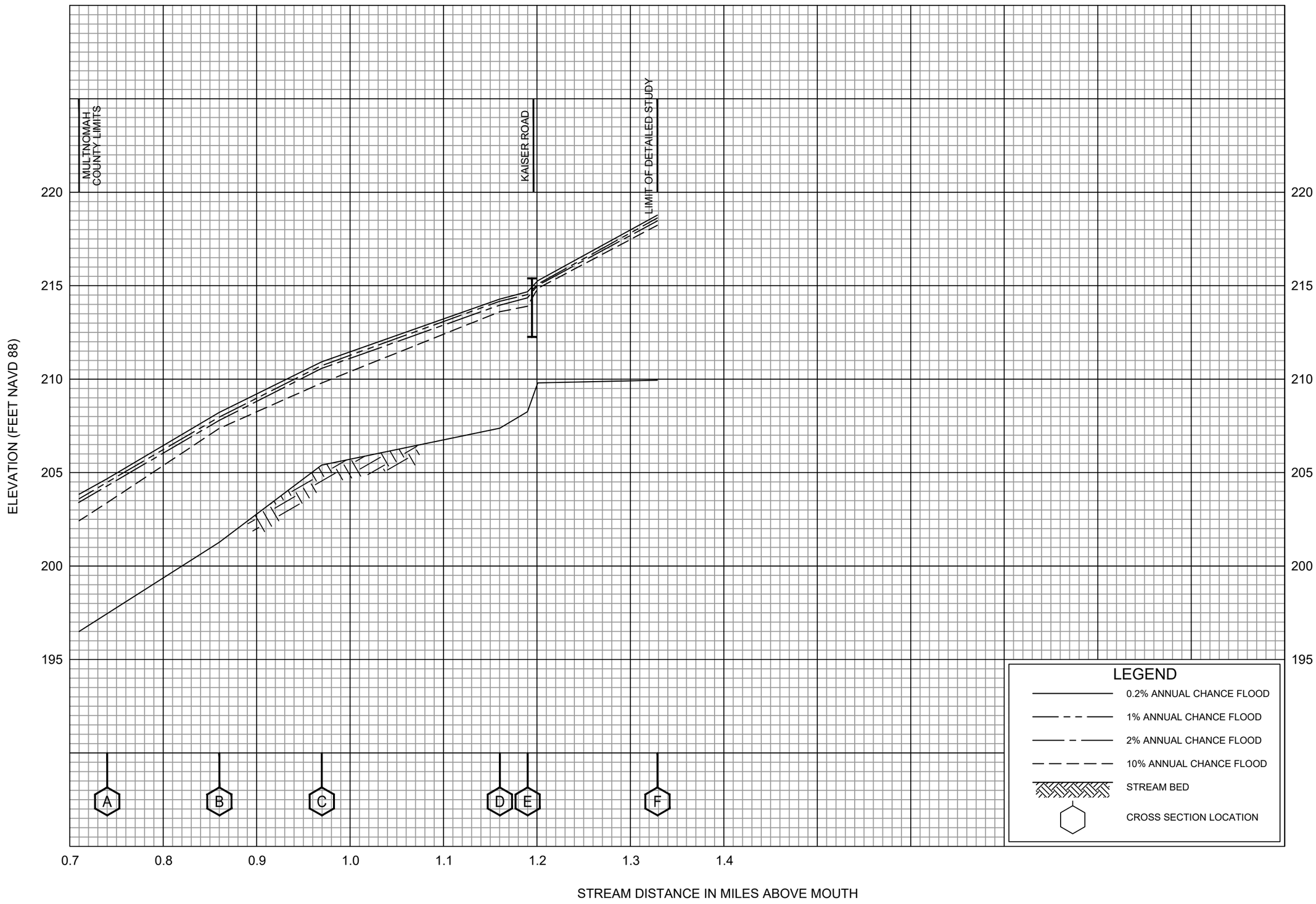
FLOOD PROFILES

SUNSHINE CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



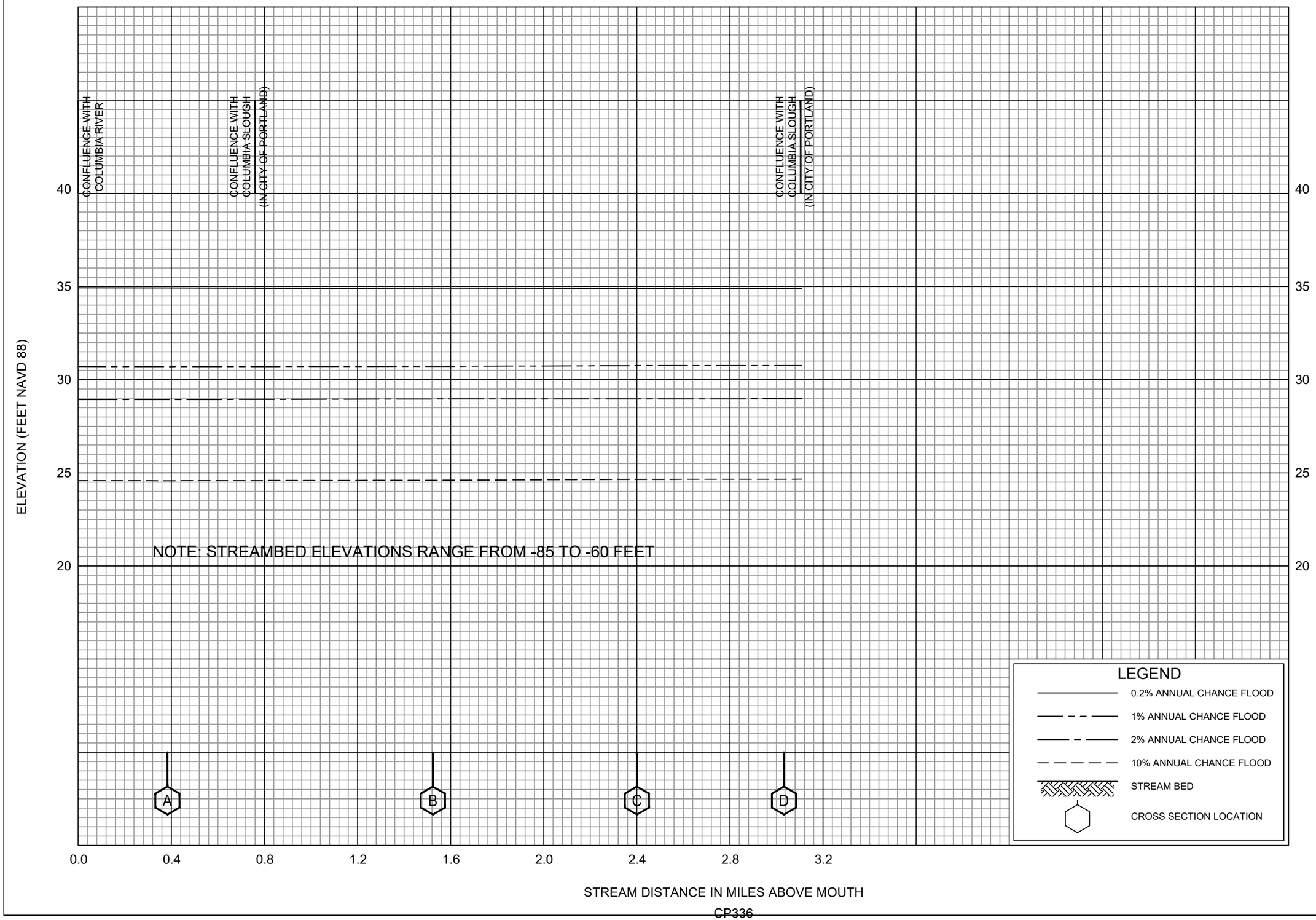
FLOOD PROFILES

UNNAMED TRIBUTARY TO ROCK CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



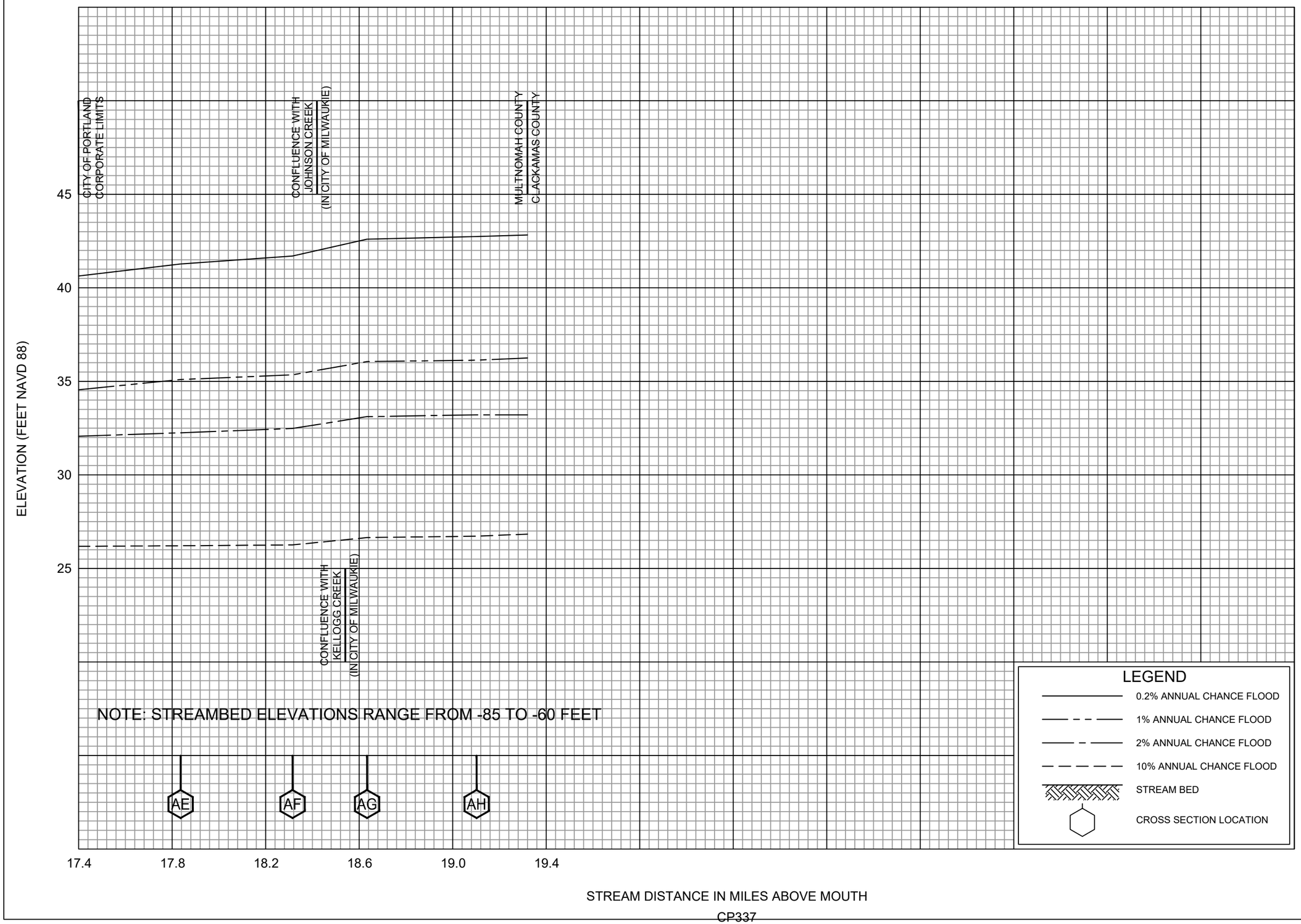
FLOOD PROFILES

WILLAMETTE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS



FLOOD PROFILES

WILLAMETTE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

MULTNOMAH COUNTY, OR

AND INCORPORATED AREAS

Eric Rutledge

From:	Allan Berry
Sent:	Tuesday, December 11, 2018 3:20 PM
To:	Sarah Selden
Subject:	FW: Fairview Floodplain code
Attachments:	Fairview FMC 19.105_DLCD_final review_12112018.docx; Fairview ORD 10-2009 Exhibit A_DLCD_final_review 12112018.doc; Example staff report language - ordinance revisions.docx

From: Adair, Celinda [mailto:celinda.adair@state.or.us]
Sent: Tuesday, December 11, 2018 2:02 PM
To: Allan Berry; 'Pilkenton, Roxanne'
Cc: Donnelly, Jennifer
Subject: RE: Fairview Floodplain code

Hi Allan,
In follow-up to our phone conversation the other day. FEMA has delegated the final review of your community's flood ordinance to me since Roxanne has been deployed to Alaska and I am coordinating with FEMA to complete your ordinance review process. I have finished the final review of your flood ordinance and I only have a few additional minor changes (see the attached documents). To save your community drafting time I have incorporated those final changes in the attached documents via track changes. Please let me know if you have any questions.

The next steps in the process are:

1) Please respond to this email and indicate if your community will accept and proceed with adopting the revisions shown in the attached documents.
2) If your community accepts and intents to move forward towards adopting these requested changes then I will respond with a final email completing the ordinance review process. If not, then please identify any areas of concern so that we can resolve them as quickly as possible.
3) Submit these final revisions to the DLCD online PAPA database.
4) Proceed towards adoption of the revised changes to your community's floodplain ordinance.
5) When the revised ordinance is adopted send an executed copy to Roxanne with FEMA and myself prior to the deadline of Feb. 1, 2019.
6) Submit a notice of adoption to the DLCD online PAPA database.

I've also attached some generic language for your staff report and if you'd like me to attend your council meeting via conference call or in person please advise and I will do my best to make myself available.

If you have any questions, feel free to give me a call or send me an email.
Kind regards,
Celinda

DLCD

Celinda Adair, CFM
National Flood Insurance Program (NFIP) Coordinator
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: 503-934-0069 | Cell: 503-930-9739 | Main: 503-373-0050
celinda.adair@state.or.us | www.oregon.gov/LCD

EXHIBIT "A"

Chapter 16.05
FLOOD DAMAGE PREVENTION

Sections:

16.05.010	Definitions.
16.05.030	General Provisions.
16.05.040	Administration.
16.05.050	Provisions for Flood Hazard Reduction.

Section 16.05.010 Definitions
Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them their meaning in common usage and give these regulations their most reasonable application/scope.

1. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

2. "Area of Shallow Flooding" means a designated AO or AH Zone on a community's ~~the~~ Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where ~~. The base flood depths range from one to three feet;~~ a clearly defined channel does not exist, where~~;~~ the path of flooding is unpredictable, and where ~~and indeterminate; and~~ velocity flow may be evident. ~~AO is characterized as sheet flow and AH indicates ponding~~Such flooding is characterized by ponding or sheet flow.

3. "Area of Special Flooding Hazard" means the land in the flood plain within a community subject to a one percent ~~(~~1 percent~~%)~~ or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. ~~Designation on maps always includes the letters A or V.~~For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

4. "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.~~, also known as a "100-year flood." Designation on maps always includes the letters A or V.~~

Comment [AC1]: FEMA requires that all definition language matches verbatim the definition language in 44 CFR 59.1 (the code of federal regulations). So that it is as legally defensible as possible.

{00063341; 1 }

5. "Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.

6. "Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet (2') 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 four feet (4') at any point.

7. "Breakaway Wall" means a wall not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

8. "City" means the City of Fairview, Oregon.

9. "Council" or "City Council" means the Fairview City Council or such person(s) or entity(ies) designated by that body to perform the appeal or variance review functions given it buy the terms of this Chapter.

10. "Critical Facility" means a facility where a slight chance of flooding may be too great. Critical facilities include:
    1. Schools;
    2. Nursing homes;
    3. Hospitals;
    4. Police, fire and other emergency response installations; and
    5. Installations producing, using or storing hazardous materials or waste.

11. "Director" means the City's Community Development Director or designate.

12. "DEQ" means the Oregon Department of Environmental Quality.

13. "Development" means any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~:~~
    ~~1. Buildings or other structures;~~
    ~~2. Mining operations;~~
    ~~3. Dredging, filling, grading, paving, excavation;~~
    ~~4. Drilling operations; or~~
    ~~5. Storage of equipment or materials located within the area of special flood hazard.~~

14. "DLCD" means the Oregon Department of Land Conservation and Development.

15. "Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

~~16. "Existing Manufactured Home Park of Subdivision" means a park subdivision where construction of facilities needed for servicing the lots where the manufactured homes are to be affixed is completed before the effective date of the adopted floodplain management regulations, including installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.~~

~~17. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites through construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.~~

16. "Flood or Flooding" means:

~~18.~~ (a) a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.~~; and/or~~
2. The unusual and rapid accumulation or~~f~~ runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2.) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

~~2.~~ (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1.) of this definition.

~~19.~~17. "Flood Insurance Rate Map (FIRM)" means ~~the~~ an official map of a community, on which the Federal Insurance ~~Administration~~ Administrator has delineated both the ~~areas of~~ special flood hazard areas ~~s~~ and the risk premium zones applicable to the community.

~~20.~~18. "Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. ~~the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.~~

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~~21.~~19. "Floodway" means the ~~river~~ channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (one foot (1')).

~~22.~~20. "Lowest Floor" means the lowest floor of the lowest enclosed area (including ~~a~~ basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

~~23.~~21. "Manufactured ~~Home~~Dwelling" means a structure transportable in one or more sections built on a permanent chassis and designed for use with or without a permanent foundation when attached to required utilities. The term "manufactured ~~home~~dwelling" does not include a "recreational vehicle." The term "manufactured dwelling" is synonymous with the term "manufactured home".

Comment [AC2]: Changed for consistency with the State of Oregon's Manufactured Dwelling Installation Specialty Code

~~24.~~22. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~25.~~23. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures ~~these 2009 regulations~~.

~~26. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.~~

~~27.~~24. "Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~28.~~ "Start of Construction" includes substantial improvement, and means the date the~~a~~ building permit was lawfully issued, provided the actual ~~commencement~~ start of construction, repair, reconstruction, rehabilitation, addition placement, or other ~~action~~ improvement was within 180 days ~~there~~of the permit date. The

actual start means either the first placement of permanent construction of a structure on construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. ~~Construction does not include:~~

~~1. Land preparation, such as clearing, grading and filling;~~
~~2. The installation of streets and/or walkways;~~
~~3. Excavation for a basement, footings, piers or foundations;~~
~~4. The erection of temporary forms; or~~
~~5. Installation(s) on the affected real property of accessory buildings such as garages or sheds not meant or designed to be occupied as dwelling units.~~

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For a "substantial improvement", the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, ~~regardless of~~ whether or not that~~e~~ alteration affects the external dimensions of the building.

29. "State Building Code" means the combined specialty codes.

30. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

31. "Substantial Damage" means damage ~~regardless~~ of any origin ~~cause~~ sustained by a structure whereby the cost of restoring~~ation~~ the structure to its before ~~-~~damaged condition would~~is~~ equal ~~to~~ or exceed~~s~~ 50 percent (50%) of the ~~structure's~~ market value of the structure before ~~prior to~~ the damage occurred.

32. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a ~~the first alteration of any wall, ceiling, floor, or other structural part of a structure or building regardless of whether the alteration affects the external dimensions of the~~ structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure ~~either:~~before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not , however, include either:
    1. ~~Before the improvement or repair is started;~~Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

2. ~~If the structure has been damaged and is being restored, before the damage occurred.~~ Any alteration of a "historic structure", provided that the alteration will not preclude the structure's designation as a "historic structure".

~~The term does not include either:~~

~~1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

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33. "Variance" means a grant of relief by a community from the ~~requirements~~ terms of a floodplain management ~~of these~~ regulation~~s permitting construction in a manner that would otherwise be prohibited hereby~~.

34. "Water Dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 16.05.030 General Provisions

1. This Chapter applies to all areas of "special flood hazards" within the City as described in subsection (2) below.

2. The areas of "special flood hazard" are those areas identified by the Federal Insurance Administration in a report entitled "*The Flood Insurance Study for the Multnomah County, Oregon and Incorporated Areas*" (dated ~~December 18, 2009~~February 1, 2019) (hereinafter Study) along with accompanying FIRMs. Those documents are adopted by reference and declared to be part of this Chapter. A copy of the Maps and Study are on file in the Office of the Public Works Director. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued.

3. No structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. The City may seek any remedy lawfully available to it to effect compliance and in the event the City is compelled to seek judicial redress for violation(s) of this Chapter, the City shall be entitled to recover its reasonable attorneys and expert witness fees both at trial and on appeal.

4. This Chapter is not intended to repeal, abrogate or impair existing easements, covenants or deed restrictions. Where these regulations and another local, state or federal law conflict, the more restrictive shall control.

5. If any section clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional, then said holding shall in no way affect the validity of the remaining portions hereof.

6. These regulations shall be considered minimum requirements, liberally construed in favor of the City, and not deemed to either limit or repeal any other powers granted the City by state or federal law or its inherent plenary powers.

~~6.~~7. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Fairview, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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SECTION 16.05.040 Administration

1. Development Permit Required. A development permit shall be obtained prior to construction or development within any area of special flood hazard. The permit shall be for all structures including manufactured homes, and for all development including fill and other development activities, as set forth in the section 16.05.010 "Definitions".

Comment [AC3]: Floodplain permits are required for fill, excavation and other development activities besides construction of structures.

2. Application for Development Permit. Application(s) for a development permit shall be on forms furnished by the City, submitted to the Director and include plans in duplicate drawn to scale showing:
   1. The nature, location, dimensions and elevations of the development area;
   2. Existing and/or proposed structures;
   3. Fill;
   4. Storage of materials; and
   5. Drainage facilities.

   In addition to the foregoing, the following information is to be provided on the plans at the time application is made:
   1. Elevation of the lowest floor (including basement) of all structures in relation to mean sea level;
   2. Elevation in relation to mean sea level of flood-proofing in any structure;
   3. Certification by a registered professional engineer or Oregon licensed architect that flood-proofing methods for nonresidential structure(s) meet the requirements set out in 16.05.050(2)(2); and
   4. Description of the extent (if any) to which a watercourse may be altered as a result of the development.

3. Designation and Duties of Floodplain Administrator~~Director~~. The Director is hereby appointed to administer and implement this Chapter by granting or denying development permit applications with its provisions; duties include (but are not limited to) the following:
   1. Review of all development permit applications and all resulting permits to ensure compliance with requirements imposed by this Chapter;
   2. Determine whether appropriate federal, state and/or local regulatory permits have been obtained;
   3. Maintain all records pertaining to the provisions of this Chapter for public inspection;
   4. Notify adjacent communities, DLCD and other appropriate state and federal agencies prior to the alteration/relocation of a watercourse and cause the submission of evidence thereof to the Federal Insurance Administration as well as requiring that maintenance is provided within the altered or relocated portion of said watercourse so that ~~of~~ the flood carrying capacity ~~thereof~~ is not diminished;
   5. Make interpretations as to the location of boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal;
   6. Determine if the proposed development is located in the floodway. If the proposed development is located in a floodway, ensure the appropriate provisions of Section 16.50.050 are met;
   7. When base flood elevation data has not been provided (A and V Zones), the floodplain administrator shall obtain, review and reasonably utilize any~~use such~~ base flood elevation and floodway data ~~reasonably~~ available from Federal, State or other sources in order to ~~address issues raised~~ administer ~~in~~ Section 16.05.050;
   8. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or otherwise, the Director shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures and whether the structure contains a basement; and
   9. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 16.05.040:
      a. Verify and record the actual elevation (in relation to mean sea level); and
      b. Maintain flood-proofing certifications required by Section 16.50.040.

10. Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.

~~b.~~ 11. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement, as set forth in Section 16.05.010 "Definitions".

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4. Requirement to Submit New Technical Data
   a. Notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
   b. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing application fees to FEMA.
   c. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

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Comment [AC4]: This bullet is optional, but recommended to ensure the applicants does not expect the community cover the costs associated with submitting the required LOMR to FEMA within the required timeframe.

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~~4.~~5. Variances and Appeals. The Council is to hear appeals and requests for variance from the terms of this Chapter. In consideration of an appeal, the Council may consider technical evaluations and such other factors or standards deemed by it to be relevant, but variances may only be issued upon Council determination that the grant is the minimum necessary, considering the flood hazard, to afford relief. The applicant shall be notified in writing over the signature of a community official, that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

Comment [AC5]: Added to reflect required language in 44 CFR 60.6(a)(5) the rest of the required language found in the code of federal regulations is already found in this section.

~~5.~~6.

1. Council Determination Needed for Variance. Variances may be granted only in the event Council determines that:
   a. There is good and sufficient cause therefor;
   b. Failure to grant the variance would result in exceptional hardship to the applicant;
   c. The variance will not result in increased flood heights, additional threat(s) to public safety, extraordinary public expense, creation of a nuisance, cause fraud on or victimization of the public nor otherwise conflict with existing local laws or regulations; and, in the event the variance relates to a structure within a designated floodway
   d. Issuance of the variance will not result in any increase in flood levels during a base flood discharge.

2. General Standards/Criteria for All Variances; Imposition of Conditions. In considering the issuance of a variance, Council shall consider the following factors, if relevant:

a. The danger that materials may be swept onto other lands to the injury of others;
b. The danger to life and property due to flooding or erosion damage;
c. The susceptibility of any proposed development and its contents to flood damage and the impact of such damage on the owner(s) thereof;
d. The importance of services provided by the proposed development facility to the City and community;
e. The necessity to the facility of a waterfront location, where applicable;
f. The availability of alternative location(s) for the proposed use not subject to flooding or erosion damage;
g. The compatibility of the proposed use with existing and anticipated development;
h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Upon consideration of the aforementioned factors, the Council may attach such reasonable conditions as it deems necessary.

3. Variance from elevation standards may be issued only for new construction or substantial improvements to an existing structure where construction is on a lot of ½-acre or less and contiguous to and surrounded by lots with existing structures constructed below the base flood level. All relevant factors in Section 16.05.040 must be addressed. As lot size increases, technical justification(s) supporting the variance also increase.

4. Variances applicable to Residential Properties. Variances as interpreted in the National Flood Insurance Program pertain to a piece of real property; they are not personal, do not pertain to the structure, its inhabitants, economic or financial circumstances. Variances primarily address small lots in densely populated residential neighborhoods; thus, variances from flood elevations should be rare.

5. Variances applicable to Non-Residential Property. Variances for non-residential buildings may be issued in limited circumstances to allowing for a lesser degree of flood-proofing than watertight or dry flood-proofing, where

Council can determine that such action will have low damage potential, complies with all other relevant variance criteria and complies with Section 16.05.050.

6. Variances for Historic Properties. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.

7. The Director shall maintain a record of all Council actions taken on variances and report the grant thereof (and the condition(s) imposed, if any) to the Federal Insurance Administration upon request.

Section 16.05.050 General Standards for Flood Hazard Reduction

1. In all areas of special flood hazards, the following is required:
   1. Anchoring.
      a. All new construction and substantial improvement(s) shall be anchored to prevent flotation, collapse, or lateral movement of the structure; and
      b. All manufactured ~~homes~~ dwellings shall be anchored to prevent flotation, collapse, or lateral movement and installed using methods and practices designed to minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (*see*, FEMA's "Manufactured Home Installation in Flood Hazard Areas").

   2. Construction Materials and Methods.
      a. All new construction and substantial improvement(s) shall be constructed with materials and utility equipment resistant to flood damage;
      b. All new construction and substantial improvement(s) shall be constructed using methods and practices designed to minimize flood damage; and
      c. Electrical, heating, ventilation, plumbing, air-conditioning and other service equipment/facilities shall be designed and/or elevated or located to prevent water from entering or accumulating within the components during flooding.

   3. Utilities.
      a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
      b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
      c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with rules adopted by DEQ.

   4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;
b. All subdivision proposals shall have public utilities/facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
d. Where base flood elevation data has not been provided nor available from an authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. Review of Building Permits. Where elevation data is unavailable through the Flood Insurance Study, FIRM or other authoritative source, building permit applications shall be reviewed with the aim of promoting safety from flooding. Use of historical data, high water marks, photographs of past flooding, etc. should be used where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

2. In areas of special flood hazard where base flood elevation data has been provided (Zones A1-30, AH, AE, A and V), the following requirements are to be met:
   1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above the base flood elevation. Fully enclosed areas subject to flooding below the lowest floor are either prohibited or 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
      a. 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;
      b. The bottom of all openings shall be no higher than one foot (1') above grade; and
      c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
      ~~c.~~d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

   2. Nonresidential Construction. New construction and/or substantial improvement of any commercial, industrial or other nonresidential structure shall either have

the lowest floor, including basement, elevated at or above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be flood-proofed such 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; and
c. Be certified by a Oregon 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/or review of the structural design, specifications and plans.

3. Elevated nonresidential structures. All elevated nonresidential structures not flood-proofed and with space below the lowest floor are either prohibited or must 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 be certified by an Oregon registered/licensed professional engineer or architect or meet or exceed the following minimum criteria:
   a. 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;
   b. The bottom of all openings shall be no higher than one foot (1') above grade; and
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   ~~c.~~d. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

4. Persons flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot (1') below.)

5. Manufactured ~~Homes~~Dwellings.
   1. M~~All m~~anufactured ~~homes~~ dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 16.05.050 (2.)(1.)(a. – d.) above;
   2. The bottom of the longitudinal chassis frame beam shall be at or above the BFE;
   3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

Comment [AC6]: The State of Oregon Manufactured Dwelling Installation Specialty Code requirements for manufactured dwellings have been updated in the last 4 years and they no longer differentiate between existing, new, or expanding manufactured dwelling parks. The State of Oregon has higher standards than the NFIP minimum requirements for manufactured dwellings.

~~1.~~4. Electrical crossover connections shall be a minimum of 12 inches above BFE.~~placed or substantially improved on sites:~~

~~a. In a new manufactured home park or subdivision;~~

~~b. Outside a manufactured home park or subdivision;~~

~~c. In an expansion to an existing manufactured home park or subdivision; or~~

~~d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,~~

~~shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm) above the base flood elevation (BFE) and is securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.~~

~~2. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the City's FIRM not otherwise subject to the above are to be elevated so that either:~~

~~a. The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation; or~~

~~b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches (92 cm) in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.~~

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6. Recreational Vehicles.
   Recreational vehicles placed on sites in special flood hazard zones are required to:
   1. Be on the site for fewer than 180 consecutive days; and
   2. Be licensed and ready for highway use on its wheels or jacking system and attached to the site only by quick disconnect type utility and security devices; and
   3. Have no permanently attached additions; or, alternatively,
   4. Meet the requirements for manufactured dwellings in section 16.05.050 (5) above, including but not limited to the elevation and anchoring requirements for manufactured ~~homes~~dwellings.

7. Below-grade crawl spaces.
   Below-grade crawlspaces are allowed subject to standards found in FEMA's Technical Bulletin 11-01 "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*":
   1. The building must be designed and anchored to resist flotation, collapse, and lateral movement as a result of hydrodynamic and/or hydrostatic loads,

including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can be addressed through openings described below.

2. Crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless designed by an Oregon registered/licensed architect or professional engineer.
3. The crawlspace is an enclosed area below the base flood elevation (BFE) and must have openings equalizing hydrostatic pressures by allowing the automatic entry and exit of floodwaters with the bottom of each flood vent opening no more than one foot (1') above the lowest adjacent exterior grade.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
5. Any building utility systems within the crawlspace must be elevated above BFE or designed so floodwaters cannot enter or accumulate within the system components. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
6. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.
7. The height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet (4') at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas.
8. There must be a drainage system providing for removal of floodwaters from the interior area of the crawlspace such that the area is drained within a reasonable time after a flood event. The system will vary as a result of the site gradient and other drainage characteristics. Possible options include natural drainage through porous, well-drained soils and installation of drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone top allow for drainage by gravity or mechanical means.
9. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace. For velocities in excess of five feet (5') per second, other foundation types should be used.

~~9.~~10. Higher insurance premiums may apply to structures with below-grade crawlspaces.

For more detailed information refer to FEMA Technical Bulletin 11-01.

8. Floodway Not Established. Where a regulatory floodway has not been designated, no new construction, substantial improvement(s) or other development (including fill) is permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect(s) of the proposed

development, when combined with other existing and anticipated development, ~~does~~ will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City.

9. Floodway Established.

~~9.~~ Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply to areas designated as floodways.

1. ~~In areas where a regulatory floodway has been designated, n~~No encroachments (including fill), new construction, substantial improvement(s) and~~/or~~ other development shall occur unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that ~~said~~ encroachments will not result in any increase in base flood or floodway elevations ~~levels~~ during a base flood discharge.

~~1.~~2. If paragraph (9.)(1.) above is satisfied, ~~A~~all new construction and ~~any~~ substantial improvement(s) shall comply with all applicable flood hazard reduction provisions.

~~2. Projects for stream habitat restoration may be permitted in a floodway provided:~~

~~a. The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023);~~

~~b. A qualified professional (a Registered Professional Engineer, staff of Natural Resources Conservation Service (NRCS) or staff of Oregon or federal fisheries, natural resources or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels to as close to zero as practically possible given the goals of the project; and~~

~~c. No structures would be impacted by a potential rise in flood elevation; and~~

3. ~~An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.~~Manufactured dwellings may be located in floodways only under the following circumstances:

a. If there is an existing manufactured dwelling, placement was permitted at the time of the original installation and its continued use is not a threat to life, health, property, or the general welfare of the public; or

b. A new manufactured dwelling is replacing an existing one where the original placement was permitted at the time and the replacement will not be a threat to life, health, property or the general welfare of the public; and

c. The location of the dwelling meets all the following:

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Comment [AC7]: FEMA is requesting that this language be removed from communities ordinances.

Comment [AC8]: FEMA is requesting that this language for stream habitat restoration exceptions within the floodway is removed.

i. Demonstration that the manufactured dwelling and any accessory building(s), structure(s) or other improvement(s) will not result in any increase in flood levels during the occurrence of a base flood discharge;
ii. The replacement dwelling and any accessory building(s)/structure(s) ~~have a finished floor elevation of at least 18 inches (46 cm)~~ are elevated so that the bottom of the longitudinal chassis frame beam is at or above the BFE;
iii. The replacement dwelling is placed, anchored and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the City;
iv. The replacement dwelling, its foundation supports and any accessory building(s)/structure(s) or property improvement(s) do not displace water so as to cause a rise in water level or divert water in a manner likely to cause erosion/damage to other properties;
v. The replacement dwelling is appropriately zoned; and
vi. Location of the replacement dwelling will not violate any other local, state or federal law.

10. Shallow Flooding Areas.

The following restrictions apply in Shallow Flooding Areas:

1. New construction and substantial improvements of residential structures and manufactured homes shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot (1') above the depth number specified on the FIRM and at least two feet (2') if no depth number is specified.
2. New construction and substantial improvements of nonresidential structures shall either:
   i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified); or
   ii. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level such that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites must either:
   i. Be on the site for fewer than 180 consecutive days, and
   ii. 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~~ have no permanently attached additions; or

iii. Meet the elevation and anchoring requirements for manufactured ~~homes~~ dwellings set out ~~above.~~ in Section 16.05.050(5).

Comment [AC9]: Recommend inserting specific citation to the manufactured dwelling section above.

11. Critical Facilities.
    1. Construction of new critical facilities shall, to the extent possible, be located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).
    2. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the facility should be protected to the height noted. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Chapter 19.105

FLOODPLAIN OVERLAY

Sections:

19.105.010 Purpose.
19.105.020 Area affected.
19.105.030 Compliance.
19.105.040 Procedures.
19.105.050 Permitted uses.
19.105.060 Conditional uses.
19.105.070 Prohibited uses.
19.105.090 Performance standards.

19.105.010 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas~~.~~ by provisions designed to: (1) Protect human life and health; (2) Minimize expenditure of public money and costly flood control projects; (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (4) Minimize prolonged business interruptions; (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; (6) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and (8) Ensure that those whom occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 6-2001 § 1)

Comment [AC1]: FEMA requires that the purpose shown either here or in your ordinance reflects the language of 44 CFR 59.22.

19.105.020 Area affected.

This section shall apply to all areas designated as areas of special flood hazard by the federal insurance administration on its current ~~flood hazard boundary map (FHBM),~~Flood Insurance Rate Map applicable to and including all areas within the boundaries of the city of Fairview or more current information such as Metro flood management maps, if demonstrated to be accurate. (Ord. 6-2001 § 1)

19.105.030 Compliance.

No structure or land shall hereafter ~~be~~ be developed, constructed, located, extended, converted or altered without full compliance with the terms of Chapter 16.05 FMC. (Ord. 6-2001 § 1)

19.105.040 Procedures.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Requirements for the permit as well as specific and general standards are outlined in Chapter 16.05 FMC. (Ord. 6-2001 § 1)

19.105.050 Permitted uses.

The following uses are permitted outright:

A. Excavation and fill required to plant any new trees or vegetation in areas outside of the floodway.

~~B. Restoration or enhancement of floodplains, riparian areas, upland and streams. (Ord. 6-2001 § 1)~~

Comment [AC2]: You may want to further amend this section. FEMA does not allow restoration or enhancement of floodplains, riparian areas, upland and streams without a floodplain permit. If in a floodway a Hydraulic and Hydrologic analysis is required to identify if there will be an increase in the base flood level. If there will be an increase then it can be permitted but a LOMR must be done to amend the Flood Insurance Rate Maps to reflect the change.

19.105.060 Conditional uses.

The following uses are permitted conditionally:

A. All uses allowed in the base zone or existing flood hazard overlay zone. (Ord. 6-2001 § 1)

19.105.070 Prohibited uses.

The following uses are not permitted:

A. Any use otherwise prohibited in the base zone or existing flood hazard overlay zone.

B. Any uncontained area of hazardous materials as defined by DEQ. (Ord. 6-2001 § 1)

19.105.090 Performance standards.
A. Any development should maintain or increase the capacity of the flood management area.

B. All fill placed at or below design flood elevation within the special flood hazard area shall result in no net loss of natural floodplain storage. The volume of the loss of flood water storage due to filling in the special flood hazard area shall be balanced by providing an ~~with at least an~~ equal ~~amount~~ volume of flood storage by ~~of~~ soil material removal or other compensatory measures at or directly adjacent to the development (fill) site in compliance with all terms of Chapter 16.05 FMC.

C. Excavation of areas that would be filled with water in non-stormwater conditions is not to be counted as part of the floodplain balance referenced in subsection B of this section.

D. Temporary fills permitted during construction shall be removed ~~in a timely manner~~ within 180 days. (Ord. 6-2001 § 1)

Comment [AC3]: Fill not allowed in floodway unless requirements of Chapter 16.05 are met.

Comment [AC4]: This is the compensatory storage (balanced cut and fill) language recommended by the Association of State Floodplain Managers (ASFPM).

Comment [AC5]: Recommend stating a specific timeframe. Temporary fill must comply with requirements of Chapter 16.05.

Comment [AC6]: Can adjust so long as there is a number of days specified.

AGENDA STAFF REPORT

MEETING DATE	AGENDA ITEM #	REFERENCE NUMBER
January 16, 2018	8.b.	2019-15

TO: Mayor and City Council

FROM: Eric Rutledge, Associate Planner

THRU: Allan Berry, Public Works Director

DATE: January 10, 2019

Supplement Exhibits Included in January 10, 2018 Council Packet

BACKGROUND:

Meadow Outdoor Advertising owns and operates a billboard in the Eastwinds Industrial Park located at 21414 NE Sandy Blvd. The City's existing sign regulations prohibit the construction of new billboards and the replacement of existing billboards. The applicant is proposing an amendment to the City's sign regulations to allow the City's three existing billboards to be rebuilt on the same property under certain conditions.

EXISTING CONDITIONS:

There are three existing billboards in the City of Fairview, all on the I-84 Corridor. The billboards range in height from 37 feet to 77 feet (to top of sign face) and in size from 576 SF to 672 SF. All three signs were originally built in the 1970s and two of the signs were rebuilt in the 1990s. The proposed text amendment would apply to all three existing signs. See map included as Exhibit B.

Address	Year Built or Rebuilt	Height (top of sign)	Dimensions	Support	Zone
21414 NE Sandy / Eastwinds Industrial Park*	1975	37 ft.	576 SF	Four-post I-beam	Corridor Commercial
22820 NE Sandy	1995	77 ft.	560 SF	Single metal pole	General Industrial
23012 NE Sandy	1997	69 ft.	672 SF	Single metal pole	Corridor Commercial

**Billboard owned by Meadow Outdoor Advertising (applicant)*

PLANNING COMMISSION RECOMMENDATION

Work Session and Hearing

The planning commission held a work session on the proposed amendment in December 2017 and provided early feedback to the applicant on sign height and appearance, economic development opportunities, and more. A planning commission public hearing for the application was held on October 9, 2018. The planning commission recommended approval (6-0) for a modified version of the staff recommended text.

Proposed Text Language

The applicant's original proposal required that when billboards are reconstructed, they have "fewer supporting elements" and a "smaller footprint on the ground" the billboard they are replacing. The language was intended to ensure the visual impact of the new supporting structures was minimized.
While this requirement would apply well to the applicant's billboard, which is supported by an outdated four-post I-beam structure, the other two existing billboards were reconstructed in the 1990s and are supported by a modern single metal pole.

Staff recommended removing the text language regarding the supporting structures and footprint on the ground because two of the existing three billboards have modern metal poles and it may be difficult or impracticable to comply with this requirement. During the hearing, the planning commission recommended retaining this language and adding language that requires the billboards to be reconstructed only by the existing billboard owner. The latter requirement is intended to prevent billboards from being unused for a period of time and rebuilt at a later date by a new owner. Staff holds that the language regarding supporting structures and footprint on the ground should be removed in order to place all billboard owners in a similar position regarding future rebuilding, and to avoid a narrow text amendment that applies only to one property.

Additional Information

The planning commission meeting minutes are included as (Exhibit D) and the final recommended text language is included as part of Ordinance 1-2019 (Exhibit A)

DECISION MAKING CRITERIA

The application will be considered through a quasi-judicial hearing process and a decision must be made based on specific approval criteria. The planning commission staff report included as Exhibit C lists the approval criteria and provides staff comments and analysis.

BUDGET IMPLICATIONS

The proposed amendment will have no impact on current of future budgets.

CITY COUNCIL ALTERNATIVES:

1. Approve application 2018-61-TA and adopt Ordinance 10-2018 as recommended by the planning commission
2. Approve application 2018-61-TA and adopt Ordinance 10-2018 with council amendments and findings
3. Deny application 2018-61-TA and do not adopt Ordinance 10-2018, with findings
4. Continue the Public Hearing to if additional information is needed

EXHIBITS

A. Ordinance 1-2019 (with amendments from the planning commission)

1. Struck trough version of final recommended text
2. List of existing billboards

B. Map of Existing Billboards

C. Planning Commission Minutes from October 9, 2018

D. Planning Commission Staff Report dated October 2, 2018

E. City Council Minutes from March 19, 1997
(Additional information for the record, requested by the City Council at the First Reading on January 2, 2019)

F. City Council Staff Report from March 19, 1997
(Additional information for the record, requested by the City Council at the First Reading on January 2, 2019)

G. Planning Commission Minutes from March 4, 1997
(Additional information for the record, requested by the City Council at the First Reading on January 2, 2019)

H. Ordinance 8-1997
An ordinance providing new regulations for billboards, including prohibiting the construction of new billboards (Information requested by the City Council at the First Reading on January 2, 2019)

I. Applicant Letter to Council dated January 7, 2019
Supplemental letter submitted by the applicant after the First Reading on January 2, 2019

EXHIBIT A DRAFT ORDINANCE

ORDINANCE
(1-2019)

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.170 SIGN REGULATIONS TO ALLOW NON-CONFORMING BILLBOARDS TO BE REBUILT ON THE SAME PROPERTY UNDER CERTAIN CONDITIONS

WHEREAS, signs and billboards are regulated under Fairview Municipal Code (FMC) Chapter 19.170 Sign Regulations; and

WHEREAS, FMC 19.170 prohibits the construction of new billboards and the replacement, relocation, and enlargement of existing billboards; and

WHEREAS, there are three existing non-conforming billboards in the City of Fairview (description included as Attachment 2); and

WHEREAS, Meadow Outdoor Advertising has applied for a text amendment to FMC 19.170 allowing non-conforming billboards to be rebuilt subject to certain conditions; and

WHEREAS, the planning commission held quasi-judicial hearing on the application on October 9, 2018 and issued a recommendation to approve the application with amendments to the proposed code language (amended code language included as Attachment 1); and

WHEREAS, the city council held a quasi-judicial hearing on the application on January 16, 2018 and issued a decision based on the applicable approval criteria; and

WHEREAS, the City provided notice of Ordinance 10-2018 (re-numbered as 1-2019) / Land Use Application 2018-61-TA to DLCD and Metro on September 4, 2018; and

WHEREAS, the City provided notice of the hearings consistent with Fairview Municipal Code Chapter 19.413 and ORS 227.186;

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 The Development Code, Chapter 19 of the Fairview Municipal Code, is amended in substantially the same form as the attached Attachment 1.

Section 2 The City adopts the Findings as described in the hearing minutes for Ordinance 1-2019 on January 16, 2019.

Section 3 This Ordinance takes effect 30 days after its adoption.

Ordinance adopted by the City Council of the City of Fairview, this January day of 16, 2019.

_____
Mayor, City of Fairview
Brian Cooper

ATTEST

_____
City Recorder, City of Fairview
Devree Leymaster

_____
Date

DRAFT

Exhibit A1: Proposed Text Amendment

FMC 19.170.050(F)

Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted January 16, 2018 shall be permitted to remain, ~~and~~ be maintained in reasonable repair, and be rebuilt by the existing billboard owner in the same location. ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. Existing billboards may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:

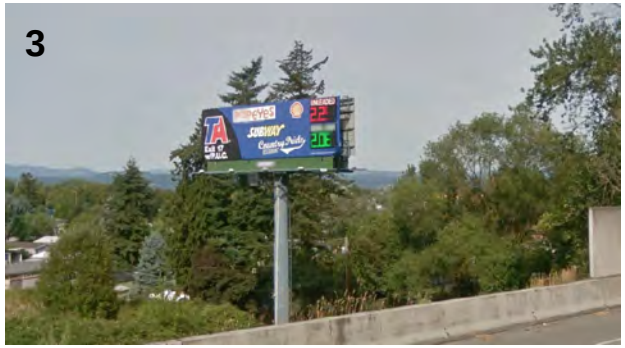
a) The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and
b) The modification results in a smaller footprint on the ground.

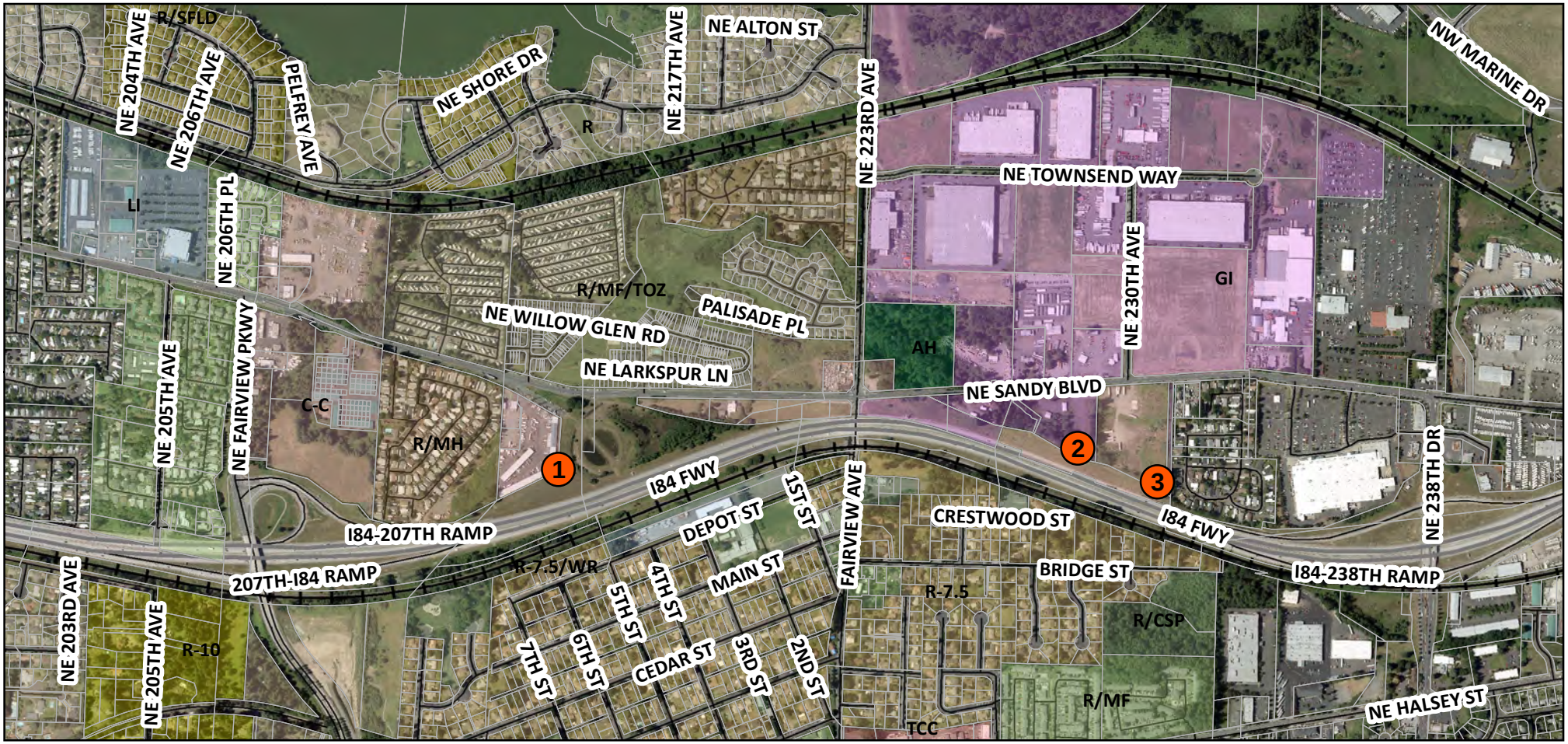
Changes in message shall not affect nonconforming status.

EXHIBIT A2 EXISTING BILLBOARD LIST

Exhibit A2: Existing Billboards				
Address / Tax Lot	**Year Built / Rebuilt**	**Size (Square Feet)**	**Height (Highest Point above grade)**	**Zone**
21414 NE Sandy Blvd / 1N3E28AC -100	1975	576 SF	37 ft.	Corridor Commercial
22820 NE Sandy Blvd / 1N3E27B -1004	1995	560 SF	77 ft.	General Industrial
23400 NE Sandy Blvd / 1N3E27B -1100	1997	672 SF	69 ft.	Corridor Commercial

EXHIBIT B MAP OF EXISTING BILLBOARDS





Existing Billboards

City of Fairview
1300 NE Village Street
Fairview, OR 97024
(503) 665-7929
www.fairvieworegon.gov

1 inch = 1,000 feet

This map is for informational purposes only and the City cannot accept responsibility for any errors, omissions, or positional inaccuracy. This map is provided "AS-IS".

Print Date: 12/1/2017
Printed By: rutledgee

T:\PROJECTS\Sign Code Update\SiteMap.mxd

MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, October 9, 2018

PRESENT: Ed Jones, Chair
Russell Williams, Vice Chair
Hollie Holcombe
Jeff Dennerline
Steven Hook
Les Bick

STAFF: Sarah Selden, Senior Planner
Eric Rutledge, Associate Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

Chair Jones called the meeting to order at 6:33 PM.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARING

a. Application 2018-61-TA
Sign Code Text Amendment Request from Meadow Outdoor Advertising

Chair Jones read the Open Hearing Statement for a Legislative Hearing and Associate Planner Rutledge sited the applicable criteria.

AP Rutledge presented the staff report. *(Exhibit A)* The proposal is to amend FMC Chapter 19.170 Sign Regulations to allow legal, non-conforming existing billboards to be reconstructed on the property in order to improve the structural and aesthetic nature of the signs. Amendments would apply to three existing billboards in Fairview. Written testimony from Outfront Media was received in favor of the application. *(Exhibit B)*

Applicant Brian Casady, Meadow Outdoor Advertising, provided a summary of his request and proposed changes to the code. *(Exhibit C)* He noted the purpose of the application is so an old billboard may be rebuilt to be a more attractive structure. He supported staff's proposed changes, but commented staff's proposed language is broader; it allows all three existing billboard structures to be rebuilt. Mr. Casady explained their current State permit is for advertising on one side only. Because the sign is currently nonconforming they are unable to get a permit allowing advertising on both sides of the sign; will need supporting documents from the city.

Chair Jones asked if anyone would like to speak in favor of, neutral to, or opposed to the application.

Dan Dhruva, Pacific Outdoor Advertising, Portland, OR spoke in favor of the proposed amendments. He shared his company has one billboard sign in Fairview and noted the proposal does not increase the number of signs.

Commissioner Bick asked staff why they had no recommendation. Senior Planner Selden replied this is a policy decision for Council. The only recommendation is to review the material and testimony heard and make a recommendation to Council.

Commissioner Hook inquired about the reference in Outfront Media's letter to a revenue source. AP Rutledge clarified there is no ongoing revenue source to the city i.e. recurring permit or license fee.

Commissioner Holcombe asked if the number of times a sign can be rebuilt can be limited. SP Selden replied yes, the Commission could add a limit.

Commissioner Hook clarified the sign may be no more than 40 feet above I-84, not from ground level. AP Rutledge answered yes, the proposed amendment is to allow them to be raised 40 ft. above the adjacent roadway. The applicant's sign is 30 ft. above 1-84 and could be raised 10ft. with this amendment.

Commissioner Hook asked the applicant if he had a plan for the second side of the sign. Mr. Casady replied they have no current contract; would sell advertising space when applicable.

Chair Jones closed the public hearing.

Commissioner Dennerline proposed keeping subsections a) and b) in the applicants proposed changes and "by the billboard owner" in staff's recommended text in Exhibit C. Commissioner Holcombe agreed.

AP Rutledge explained the reasoning to remove a) and b) is because the other two existing billboards are already mounted on a single pole with less of a footprint.

Commissioner Hook commented signs can be beneficial. He noted the prior intent was to phase out and not allow billboards. He requested clarification that illuminated billboard signs would not be allowed. SP Selden replied flashing signs, signs with movement, etc. are prohibited in the sign code.

Commissioner Dennerline moved to recommend adoption of application 2018-61TA with staff recommended alternate text and addition of subsection a) and b) from the applicants proposal. Commissioner Holcombe seconded. The motion passed unanimously.

Ayes: 6
Nays: 0
Abstained: 0

4. BRIEFING ON DRAFT URBAN RENEWAL PLAN

Elaine Howard, Consultant, presented a brief review of the draft Urban Renewal Plan and the role of the Planning Commission in the process. *(Exhibit D)* The Commission will be asked to review and confirm the proposed Urban Renewal Plan conforms to the Comprehensive Plan via a motion at their October 23 meeting. She clarified Urban Renewal does not increase property tax; it reallocates what is already being paid.

Chair Jones asked if the taxing districts that will be impacted had been notified. City Administrator Young replied yes, the notices went out Friday.

EXHIBIT C PLANNING COMMISSION MINUTES 10-9-2018

5. COMMISSION AND STAFF UPDATES

SP Selden shared the Commission is invited to participate in a joint work session with City Council on November 7 at 6:00 PM to review the proposed ADU amendments. Commissioner Dennerline indicated he will not be available and Commissioner's Williams, Jones, Holcombe and Hook believe they will be.

Commissioner Dennerline requested an apology from Commissioner Bick related to the actions surrounding Commissioner Bick's application. He didn't appreciate the letter Commissioner Bick sent to the Mayor or the comments he made to the Council during the appeal hearing. He felt insulted and accused of things he did not do. In his opinion there were major differences between the projects, Commissioner Bick referred to; he had no agenda or bias. Commissioner Williams indicated support for Commissioner Dennerline's comments; and that he too felt his integrity had wrongfully been questioned. The discussion continued until Commissioner Holcombe moved to adjourn the meeting.

6. TENTATIVE AGENDA – OCTOBER 23, 2018

- Public Hearing: Application 2018-62-DR and Application 2018-48-MOD
- Work Session: Urban Renewal Plan Conformance with Comprehensive Plan – Commission agreed this item should be first on the agenda.

7. ADJOURNMENT

Meeting adjourned by consensus at 8:25 PM.

Devree Leymaster

Devree A. Leymaster
City Recorder

Ed Jones
Chair

10/23/18
Date

A complete recording and/or video of these proceedings is available.
Contact the City of Fairview City Recorder Office, 1300 NE Village St., Fairview, OR 97024, (503) 674-6224.

PLANNING COMMISSION STAFF REPORT
TYPE IV TEXT AMENDMENT
FINDINGS AND STAFF RECOMMENDATION

Date of Report: October 2, 2018

Staff Contact: Eric Rutledge, Associate Planner
rutledgee@ci.fairview.or.us
503-674-6205

Application Number: 2018-61-TA

Property Owner: Eastwinds Industrial Park, Inc.

Applicant: Meadow Outdoor Advertising

Site Address: 21414 NE Sandy Blvd (1N3E28AC -100)

Text Amendment also impacts 22820 NE Sandy Blvd (1N3E27B -1004) and 23012 NE Sandy Blvd (1N3E27B -1100).

Proposal: Amend Fairview Municipal Code (FMC) Chapter 19.170 Sign Regulations to allow legal, non-conforming billboards to be rebuilt on the same property in order to improve the structural and aesthetic nature of the signs.

Recommendation: Staff recommendation not provided for this application

Exhibits:

A. Application Materials
1. Applicant Narrative
2. Existing Conditions
3. Billboard Elevation Survey
4. ODOT Letter

B. Background Materials

1. Map of Existing Billboards
2. Nonconforming Sign Regulation Comparison
3. Ordinance 08-1997

C. Draft Ordinance

1. Ordinance 10-2018

D. Planning Commission Findings

(reserved for Council hearing)

E. Minutes

1. Planning Commission Minutes 12/12/17

F. Staff Reports

(reserved for Council hearing)

I. NOTICES & REFERRALS

Application Date:	August 22, 2018
Application Deemed Complete:	September 5, 2018
Public Hearing Date:	October 9, 2018
Public Notice Date/Type:	September 7, 2018 – Notice mailed to property owners impacted by text amendment and affected governmental agencies September 17, 2018 – Notice mailed to property owners within 250 ft. of properties impacted by the text amendment September 18, 2018 – Notice in Gresham Outlook September 28, 2018 – Site posted
Referrals:	The Department of Land Conservation and Development (DLCD) and Metro were sent the

required 35-day notice of public hearing and draft amendments on September 5, 2018. 30-day notice was also sent to the Oregon Department of Transportation's Outdoor Advertising Sign Program.

II. APPLICABLE CRITERIA

- FMC 19.412 Description of Permit Procedures
- FMC 19.413 Procedures
- FMC 19.470 Land Use District Map & Text Amendments
- FMC 19.205 Amendments
- FMC 19.170 Sign Regulations

III. BACKGROUND AND SUMMARY OF ISSUES

Issue

The applicant, Meadow Outdoor Advertising, owns and operates a billboard located in the Eastwinds Industrial Park located at 21414 NE Sandy Blvd. The City's existing sign regulations prohibit the construction of new billboards and the reconstruction of existing billboards. The applicant is proposing an amendment to the City's sign regulations to allow legal, non-conforming billboards to be rebuilt on the same property under certain conditions.

The Planning Commission held a work session on December 12, 2017 to learn about the proposed amendment from the applicant and provide early feedback. The applicant has submitted a complete application in response to the feedback received at the work session (see minutes in Exhibit E1).

Existing Conditions

There are three existing billboards in Fairview, all on the I-84 Corridor (see Exhibit B1). The billboards range in height from 37 feet to 77 feet (height = top of sign face) and in size from 576 SF to 672 SF. All three signs were originally built in the 1970s and two of the signs were rebuilt in the 1990s.

Address / Property	Year Built or Rebuilt	Height (top of sign)	Dimensions	Zone
21414 NE Sandy / Eastwinds Industrial Park*	1975	37 ft.	576 SF	Corridor Commercial
22820 NE Sandy / Townsend	1995	77 ft.	560 SF	General Industrial
23012 NE Sandy / Townsend	1997	69 ft.	672 SF	Corridor Commercial

**Billboard owned by Meadow Outdoor Advertising (applicant)*

Photo 1: Billboard at 21414 NE Sandy Blvd (Eastwinds Industrial Park). The billboard is owned by the applicant. Photo taken from I-84, heading east-northeast.

Photo 2: Two billboards in view located at 22820 NE Sandy Blvd (left) and 23012 NE Sandy Blvd (right). Both properties owned by Townsend Farms. Photo taken from I-84 corridor, heading east-northeast.

Photo 3: Billboard at 23012 NE Sandy Blvd. Photo taken from I-84 corridor, heading east-northeast

Existing Sign Regulations

Signs and billboards within the City of Fairview are regulated by FMC 19.170 "Sign Regulations". Billboards were first regulated in the City in 1997 by Ordinance 08-1997 (Exhibit B3). This ordinance prohibited the construction of new billboards and the replacement of existing billboards. Billboards that were legal when they were constructed can remain on-site and be maintained in reasonable repair. Billboards are defined as "a freestanding sign over 200 square feet and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals". The following sign code sections pertain to billboards:

FMC 19.170.050 Signing of nonconforming uses

F. Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status.

FMC 19.170.070 Hardship relief

D. Hardship relief for billboards displaced by public improvement projects may be requested from the planning commission and shall be processed in accordance with Chapter 19.520 FMC.

FMC 19.170.100 Prohibited signs

B. Other Prohibited Signs. The following signs are identified as having unnecessary and adverse visual impact on the community:

4. Billboard signs except as provided by FMC 19.170.050 and 19.170.070.

Proposed Amendment

The applicant has proposed the following text amendment. Added text is underlined and ~~removed text is struckthrough.~~

FMC 19.170.050 Signing of nonconforming uses

F. Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. An existing billboard sign may be rebuilt on the same property, and may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:

a. *The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and*

b. *The modification results in a smaller footprint on the ground.*

Changes in message shall not affect nonconforming status.

Issues and Feedback on Proposed Amendment

A. Non-conforming Use

The City's existing sign regulations are intended to phase out all billboards over time. The three existing billboards are classified as 'non-conforming uses' under FMC Section 19.170.050. The purpose of this section is to allow existing, non-conforming billboards to be maintained in reasonable repair but not replaced, relocated, or enlarged. If an existing billboard is removed or structurally damaged, it may not be replaced.

This approach to non-conforming signs is consistent with regulations in other jurisdictions in Oregon (see Exhibit B2). By requiring conformance with current sign standards, the desired changes to the built environment will be accomplished over time. Under current standards, all billboards will be removed from the City over time, depending on factors such as the sign's structural integrity.

The proposed sign code amendment would allow three non-conforming billboards to be rebuilt on the same property indefinitely, until the code is amended otherwise. Allowing non-conforming signs or structures to be rebuilt in perpetuity is uncommon. Most codes require upgrades when the non-conforming structure is destroyed or redeveloped. Some codes are stricter, requiring non-conforming structures to be removed within a specific time (e.g. 6 months or 2 years after the code is changed).

B. Existing and Proposed Height Limits

The proposed text amendment would allow existing billboards to be rebuilt on the same property up to 40 ft. above the adjacent roadway. This would also provide the opportunity for other existing billboard owners to raise their signs between 6-10 ft., depending on their current height. A comparison of billboard heights allowed in other jurisdictions is provided in Exhibit B2. The table below summarizes existing and future height potential in Fairview.

Address / Property	Existing height above grade	Existing height above freeway grade	Allowed height above freeway grade	**Change**
21414 NE Sandy / Eastwinds Industrial Park	37 ft.	30 ft.	40 ft.	**10 ft.**
22820 NE Sandy / Townsend	77 ft.	31 ft.	40 ft.	**9 ft.**
23012 NE Sandy / Townsend	69 ft.	34 ft.	40 ft.	**6 ft.**

C. Sign Location

The proposed text amendment would allow existing billboards to be rebuilt on the same property up to 40 ft. above the adjacent roadway. All three billboards are located on properties with frontage on I-84 and NE Sandy Blvd. The billboards are currently located adjacent to I-84, advertising to drivers on the interstate (see Exhibit B1).

The proposed amendment would allow a billboard to be moved to the Sandy Blvd. frontage and raised 40 ft. above the adjacent roadway. Other freestanding signs are already allowed in the corridor, however, they are limited to 100 SF in sign face area. The existing billboards are between 560-672 SF. In order to prevent incompatible billboard signs being placed near NE Sandy Blvd, the staff recommendation is to allow billboards to be replaced only in their current location, and not elsewhere on the same property.

Photo 4: View of NE Sandy Blvd. heading east. The properties on the right (south) side of the street are the Townsend parcels with billboards.

D. Sign Structure Requirements

The proposed text amendment would require new billboard structures to include fewer supporting elements and have a smaller footprint on the ground than the structures they are replacing. While this standard would apply well when replacing the applicant's existing billboard with four posts, it may be problematic for the other two billboards that currently have a single metal pole support structure. The visual impact of the single metal poles is small and requiring a smaller footprint in the future may not practicable. Staff feedback is to remove this language and allow billboard owners to use building techniques that are suitable for the location.

F. Summary of Draft Code Language

If the Planning Commission recommends that City Council approve a code amendment to allow rebuilding of existing billboards, staff suggests the following changes to the applicant's proposed code language: .

Applicant Proposal

"Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. An existing billboard sign may be rebuilt on the same property, and may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:

a. The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and

b. The modification results in a smaller footprint on the ground.

Changes in message shall not affect nonconforming status.

Applicant Proposal with Staff Modifications

"Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted October 9, 2018, shall be permitted to remain and be maintained in reasonable repair ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. Existing billboards can be rebuilt in the same location and may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway. Changes in message shall not affect nonconforming status.

V. APPROVAL CRITERIA FINDINGS

Chapter 19.412 Description of Permit Procedures

FINDINGS: This Chapter outlines permit procedures for land use applications. This application has been processed in accordance with this Chapter.

Chapter 19.413 Procedures

19.413.040 Type IV procedures (legislative).
Subsections A-F & H-I

FINDINGS: Legislative amendments are policy decisions made by city council, and are reviewed following the Type IV procedure. The text amendments requested in this application impact the applicant's property (Meadow Outdoor Advertising's billboard) and also impacts the two other billboards located in Fairview. For this reason, the text amendment is legislative in nature. The application, however, is being made by third party with approval by the property owner, and not at the request of the City. For this reason, the land use application is following a quasi-judicial procedure for the *hearing*, to allow the applicant with the opportunity to make the request to the City.

Subsections A-F & H-I pertain to legislative application procedures such as noticing and requiring a hearing before the Planning Commission and City Council. The application was processed in accordance with these requirements.

G. Decision Making Consideration. The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:

1. Statewide planning goals and guidelines.

FINDINGS: Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces. This is the only statewide planning goal that specifically addresses billboards.

"As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign."

All existing billboards are in commercial and industrial zones. Zone changes are not proposed in order to accommodate an outdoor advertising sign. No other statewide planning goals or guidelines are applicable.

2. Comments from applicable federal or state agencies.

FINDINGS: The application was routed to ODOT's Outdoor Advertising Sign program and DLCD. No comments were received from either agency. ODOT provided a letter to the applicant stating that if the proposed amendment were approved, a new sign on their property would comply with the state sign program (see Exhibit A4).

3. Applicable intergovernmental agencies.

FINDINGS: The application was routed to Metro. Metro reviewed the application and did not provide any comment.

4. Applicable Comprehensive Plan policies.

FINDINGS: Compliance with applicable Comprehensive Plan policies is described below, under the findings for FMC 19.470.300.B(1)

Chapter 19.205 Amendments
Sections 19.205.010 & 19.205.030-50

FINDINGS: Sections 19.205.010 & 19.205.030-50 pertain to application procedures and noticing. The application was processed in accordance with these requirements.

19.205.020 Criteria.
Approval of an ordinance text or map amendment shall be based on finding that it complies with the following criteria:

A. The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.

FINDINGS: The proposal will impact three (3) parcels in the commercial and industrial zones between the Sandy Blvd. and I-84 corridors. Freestanding signs are allowed in these zones, however, the existing billboards are larger and taller than signs allowed by the current code. As proposed, the amendment would allow billboards to be rebuilt anywhere on the existing property including near the Sandy Blvd. frontage, impacting the livability of residents who live nearby. If the billboards are only rebuilt in their current location adjacent to I-84, the adverse impacts to residential neighborhoods will be minimized. The eastern-most billboard at 23012 NE Sandy Blvd. (not owned by Meadow) is located adjacent to a manufactured home park. The proposal would allow the billboard

owner to rebuilt 6 ft. taller than the current sign, which could make the sign more visible to adjacent residents.

B. The amendment will not be detrimental to the general interests of the community.

FINDINGS: New billboard signs are currently prohibited by the development code because of "unnecessary and adverse visual impact on the community". As noted in the applicant's narrative, the proposed amendment would only apply to existing billboards with an established visual presence. The proposed text amendment will allow existing billboards to be reconstructed and raised between 6-10 ft. Since the existing billboards are already located on I-84 and are between 30-34 ft. above the roadway, allowing an additional 6-10 ft. in height will primarily impact motorists viewing of Fairview from the interstate. As discussed above, there may also be a specific conflict between the eastern-most billboard sign and the abutting residential development.

As noted in the applicant's narrative, the existing billboards provide an opportunity for businesses to advertise products and services. The applicant's current billboard advertiser is Action Motor Sports, a local business selling and repairing motorcycles,however, there is no way to ensure the billboards are limited to advertising for local businesses. The other two billboards have advertising for businesses outside of Fairview.

C. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

FINDINGS: The three subject properties are classified as Commercial and Industrial land in the City's Comprehensive Plan. The proposed amendment does not conflict with the commercial or industrial land use designations and their intended purpose.

D. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning."

FINDINGS: A zone/comprehensive plan change is not proposed. This standard does not apply.

Chapter 19.470 Land Use District Map and Text Amendments
19.470.100 Purpose.
The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the land use district map…

19.470.200 Legislative amendments.
Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in FMC 19.413.040.

19.470.300 Quasi-judicial amendments.

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or code revision….

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;

FINDINGS:
Fairview Comprehensive Plan

Chapter 1 – Community Vision for Sandy Blvd:

The community vision for NE Sandy Blvd. prioritizes job preservation and economic development. Without considering specifics such as sign height or size, the commercial nature of the billboards does not conflict with the vision for the Sandy Blvd. corridor.

Chapter 3 – The Sandy Blvd Area:

This section also addresses future development in the Sandy Blvd. corridor, indicating that demand will grow for commercial and industrial lands but that development must be carefully sited to minimize negative off-site impacts. Within the Sandy Blvd. corridor, residential development is prioritized west of NE 223rd Ave. while industrial development is prioritized east of NE 223rd. The applicant's billboard is located west of NE 223rd and is currently buffered from surrounding residential development by buildings and open space.

Chapter 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:

This chapter acknowledges that scenic views of Mt. Hood, the Columbia River, and area lakes and streams are available throughout the city. However, during the 1993 Comprehensive Plan update, the City declared that the topography and urban development patterns in the City limit outstanding views. No scenic protections have been incorporated into the development code to protect view corridors.

Chapter 9 – Economic Development:

This chapter describes Fairview as a small but growing city that is preparing to accommodate commercial and industrial land development and become an important location for jobs, businesses, and trade within the region. The City's transportation and freight routes are identified as opportunities for attracting businesses. This chapter does not mention billboards or outdoor advertising along these corridors, but does identify NE Sandy Blvd. as a key commercial and industrial corridor.

2. *Demonstration of compliance with all applicable standards and criteria of this code, and other applicable implementing ordinances;*

FINDINGS: The application proposes an amendment to FMC 19.170 Sign Regulations and this staff report discusses compliance with other applicable standards. The application is being processed in compliance with the development code as a Type IV procedure with a quasi-juridical hearing.

3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.*

FINDINGS: Billboards in Fairview have been prohibited since 1997, when the first billboard regulations were adopted. At that time, billboards were prohibited because of their "unnecessary and adverse visual impact on the community". Since 1997 the City has continued to grow, filling in vacant land with new homes and businesses. While the density in housing and jobs has increased, many residents still value Fairview's small-town feel. Economic development and maintaining the community's small-town feel were both expressed as goals in the Fairview 20.30.40 visioning document, completed in December 2017.

19.470.400 Conditions of approval.
A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

FINDINGS: The planning commission and city council can deny, approve, approve with changes, or continue the hearing to a date certain.

19.470.500 Record of amendments.
The city recorder shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use.

FINDINGS: Public records will be maintained for this application and any resulting amendment.

19.470.600 Transportation planning rule compliance.

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0060…

FINDINGS: No map changes are proposed. This criteria does not apply.

VI. CONCLUSION AND RECOMMENDATIONS

STAFF RECOMMENDATION
A staff recommendation is not provided for this application.

PLANNING COMMISSION ALTERNATIVES

1. Recommend City Council adoption of draft Ordinance 10-2018.

2. Recommend City Council adoption of Ordinance 10-2018, incorporating some or all of staff feedback described in this report, and/or other changes recommended by the Commission.

3. Recommend City Council do not adopt Ordinance 10-2018.

4. Continue the Public Hearing to if additional information is needed.

Narrative for Zone Code Text Amendment and Land Use Application for 21414 NE Sandy Blvd

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property.

   Meadow Outdoor Advertising is requesting a text amendment to the Fairview Municipal Code (FMC) that will allow for the reconstruction of existing billboards in the City of Fairview. In consultation with the city's planning and public works department it was determined that a code amendment is the best way to allow for the reconstruction of existing billboards in the City of Fairview. There are currently three billboards in Fairview. All are located along the north side of I-84 and are currently considered legal non-conforming signs per FMC. Under the current code the signs may be maintained but cannot be rebuilt.

   Meadow is requesting this text amendment in order to allow for the reconstruction of one of these existing signs which is owned by Meadow. The sign is situated on commercially zoned property under a long-term lease at 21414 NE Sandy Blvd and reads to traffic travelling on I-84. The current sign was built in 1975 and is an old, single-sided, four post I-beam sign. Meadow is seeking this code amendment in order to replace the outdated structure with a modern, single-pole, two-sided sign structure at the same location.

   MFC 19.170.050 (F) currently reads:
   Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status.

   The proposed change to FMC 19.170.050 would read:

   Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. <u>An existing billboard sign may be rebuilt on the same property, and may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:</u>
   a) <u>The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and</u>
   b) <u>The modification results in a smaller footprint on the ground.</u>

   Changes in message shall not affect nonconforming status.

2. Please demonstrate compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a pre-requisite for approval.

The proposed text amendment is compatible with all Applicable Comprehensive Plan Policies. Specifically, the applicable plan policies are:

Goal 2. Community Building:

Goal 2, Policy 7 states "Additional commercial or industrial development will be sought on land scattered along the I-84/Union Pacific Railroad/Sandy Blvd corridors." The proposed text amendment is in keeping with Goal 2 of the Fairview Comprehensive Plan as it allows for the improvement of an existing commercial development on the I-84 corridor which provides improved availability of communication opportunities for businesses and the public in the surrounding community.

Goal 4. Open Spaces, Scenic and Historic Areas and Natural Resources:

Goal 4, of the Fairview Comprehensive plan is to conserve open space and protect natural and scenic resources in keeping with Oregon's LCDC. Specifically, policy 2 is to "enhance the attractiveness and livability of the city." In keeping with Oregon's LCDC Fairview's three existing outdoor advertising signs are located on commercial and industrial land. The proposed text amendment will not allow additional outdoor advertising signs in Fairview or allow the existing signs to be relocated or enlarged and so will not create a substantive change to Fairview's open spaces and natural and scenic resources. Additionally, the proposed amendment is designed to reduce the footprint and visual impact of signs' supporting structures and so improve the attractiveness of the city. The proposed text amendment will allow for the potential reconstruction of old outdoor advertising sign structures which will result in cleaner, more contemporary sign structures. If the amendment is approved it will result in the replacement of a somewhat dilapidated sign that currently has a "blacked-out" east side with a modern, two-sided sign structure. This will improve the overall appearance of the I-84 corridor in Fairview.

Goal 8. Economic Development:

Goal 8 of the Fairview Comprehensive Plan is to promote economic development. The proposed text amendment to allow the reconstruction of outdated outdoor advertising signs is in keeping with this goal by allowing the improvement of these existing commercial developments which serve the local economy. The sign we propose to rebuild is currently used by a local, Fairview based business, Action Motor Sports. Additionally, the reconstruction of the sign will include the addition of an advertising face reading to traffic headed toward the 207th St off-ramp, which is the primary exit used by west-bound traffic on I-84 headed into Fairview. As such the sign is ideally placed to promote local businesses and so support the local economy.

3. Please demonstrate compliance with all applicable standards of the Fairview Development Code, and other applicable ordinances.

   The proposed text amendment, if approved, will alter the applicable standards of the Fairview Development Code to allow for the reconstruction of outdated billboard structures in Fairview. Therefore, after the approval of the text amendment, the proposed reconstruction would comply with the standards of the Fairview Development Code. The proposed reconstruction would also be subject to the state's Oregon Motorist Information Act (OMIA), Oregon's statute regulating outdoor advertising signs. The proposed reconstruction which would result from the code amendment complies with all elements of state law regarding the regulation of outdoor advertising signs. (See attached letter from ODOT.)

4. Please Demonstrate evidence of change in the neighborhood or community, or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property, which is the subject of application.

   There has been an increase in economic activity in Fairview and the neighboring communities and an increase in traffic on I-84 since the building of the sign in 1975 making a rebuilding of the sign to a modern, two-sided sign structure something that would be beneficial to the local and regional economy and to the public traveling in and through Fairview. Additionally, time has taken its toll on the sign structure, making a replacement of the old structure with a new sign something that would be a benefit to the aesthetics of the sign and the community.

5. Demonstrate compliance with the Fairview Transportation System Plan.

   The proposed amendment complies with the Fairview Transportation System plan as outlined in the 2016 TSP. The first goal of the plan is to improve the overall livability of Fairview through improvements to transportation infrastructure. The proposed amendment will not alter the transportation infrastructure. Additionally, it will improve the general livability of the area by providing improved communication opportunities for businesses and the travelling public and by allowing the improvement of an outdated billboard structure by reducing the number of supports and reducing its footprint on the ground.

6. Zone Change and/or Comprehensive Plan Amendment: Describe in detail how the request will not interfere with the livability, development value or other land in the vicinity of site-specific proposals when weighted against the public interest in granting the proposed amendment.

The proposed amendment does not contemplate a change zoning or to the comprehensive plan but rather proposes and adjustment to the Fairview Municipal code. The code amendment will not interfere with the livability, development or value of other land in the vicinity of the parcel impacted by the amendment as the sign impacted by the amendment has been in place since 1975 and the area around the sign has developed while the sign has been in place. The subject property is in Sandy Boulevard's Corridor Commercial zone. Meadow's sign is in the far southeast corner of the subject property, abutting I-84 to the south and ODOT's water-catchment area to the east. As such there is no developable land in the immediate vicinity of the sign so the livability, development and value of adjacent properties will not be impacted by the proposed amendment. Additionally, the proposed amendment does not contemplate allowing a new use, rather, it permits the reconstruction on an existing use therefore the proposed amendment will not alter the livability, development or value of properties in the vicinity.

7. Zone Change and/or Comprehensive Plan Amendment: Describe in detail how the proposed amendment will not be detrimental to the general interest of the community.

The proposed amendment does not allow a new or different use in the commercial and industrial zones where the outdoor advertising signs in Fairview are located but rather allows for the reconstruction of an existing use. As such, the proposed amendment does not have a detrimental impact on the general interests of the community. Rather, the proposed amendment will enhance the general interests of the community, especially those related to the encouragement of economic development, by improving the communication/advertising opportunities for businesses and the public. In fact, Fairview's 2004 Comprehensive Plan cites the coming of Action Motor Sports to Fairview, which is the business currently advertising on Meadow's billboard, as in indication of the growing economic health of Fairview (Comp. Plan p. 78). The proposed amendment will enhance advertising opportunities for businesses in the area by allowing for the installation of advertising on the east side of the existing single sided billboard structure located at 21414 SE Sandy Blvd. Additionally, the proposed amendment allows for the reduction in the number of supporting members of the structure and the size of the footprint of a billboard sign, thus reducing the visual and impact of the sign and improving its aesthetics.

8. Zone Change Amendment: Describe in detail how the amendment will not violate the land use designations established by the comprehensive land use plan and or map or related text.

The subject property is designated as Corridor Commercial in the 2004 Comprehensive Plan. The proposed amendment does not contemplate a change to the use or the land use designation of the underlying property and is compatible with the property's commercial designation therefore the proposed

amendment will not violate the land use designations of the comprehensive plan.

The proposed amendment will not create “spot zoning” because there will be no change to the current zoning therefore no new zone designation will be created.

9. Zoning and/or Comprehensive Plan Map Amendment: Demonstrate how the site can be efficiently provided with public facilities, including water, sewer, electricity, and natural gas, if needed and that there is sufficient capacity to serve the proposed use.

   The proposed amendment does not contemplate any changes to existing services provided since the amendment only allows for the reconstruction of an existing use, not the addition of any uses. Therefore, no other facilities aside from the existing electrical connections will be needed.

10. Zone Change Amendment: Describe in detail, or provide separate Transportation Impact Study, how the proposed use will affect traffic in the area. What is the expected trip generation.

    As the proposed amendment does not contemplate the addition of a new use there will be no impact on the traffic in the area.

Exhibit A2

21414 NE Sandy Blvd, Fairview OR
EXISTING CONDITIONS

West Face.

East Face.

Exhibit A2

Mock-up showing Rebuilt. West Face

Exhibit A2

Mock-up showing Rebuilt. East Face

Exhibit A2

ELEVATION SKETCH
21414 NE Sandy Blvd

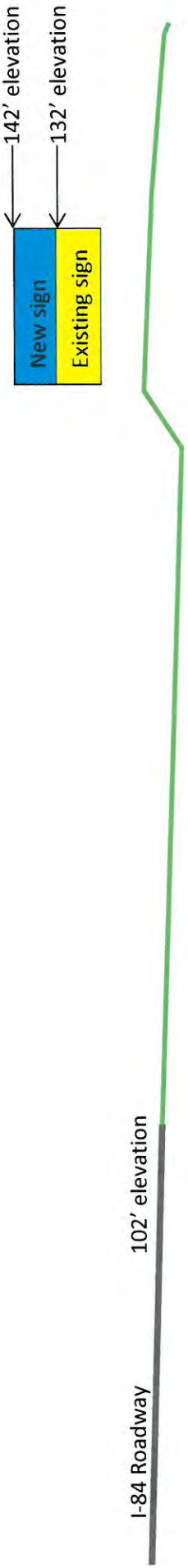


Exhibit A2

ELEVATION SKETCH
21414 NE Sandy Blvd

Exhibit A2

ELEVATION SKETCH
21414 NE Sandy Blvd

Exhibit A3

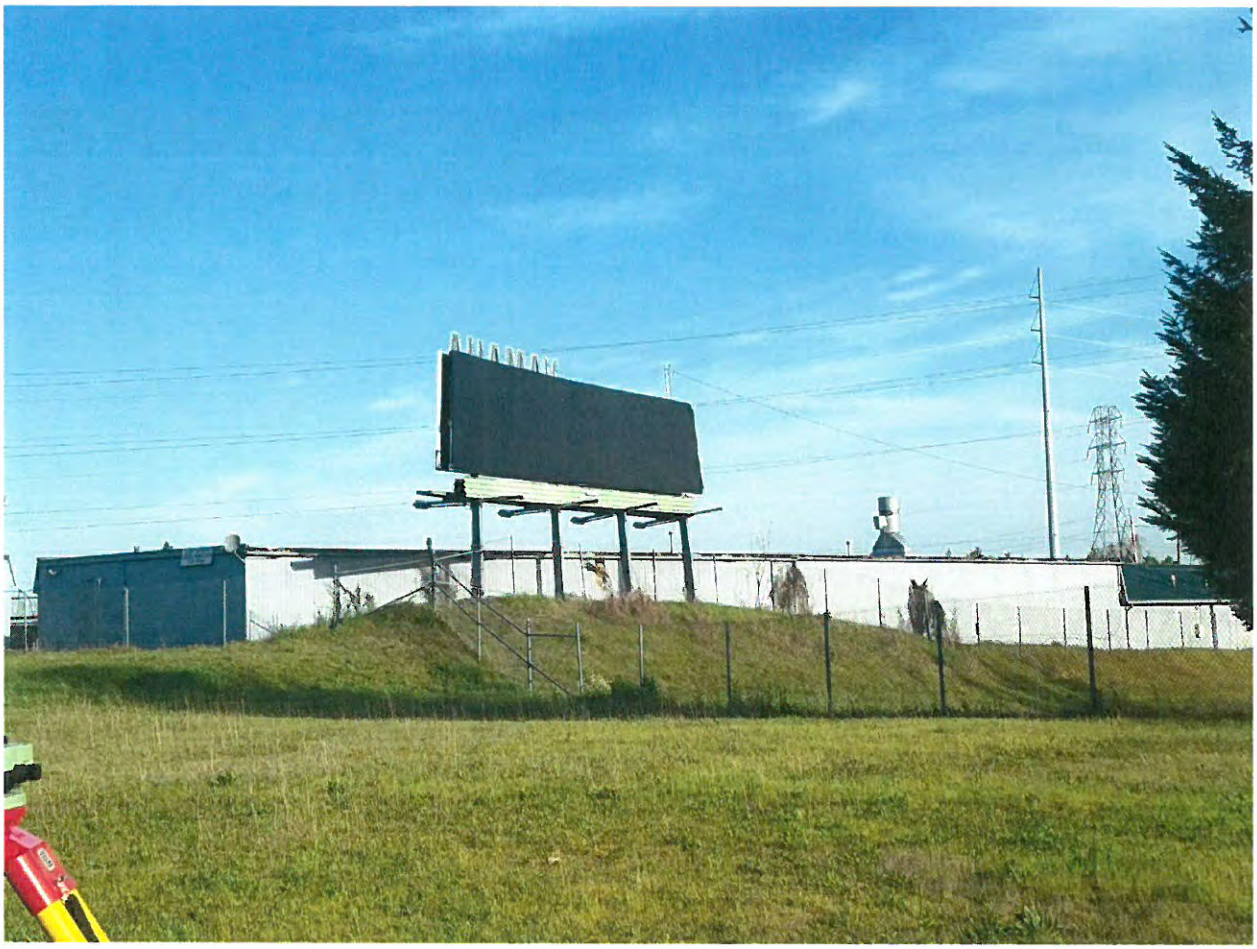
COMPASS Land Surveyors

Billboard Elevation Survey
Datum: NAVD 88

Billboard #1
21414 NE Sandy Blvd.
Fairview, OR 97024

Top of Billboard Elevation: 132 Feet

I-84 Paving Grade: 102 Feet



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

Exhibit A3

COMPASS Land Surveyors

Billboard Elevation Survey
Datum: NAVD 88

Billboard #2 "
22820 NE Sandy Blvd.
Fairview, OR 97024

Top of Billboard Elevation:132 Feet

I-84 Paving Grade: 101 Feet

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

Exhibit A3

COMPASS Land Surveyors

Billboard Elevation Survey
Datum: NAVD 88

Billboard #3 "
23400 NE Sandy Blvd.
Fairview, OR 97024

Top of Billboard Elevation:129 Feet

I-84 Paving Grade: 95 Feet

4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

Oregon
Kate Brown, Governor

Department of Transportation
Right of Way Section
4040 Fairview Industrial Drive SE – MS2
Salem, OR 97302
503-986-3600
Fax 503-986-3625
www.oregon.gov/odot/hwy/row

August 23, 2017

Brian Casady
Via email – bcasady@meadowoutdoor.com

RE: Revised - Conforming Status of OAS location
Multnomah County, North side, Hwy 002, MP 14.8

Dear Brian:

You requested a letter that provided status information for permitted outdoor advertising sign #6H0224, in Fairview, Oregon.

This is sign a currently permitted, conforming outdoor advertising sign, under Oregon Statute.

The sign was originally permitted in 1975, and is a conforming, single faced sign, visible to Interstate 84, hwy 002. As we discussed over the phone last week, the sign is located near a highway beautification purchase site, but it does have the required 500 foot spacing from that location.

The sign is located at a site that is zoned "Industrial" according to the Departments records, and it maintains the required spacing from other outdoor advertising signs.

If a complete application was received, including the approval of the local jurisdictional authority, Oregon Statute would allow the sign to be reconstructed at its current location, or relocated to another legal location.

Under Oregon Revised Statute (ORS) 377.710(23), a reconstruction of an outdoor advertising sign could include: "...replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.844."

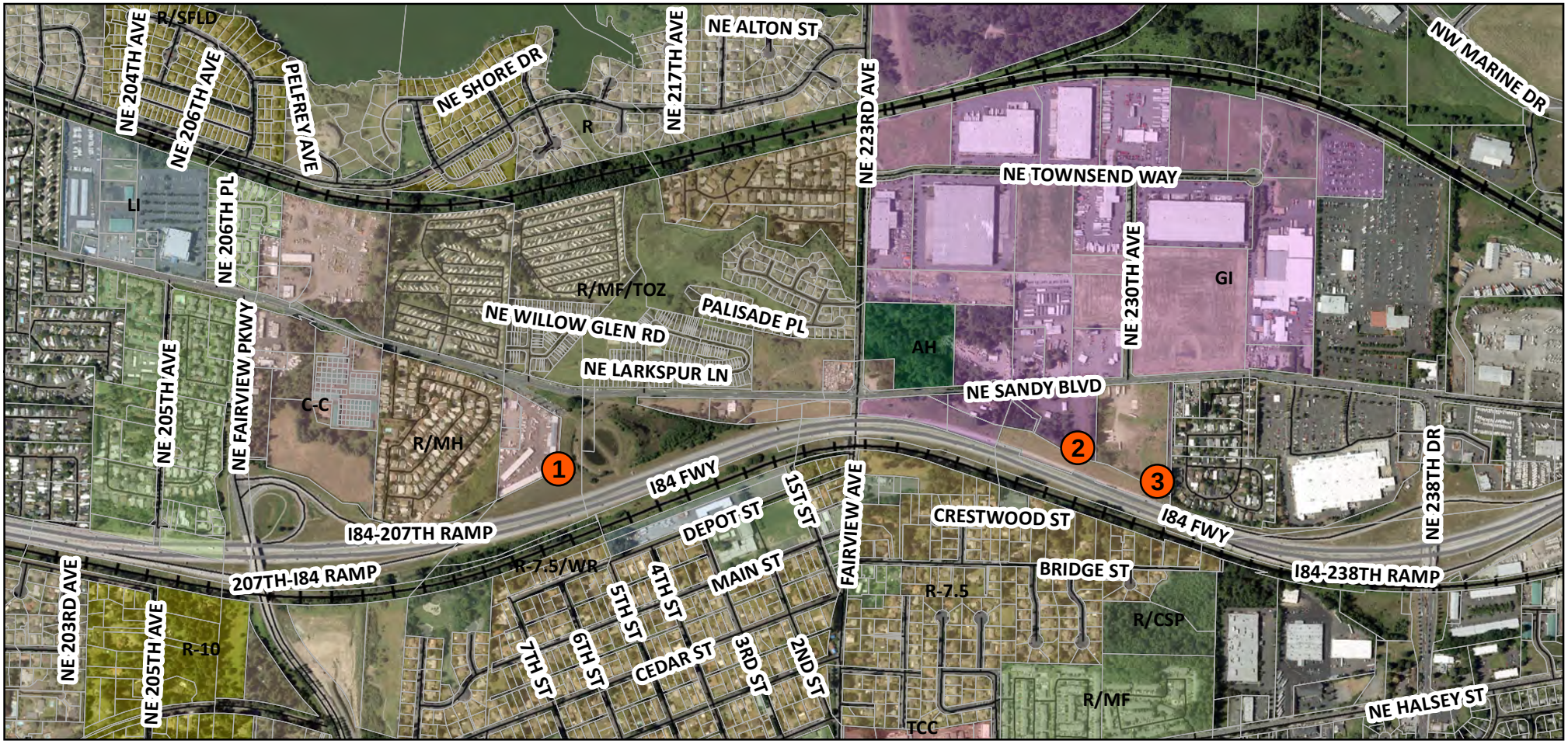
Additionally, ORS 277.725(8) allows the reconstruction of a conforming outdoor advertising sign to add another display surface on the opposite side of an existing sign that is no larger than the existing display surface.

If you have any additional questions, or need any further information, please let me know.

Sincerely,

Jill Hendrickson
Outdoor Advertising Signs
Program Coordinator

EXHIBIT D PLANNING COMMISSION PACKET FOR 10-9-2018 HEARING WITH EXHIBITS



Existing Billboards

City of Fairview
1300 NE Village Street
Fairview, OR 97024
(503) 665-7929
www.fairvieworegon.gov

1 inch = 1,000 feet

This map is for informational purposes only and the City cannot accept responsibility for any errors, omissions, or positional inaccuracy. This map is provided "AS-IS".

Print Date: 12/1/2017
Printed By: rutledgee

T:\PROJECTS\Sign Code Update\SiteMap.mxd

Sign Code Comparison

Jurisdiction	Billboards	Non-Conforming Signs
Fairview	Billboards are prohibited, however, existing billboards can remain and be repaired.	Nonconforming signs can remain as long as they are maintained in good repair.
Wood Village	"Freeway oriented" signs up to 45' in height and 250 SF in area are allowed. This is significantly smaller than what would be required for a modern, average sized billboard. Meadows' current billboard in Fairview is 576 SF in area.	Nonconforming signs shall be made to comply with the sign code when structural alterations, relocation, or replacement of a sign occurs. Off-site repair/restoration and normal maintenance is allowed without loss of nonconforming status.
Troutdale	Freeway signs are allowed in Commercial and Industrial Zones. Max height is 60' above freeway elevation and max area is 672 SF.	No additions or enlargements may be made to nonconforming signs. If signs are moved, replaced, or structurally altered they shall be brought into conformance with current standards.
Gresham	Billboards not mentioned in sign code. The max freestanding sign height is 25' and the max freestanding sign area is 250 SF (in the Moderate Commercial and Community Commercial zones).	Nonconforming signs shall be made to comply with the current code when structural alterations, changes of face sign, or relocation or replacement occur. Nonconforming signs that result from changes in code are given ten years to comply with new code or to be removed.
Multnomah County	Billboards allowed, however, they are capped at the number that existed when Title 11.15.7952 was approved. Billboards can be relocated under certain conditions (sale of property, damage, etc.) Maximum height is 50' (measured from top of sign to the grade below the sign). The max area is 672 SF.	Nonconforming signs that are moved, replaced, or structurally altered shall be brought into conformance with current sign regulations. Maintenance, repair, and changes of sign faces of nonconforming signs are allowed.
Tigard	Billboards are prohibited, however, freeway signs are allowed. Max height is 35' and max area is 160 SF.	Nonconforming signs that are structurally altered, relocated, or replaced shall immediately be brought into compliance with current standards. Repairs and maintenance okay, however, damage or repair beyond 50% of its replacement cost shall be brought into compliance.

ORDINANCE
(08-1997)

AN ORDINANCE AMENDING ORDINANCE 9-1990 ENTITLED: "AN ORDINANCE TO GUIDE, REGULATE AND CONTROL THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENTIAL, BUSINESS INDUSTRIAL AND OTHER USES IN THE CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON: SETTING FORTH DEFINITIONS, PERTINENT PROVISIONS AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; REPEALING ORDINANCES 1-1958, 1-1968 AND 2-1979; AND OTHER PERTINENT PROVISIONS."

THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

SECTION 1: FINDINGS

A. ZONING ORDINANCE: TEXT AMENDMENT PROPOSAL

A review of the Fairview Zoning Ordinance revealed that no provisions existed for the regulation of billboard signs or inspection of energized signs. Further, no clear process for sign approval is in effect. Therefore, text amendments to the Fairview Zoning Ordinance were developed which: regulate billboard signs to be maintained but not replaced or relocated; prohibit new billboard signs within the city; allow for an administrative approval process utilizing a sign permit application form provided by the City; provides for an electrical inspection of all energized signs requiring a permit.

On March 4, 1997, the Planning Commission reviewed and approved the text amendments contained herein adding a provision that billboard signs may not be increased in size during any repair, maintenance or relocation. In accordance with the recommendation of the Fairview Planning Commission, it is proposed that the following Zoning Ordinance text amendments be incorporated into the Sign Regulation Section of the Fairview Zoning Ordinance:

1. The first proposed Zoning Ordinance text amendment defines billboard signs for the purpose of regulating billboards as described in subsequent sections of these Zoning Ordinance text amendments.

2. The second proposed Zoning Ordinance text amendment specifies that sign permit applications be made on sign permit application forms provided by the City.

3. The third Zoning Ordinance text amendment provides for administrative approval which would allow sign permit applications to be approved by the City Administrator or designee in order to expedite the approval process. Section 4.144(A)(2) Plans would be changed to Section 4.144(A)(3) Plans.

4. The fourth Zoning Ordinance text amendment would require an electrical inspection of all energized signs requiring a sign permit prior to any said sign being energized. Section 4.144(B)(1)(C) would be changed to Section 4.144(b)(1)(D).

5. The fifth Zoning Ordinance text amendment would add billboard signs to Section 4.146 Titled Signing of Non-conforming Uses. Under this section billboard signs existing at the effective date of this ordinance would be permitted to remain and be maintained but not replaced, relocated, enlarged, or otherwise structurally modified. This proposed requirement would not affect the signs message or content, only the physical structure of the sign.

6. The sixth Zoning Ordinance text amendment provides for hardship relief for billboards displaced by public improvement projects such as road widening. Such hardship relief would be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance. This text amendment changes the title of Design Review Board to Planning Commission.

7. The seventh Zoning Ordinance text amendment would prohibit new billboard signs but allow existing billboard signs which would be designated as non-conforming under new Section 4.146, billboard signs exempted through hardship relief under new Section 4.147 and billboard signs existing at the effective date of the Ordinance within commercial and industrial zones as specified in new Section 4.154.

8. The eighth Zoning Ordinance text amendment would delete the last sentence of Section 4.151(C) which reads "Nonconforming signs outdoor advertising signs subject to Federal law are required to comply with this section." This sentence is misprinted in the existing Zoning Ordinance and should read "...are **not** required to comply with this section." Should the billboard provisions of this proposed Zoning Ordinance amendment be adopted, the last sentence of Section 4.151(C) will be unnecessary.

9. The ninth Zoning Ordinance text amendment would change the title of Design Review Board to Planning Commission under Section 4.152 titled Nonconforming Exceptional Signs.

10. The tenth Zoning Ordinance text amendment would add new Section 4.154(H) allowing billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair but not replaced, relocated, or otherwise structurally modified in commercial and industrial zones.

B. ZONING ORDINANCE TEXT AMENDMENT APPROVAL CRITERIA:

Section 5.062 of the Fairview Zoning Ordinance lists the criteria for approving an amendment to the zoning map or ordinance text:

1. The amendment will not interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendment.

2. The amendment will not be detrimental to the general interests of the community.

3. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

4 The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complimentary designations without creating inappropriate "spot zoning."

In response to the criteria, the following findings are given:

1. Regulation of billboard signs serves to enhance neighborhood liveability, and protect the aesthetic values of surrounding properties.

   Administrative approval of sign permit applications will expedite the approval process, decreasing the probability of delayed development.

   None of the proposed text amendments will interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendments.

2. Regulation of billboard signs serves to enhance the public's safety by reducing distraction to motorists.

   Required electrical inspections for all energized signs requiring a permit prior to the signs being energized serves to enhance public safety by reducing the probability of fire and electrical injuries.

   Administrative approval of sign permits will reduce staff time and expedite the approval process for sign permit applicants.

   None of the proposed text amendments will be detrimental to the general interests of the community.

3. None of the proposed text amendments violate either the Comprehensive Plan Map or related text.

4. Each of the proposed amendments affect Zoning Ordinance text only and do not change any of the land use designations shown on the Zoning Map. Therefore, there is no potential for "spot zoning".

C. CONCLUSIONS:

The proposed Zoning Ordinance text amendments meet the Zoning Ordinance text and map amendment approval criteria of Section 5.062 of the Zoning Ordinance.

SECTION 2: PURPOSE OF ORDINANCE

That ordinance 9-1990 of the City of Fairview entitled "An ordinance to guide, regulate and control the location and use of buildings, structures and land for residential, business industrial and other uses in the City of Fairview, Multnomah County, Oregon: setting forth definitions, pertinent provisions and providing for administration and enforcement; repealing ordinances 1-1958, 1-1968 and 2-1979; and other pertinent provisions.", which was adopted on the 15th day of August, 1990, shall be amended by the addition of new Section 4.143, adding a new definition, new Section 4.144(A)(1)(2)(3), amended Section 4.144(B)(1)(C)(D), amended Section 4.146(G), amended Section 4.147, amended Section 4.150(B)(4), amended Section 4.151(C), amended Section 4.152 and amended Section 4.154(H), which new Sections shall read as follows:

"Section 4.143. Definitions.

Sign, Billboard. *A free standing sign not pertaining to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.*

"Section 4.144 Sign ~~Development~~ Permit.

A. ***Sign*** Permit Application.

   1. ***Sign*** Permit Form.

      Application for a sign ~~development~~ permit shall be made on ***the sign permit application form*** ~~forms~~ provided by the City.

2. Administrative Approval.

Completed sign permit applications must be approved by the City Administrator or designee. Incomplete sign permit applications are subject to denial.

3. Plans

B. Inspection Required.

1. All work for signs requiring a permit shall be inspected in the following stages:

~~C) After installation is complete.~~

C) When electrical work is completed. Electrical signs shall not be energized until the final electrical inspection has been approved.

D) After installation is complete.

"Section 4.146. Signing of Non-Conforming Uses.

G. Billboard Signs. Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect non-conforming status.

"Section 4.147. Hardship Relief.

Hardship relief may be requested from the ~~Design Review Board~~ *Planning Commission* for all sign regulations except for prohibited signs.

Hardship relief for billboards displaced by public improvement projects may be requested from the Planning Commission and shall be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance.

"Section 4.150. Prohibited Signs.

B) (4) Billboard signs except as provided by Section 4.146, Section 4.147 and Section 4.156 of this ordinance.

"Section 4.151. Nonconforming Signs.

C. Any nonconforming permanent sign installed prior to September 1, 1990, which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by September 1, 2000. Any nonconforming temporary sign installed prior to September 1, 1990 which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by March 1, 1991. ~~Nonconforming outdoor advertising signs subject to Federal law are required to comply with this section.~~

"Section 4.152. Nonconforming Exceptional signs.

The ~~Design Review Board~~ *Planning Commission* may recognize exceptional nonconforming signs.

"Section 4.154. Permitted Signs Within Commercial and Industrial Zones

H. Billboard Signs.

Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged or otherwise structurally modified.

Key

New Language in Italics ~~**Deleted Language in Strikeout**~~

SECTION 3: AMENDMENT OF ZONING ORDINANCE

The Zoning Ordinance (Ordinance 9-1990) is amended to reflect the changes described in Section 2.

FIRST READING: March 19, 1997

SECOND READING AND PASSED: March 19, 1997

YES: 5 (Weatherby, McCutcheon, Edwards, Tuomala, Vonderharr)

NO: 0

ABSENT: 2 (Lillard, Raze)

ABSTAINED: 0

Mayor, City of Fairview

3-19-97
Date of Signing

ATTEST:

Caren C. Huson Quiniones
Recorder, City of Fairview
Caren C. Huson Quiniones

ORDINANCE
(10-2018)

AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.170 SIGN REGULATIONS TO ALLOW NON-CONFORMING BILLBOARDS TO BE REBUILT ON THE SAME PROPERTY UNDER CERTAIN CONDITIONS

WHEREAS, signs and billboards are regulated under Fairview Municipal Code (FMC) Chapter 19.170 Sign Regulations; and

WHEREAS, FMC 19.170 prohibits the construction of new billboards and the replacement, relocation, and enlargement of existing billboards; and

WHEREAS, Meadow Outdoor Advertising has applied for an amendment to FMC 19.170 allowing non-conforming billboards to be rebuilt on the same property and raised 10 ft. above the adjacent roadway, subject to certain conditions (described in Attachment 1); and

WHEREAS, there are three existing non-conforming billboards in the City of Fairview (described in Attachment 2); and

WHEREAS, the City provided notice of Ordinance 10- 2018 / 2018-61-TC to DLCD and Metro on September 4, 2018; and

WHEREAS, the City provided notice of the hearings consistent with Fairview Municipal Code Chapter 19.413 and ORS 227.186; and

WHEREAS, the planning commission held quasi-judicial hearing on the application on October 9, 2018 and issued a recommendation to the city council based on the applicable approval criteria (reserved for Attachment 3 – meeting minutes); and

WHEREAS, the city council held a quasi-judicial hearing on the application on (date) and issued a decision based on the applicable approval criteria (reserved for Attachment 4 – meeting minutes);

NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

Section 1 The Development Code, Chapter 19 of the Fairview Municipal Code, is amended in substantially the same form as the attached Attachment 1.

Section 2 The City adopts the Findings set forth in the staff report dated (date), attached as Attachment 5.

Section 3 This Ordinance takes effect 30 days after its adoption.

Ordinance adopted by the City Council of the City of Fairview, this day of , 2018.

_____
Mayor, City of Fairview
Ted Tosterud

ATTEST

_____ _____
City Recorder, City of Fairview Date
Devree Leymaster

DRAFT

Proposed Text Amendment

FMC 19.170.050(F)
Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, shall be permitted to remain and be maintained in reasonable repair ~~but may not be replaced, relocated, enlarged, or otherwise structurally modified~~. An existing billboard sign may be rebuilt on the same property, and may be modified to improve the structural or aesthetic nature of the signs, including altering the height to be not more than 40 feet above the adjacent roadway, if the following requirements are met:

a) The modified structure includes fewer supporting elements and so decrease the visual impact of the supporting structure; and
b) The modification results in a smaller footprint on the ground.

Changes in message shall not affect nonconforming status.

Address / Tax Lot	Year Built/Rebuilt	Dimensions	Height (Highest Point)	Zone
21414 NE Sandy Blvd / 1N3E28AC -100	1975	576 SF	37 Feet	Corridor Commercial
22820 NE Sandy Blvd / 1N3E27B -1004	1995	560 SF	77 Feet	General Industrial
23400 NE Sandy Blvd / 1N3E27B -1100	1997	672 SF	69 Feet	Corridor Commercial

Exhibit E1

MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, December 12, 2017

PRESENT: Ed Jones, Chair
Russell Williams, Vice Chair
Hollie Holcombe
Steven Hook
Steve Kaufman

ABSENT: Les Bick

STAFF: Sarah Selden, Senior Planner
Eric Rutledge, Associate Planner
Allan Berry, Public Works Director
Devree Leymaster, City Recorder

1. CALL TO ORDER

Chair Jones called the meeting to order at 6:30 PM.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Jones inquired if any person would like to speak on a non-agenda item, hearing none moved to approval minutes.

3. REVIEW AND ADOPT MINUTES

Commissioner Hook requested the minutes clarify the application was not continued. Commissioner Williams moved to approve the August 29, 2017 minutes with the clarification and Commissioner Holcombe seconded. The motion passed unanimously.

4. WORK SESSION

Associate Planner Rutledge briefed the Commission on current billboard sign regulations and potential amendments for Commission discussion. AP Rutledge noted the discussion item and proposal is at the request of Meadow Outdoor Advertising.

Brian Cassidy, Meadow Outdoor Advertising, The Dalles, OR spoke about the billboard sign that has been located in Fairview since 1981. They would like to rebuild the sign, but the current regulations only allow repairs. He presented his proposal to allow reconstruction of existing billboards. *(Exhibit A)*

Vice Chair Williams commented the current regulations are designed to phase out all billboard signs and summarized the proposal would raise the height from 25 feet to 40 feet; advertising would be permissible on both sides; all three existing billboards could be reconstructed; there is no sunset date; and no new billboards would be allowed.

Commissioner Hook remarked he understands the economic benefit for businesses; but billboards are unsightly and there is no guarantee that it will always be a Fairview businesses advertising on the billboard(s).

Vice Chair Williams asked if they proposed to reposition the sign. Mr. Cassidy replied probably not, but they would request a "V" build to allow each side to be oriented for better viewing from the freeway.

Commissioner Kaufman commented the goal was to eliminate billboards in Fairview. He questioned if the visual clutter is worth the benefit to economic development.

Chair Jones indicated he would support a modification for existing billboard signs.

Commissioner Hook noted he would like to see an incentive to encourage Fairview businesses to advertise on Fairview billboard signs.

The Commission clarified cell equipment is not currently on the signs and they would not support their use for cell equipment in the future.

Overall the Commission indicated they would support and consider a code change, with the exception of Commission Kaufman, who stated he would not support a change.

Senior Planner Selden commented staff is not requesting a change at this time; but if Meadow Outdoor Advertising wanted to proceed a proposed amendment will require a Type IV application, and public hearings and approvals of Planning Commission and City Council.

5. COMMISSION UPDATES

Commissioner Jones commented on small (tiny) homes and their increasing popularity for transitional housing. He proposed the Commission be proactive and define what they are/under what conditions (permanent housing hooked up to full utilities or temporary/recreational vehicle, as they have wheels), zoning, purpose, etc.

6. STAFF UPDATES

SP Planner Selden shared the Main Streets on Halsey project is moving forward. They were awarded a grant to assist in identifying optimal business types/activities along the corridor, to assist with marketing/branding, and to evaluate development codes.

SP Planner Selden commented on an inquiry, no formal application, to develop a mini storage facility on the corner of 223rd/Sandy Blvd. The property is in corridor commercial and this type of use is currently not permitted. She asked if the Commission would consider allowing a mini storage development in corridor commercial.

Chair Jones remarked he would need more information. He would be concerned they would be giving away prime commercial space. Commissioners Kaufman, Williams, and Dennerline agreed; they would not be supportive based on the face of it.

7. TENTATIVE AGENDA

- Development Incentive Program
- Renewal of the (3 cities) Enterprise Zone

8. ADJOURNMENT

Meeting adjourned by consensus at 7:32PM.

Devree Leymaster
Devree A. Leymaster
City Recorder

Ed Jones
Chair

7/10/18
Date

FAIRVIEW CITY COUNCIL MEETING

Fairview City Hall
300 Harrison
665-7929

MARCH 19, 1997
7:30 PM

MEETING AGENDA

I.	CALL TO ORDER ROLL CALL		7:30 PM
II.	CONSENT AGENDA	(A)	
	A. MINUTES February 19, 1997 March 5, 1997		
	B. APPOINTMENT Parks Committee		
	C. RESOLUTION Surplus Property		
	D. CONTRACT AWARD Wetlands Facilities		
III.	CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS		7:35 PM
IV.	PUBLIC HEARINGS		
	A. RESOLUTION - (Sarvis) Water Systems Development Charges Ray Bartlett	(A)	7:45 PM
	B. RESOLUTION - (Holstrom) Charter Amendment	(A)	8:15 PM
V.	COUNCIL BUSINESS		
	A. DISCUSSION Transportation Update Chuck Henley	(I)	8:20 PM
VI.	PUBLIC HEARINGS (continued)		
	C. ORDINANCE - (Seidel) Zone Ordinance Amendment First & Second Readings Signs/Billboards	(A)	8:50 PM

MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024

MARCH 19, 1997 -- 7:30pm

I. CALL TO ORDER/ ROLL CALL

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT:
Mayor Roger Vonderharr
Councilor Mike Weatherby
Councilor Dave McCutcheon
Councilor Len Edwards
Councilor Peter Tuomala

ABSENT:
Councilor Sherry Lillard
Councilor James R. Raze

STAFF PRESENT:
Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
Roy Wall, Finance Director
John Pettis, City Planner
John Seidel, City Intern
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Tuomala moved and Councilor McCutcheon seconded the motion to remove Item D, Contract Award for Wetlands Facilities, from the Consent Agenda for further discussion.

AYES: 5
NOES: 0
ABSTAINED: 0

Councilor Tuomala moved and Councilor McCutcheon seconded the motion to approve the Revised Consent Agenda, consisting of: an Appointment to the Parks Committee; Resolution 6-1997, A RESOLUTION DECLARING CITY ITEMS AS SURPLUS PROPERTY AND INDICATING INTENT AND METHOD FOR DISPOSAL OF SUCH PROPERTY; and, the Minutes of February 19 and March 5, 1997.

AYES: 5
NOES: 0
ABSTAINED: 0

Councilor Tuomala stated that he was not aware that the City must match the $10,000 in grant funds from Metro for the Wetlands Facilities project to be located in the Fairview Creek/Old Salish Ponds open space area. John Pettis, City Planner, stated that the $10,000 Metro Greenspace Grant would require matching City funds, and that the purpose of hiring a consultant at this point in time is to develop a master plan and design the facilities to be located in the Fairview Creek/Old Salish Ponds open space area. Planner Pettis reported that, with the approval of hiring a consultant and matching the grant, the City will end up with quality construction drawings and a product beyond the generality of a Master Plan; this project will specify exactly where trails and facilities would be located in the 70-acre site.

Councilor Tuomala moved and Councilor Edwards seconded the motion to approve authorizing the City Administrator to sign a Personal Services Agreement with Henderson Land Services for providing those services outlined for the Fairview Creek/Old Salish Ponds open space area.

AYES:	5
NOES:	0
ABSTAINED:	0

III. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

IV. PUBLIC HEARINGS

A. RESOLUTION - Water Systems Development Charges

Ray Bartlett, City Financial Consultant, reported that the proposed resolution would increase the City's Water System Development Charge (SDC) from its current rate of $920 per basic single-family service to $1615; this increase was based on the escalation of construction costs and meter equivalents.

Councilor Weatherby questioned if costs increase by different factors year by year, and by how much. Mr. Bartlett responded that rates vary, but costs have risen considerably in the last few years; if inflation remains level, the City will be fine as there is an inflation consideration considered in the proposed resolution for each year.

Mayor Vonderharr opened the public hearing; as no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Tuomala moved and Councilor Edwards seconded the motion to adopt Resolution 7-1997, A RESOLUTION BY THE CITY COUNCIL OF FAIRVIEW, OREGON, REVISING WATER SYSTEMS DEVELOPMENT CHARGES.

AYES: 5
NOES: 0
ABSTAINED: 0

B. RESOLUTION - Charter Amendment

Marilyn Holstrom, City Administrator, reported that during the Council's annual goal setting session, a goal was established to ask the voters of Fairview to amend the City's Charter so that City employees could not be members of the City Council. Administrator Holstrom stated that a discussion was held regarding this issue at the Council's previous meeting, and it was decided that the Charter Amendment would go before the voters at the May 20, 1997 election.

Mayor Vonderharr opened the public hearing; as no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor McCutcheon moved and Councilor Tuomala seconded the motion to adopt Resolution 8-1997, A RESOLUTION SUBMITTING TO THE VOTERS AT THE MAY 20, 1997 ELECTION, A MEASURE TO AMEND THE CITY CHARTER.

AYES: 5
NOES: 0
ABSTAINED: 0

V. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

At 7:45pm, Mayor Vonderharr asked for Mayor/Committee reports until such time as Chuck Henley of Multnomah County Transportation arrived for his report.

Councilor Weatherby questioned the term limit for the City's Municipal Court Judge. Administrator Holstrom responded that the Municipal Court Judge holds his position until the Council decides to remove him. Councilor Weatherby suggested that the Municipal Court Judge position be reviewed in terms of evaluation and length of office.

Councilor Tuomala reported that the Oregon Department of Energy has been renamed the Office of Energy (OE), and that Gregory Churchill of that office will begin his walk-through of City facilities for an energy audit. Councilor Tuomala indicated that prior to his arrival, Mr. Churchill would like to have the utility bills for City facilities FAXed to him, along with the square footage of all City facilities.

Councilor Tuomala stated that at the last Parks Advisory Committee meeting, Holt & Haugh presented information on the parks in Fairview Village, and that the Parks Committee will meet again tomorrow. Councilor Tuomala commented that the Parks Committee is very sharp and that their questions to Holt & Haugh were very direct and their concerns valid. Councilor Tuomala commented that after the Parks Committee meeting, Holt & Haugh spoke to him about the proposed new City Hall, and that they have taken it upon themselves to prepare a preliminary design of the new facility and that they would like monetary payment for the preliminary drawings. Councilor Tuomala stated that he had mentioned energy efficiency for the new City Hall as PGE had approached Holt & Haugh with their Smart Program and Holt & Haugh turned them away. Administrator Holstrom commented that she thought Holt & Haugh felt that they have included energy efficiency in their plans already. Mayor Vonderharr stated that the City could not specify the use of one company over another if we enter into an agreement, but Councilor Tuomala was correct in that we have to look out for the interests of the City. Councilor Tuomala suggested that when the City finally contracts with a developer for the new City Hall, that we stipulate that they must work with the Office of Energy, at no charge, to make sure Fairview has the most energy efficient building. Mayor Vonderharr responded that those decisions would need to be made by the City Hall Committee, who in turn would bring their recommendations to the Council. Councilor Edwards, a member of the City Hall Committee, stated that he took exception to the fact that Councilor Tuomala was discussing a new City Hall and making suggestions before the actual Committee had an opportunity to review any proposals.

Councilor Weatherby commented that the message needs to be sent to Holt & Haugh that all decisions will be made by the City as to where and how a new City Hall will be constructed.

Councilor Edwards commented that once recommendations are received from the City's energy audit, he would not vote for spending money on the current City Hall building until we were certain that the City would not be receiving a new City Hall. Mayor Vonderharr stated that when the audit is completed, it should indicate what the payback time would be on any energy improvements to be made, as if a recommendation would take 20 years to reap any benefit, the City may opt to not spend funds on certain suggestions. Councilor McCutcheon suggested that tonight's discussion be dropped until the audit is received; Mayor Vonderharr agreed.

Councilor McCutcheon indicated that he had no comments or concerns.

Mayor Vonderharr reported that he had met with Phil Donovan, of Congressman Blumenauer's Office, and gave him a tour of Fairview. Mayor Vonderharr stated that they had discussed the Post Office/Zip Codes not being switched as yet from Troutdale, CDBG funds, and the preservation of the City's ability to charge franchise fees. Mayor Vonderharr commented that in today's paper there was an article about the State implementing a 5% statewide utility fee and he wondered if that would be to the City's benefit. Roy Wall, Finance Director, responded that not enough specifics were in the article to determine what it would mean for Fairview, but he would say it looks optimistic.

Mayor Vonderharr reported that Channel 2 had interviewed him regarding the proposed Portland/Multnomah County Consolidation, and he had explained why he would not be supportive of it. The Oregonian had also called for his opinion on the Consolidation. Mayor Vonderharr indicated that a meeting will be held on March 25th for the Mayors in Multnomah County to present their ideas on the proposed Consolidation, and he will ask at that time why the East County cities are being kicked out of the County and why Portland doesn't form its own County, leaving Multnomah County to remain as it is. Mayor Vonderharr stated that a forum will be held on March 27th and will provide an opportunity for the Councils to discuss the Consolidation; his major concern is that each City would have a loss of control and simply be part of a large entity. Since Portland has huge debts, East County cities could end up financing their services, infrastructure, and improvements and not receive any improvements in East County.

VI. COUNCIL BUSINESS

A. DISCUSSION - Transportation Update

Chuck Henley, Multnomah County Transportation, approached the podium and reported that the County now has $13 million of improvements under contract, mostly in Fairview. Mr. Henley thanked Fairview for their cooperation and assistance in the work the County is providing for City infrastructure. Mr. Henley stated that the following projects were currently under construction: Glisan Street between 223rd and 242nd Avenues which is about 80% complete; Glisan Street east of 223rd Avenue should be completed the first part of June; Halsey Street/223rd Avenue is about 50% complete timewise and was again delayed due to weather and ground conditions; however, 10 miles of conduit will be installed, a mile of sewer line, and 3/4 mile of road with two traffic signals will be placed, with completion anticipated for June 30, 1997, weather permitting; the final project in Fairview is the 207th Connector from I-84 to Glisan Street and then Glisan from 207th to 223rd; preparations were currently being made to begin work on Halsey Street by March 26th; the intersection of Halsey and 207th is hoped to be completed by June 30th, with the 207th open between Halsey and Glisan by November 30, 1997; however, the overall contract states that the project is due to be complete by June 30, 1998. Mr.

Henley reported that the signal at Halsey and 201st Avenue is to be installed by August 1997, and that it would be a multi-phased signal.

Mr. Henley reported that the project to reconstruct Halsey Street between 223rd and 238th Avenue will probably not be started until the first part of 1999, due to the County's workload. That project would include widening of Halsey Street to include a bikepath. Mr. Henley also reported that the County has scheduled preliminary engineering to begin on the railroad overpass on 223rd Avenue in 1998.

Councilor Weatherby questioned why the paving of 223rd Avenue is taking so long. Mr. Henley responded that the County is widening 223rd Avenue to taper down to three lanes at Halsey, and that it was simply the saturated ground conditions that were preventing any repaving, as the ground will not permit a subgrade for a firm base for the roadway. Councilor Weatherby asked why contractors sign a contract saying they will complete a project by a certain date and then not have it completed. Mr. Henley responded that contractors are given an end date in the agreement; however, weather conditions are beyond their control and the area has received an abnormally heavy rainfall this season.

Councilor Weatherby asked how soon the 207th interchange would be opened for freeway access. Mr. Henley responded that the Oregon Department of Transportation (ODOT) plans to open the interchange, to the north only, in a few weeks, but they will keep the southbound ramp closed until they research the 238th interchange closure. Mayor Vonderharr stated that the County plans to take care of Sandy Boulevard between 207th and 238th Avenues, and that Portland owns a stretch of Sandy Boulevard to the west, and asked who will control the middle section of Sandy Boulevard between the above two areas. Mr. Henley responded that he did not know. Mayor Vonderharr suggested that it would be wise for the County to have the State place a signal at 207th and Sandy Boulevard. Mr. Henley responded that if the intersection warrants it, the County would place a signal at that location.

Councilor Tuomala stated that the patchwork which was done on 223rd Avenue and Halsey was unacceptable, and that Circle S Landscaping had a problem as County construction was to have taken place in front of their business, they were asked to remove their landscaping, and now have been told that the work has been cancelled. Councilor Tuomala also mentioned the fact that the entrance to Thriftway was extremely dangerous.

Mayor Vonderharr stated that Fairview could not wait until the end of November for the 207th Connector to be opened at Glisan Street, and that a contingency plan was needed. Mr. Henley suggested a detour plan be put in place near 181st Avenue, and that perhaps the County and City could team up and meet with ODOT representatives to express concerns and ideas.

Councilor Edwards reiterated that improved patching needs to be done at 223rd and Halsey. Mr. Henley responded that until they can reconstruct the base, there will be a reoccurring problem at that intersection until good weather is received. Councilor Edwards read a letter which was received from the Fairview Thriftway, indicating that they have had a drop in customers and sales since construction began in the area. Mr. Henley stated that he was sympathetic to Thriftway and that businesses do suffer during construction, but he firmly believes that the County will be improving the roadway for Thriftway customers. Councilor Edwards asked what the completion date is for the 7th Street Extension. Mr. Henley responded that construction was scheduled to be completed by June 30, 1997.

Councilor Tuomala suggested that a schedule be sent from the County to business owners, indicating what was going on and the anticipated deadlines. Mr. Henley stated that the County has a construction meeting once a month and that business owners are welcome to attend and voice any concerns they may have.

Councilor McCutcheon questioned if the railroad bridge on 223rd Avenue has moved up on the County's priority list. Mr. Henley responded that it is on the list of top ten projects in terms of structures, and that it was just a matter of obtaining the funds; however, we would like to see the project constructed within five years.

Mayor Vonderharr submitted a letter to Mr. Henley regarding the Marine Drive/223rd Avenue intersection and the issue of log trucks. Mr. Henley indicated that he would visit the site. Administrator Holstrom wished to clarify that the 207th off-ramp would not be opened southbound until signals are placed on Halsey Street. Mr. Henley confirmed that was correct.

VII. PUBLIC HEARINGS CONTINUED

C. ORDINANCE - Zone Ordinance Amendment First & Second Readings

John Seidel, City Intern, reported that the proposed Zoning Ordinance Amendments provide three items: 1) the banning of construction of future billboards in the city limits; 2) an administrative approval process for signs that require a permit; and, 3) the requirement of an inspection for energized signs that require a permit. Mr. Seidel indicated that the Planning Commission had approved the proposed amendments on March 4, 1997.

Councilor McCutcheon commented that there was nothing in the ordinance title which indicates that it refers to signage in the City. Planner Pettis stated that sign regulations are part of the City's Zoning Ordinance, and that the proposed ordinance refers to amending the Zoning Ordinance.

Councilor Weatherby stated that he was very pleased with the amendments and that a good job had been done.

Mayor Vonderharr opened the public hearing; as no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Weatherby moved and Councilor McCutcheon seconded the motion to read Ordinance 8-1997 a first time by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

City Attorney Bill Brunner read Ordinance 8-1997 a first time by title only.

Councilor Weatherby moved and Councilor McCutcheon seconded the motion to read Ordinance 8-1997 a second time by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Mr. Brunner read Ordinance 8-1997 a second time by title only.

Councilor Weatherby moved and Councilor McCutcheon seconded the motion to adopt Ordinance 8-1997, AN ORDINANCE AMENDING ORDINANCE 9-1990 ENTITLED: "AN ORDINANCE TO GUIDE, REGULATE AND CONTROL THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENTIAL, BUSINESS INDUSTRIAL AND OTHER USES IN THE CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON: SETTING FORTH DEFINITIONS, PERTINENT PROVISIONS AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; REPEALING ORDINANCES 1-1958, 1-1968, AND 2-1979; AND OTHER PERTINENT PROVISIONS."

AYES: 5
NOES: 0
ABSTAINED: 0

VIII. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that he had expanded the Incidence Table in the Council's packet by redefining the things they do in Fairview, which caused more categories to be placed in the Table.

Councilor McCutcheon commented that on the bail graph, the month of February was deleted. Chief Jackson indicated that he was aware of that oversight. Councilor McCutcheon mentioned that he has been hearing the firing of a gun at around 1:00am. Chief

Jackson stated that that was occurring in other areas of town, also, but was happy to report that there were no recent arson fires.

B. Public Works

Director Sarvis reported that the new Well #7 construction will take 30 days longer than anticipated as drilling has been tough; they are at about 260' today and have about another 100' to go. Director Sarvis stated that he had received a letter from Tom Shaw regarding the land swap for the 7th Street Extension; Mr. Shaw does not want to sign the agreement until the City cleans up Wistful Vista, which is occurring at this time. Director Sarvis stated that the City's new reservoir construction will be completed in 8 to 9 weeks.

Director Sarvis stated that: Fairview had been approached by Gresham to allow Windmar to hook into the Interlachen Pump Station; in late April, the 207th Connector agreement with Multnomah County will be before the Council; and, that the Halsey Street sanitary sewer is out to bid and that it was important to have a Council quorum on April 2nd to award that bid.

Director Sarvis reported that the Sanitary Sewer Fund will not collect enough revenue this year to pay the bill for the Wastewater Treatment Plant; the City may have to perform some fund transfers between now and July for anywhere from $20 to $80 thousand. Director Sarvis indicated that the City's sewer bills from Gresham are increasing due to flow and strength, and that they have talked with Gresham and reviewed how they calculate the charges; a very serious look will have to be done at Fairview sewer rates. Director Sarvis indicated that Public Works will be trying to duplicate the testing methods used by Gresham, to see if their numbers duplicate those of Gresham. Mayor Vonderharr asked if part of the problem could be the abundance of rain we have received this year, which in turn could raise the groundwater level and then increase pressure and infiltration on the sewer lines. Director Sarvis responded yes, and that that was probably part of the increase.

C. Planning

Planner Pettis reported that at the March Planning Commission hearing, the Commission approved two items: 1) a modification to the Fairview Place project to substitute some detached single-family homes for some of the duplex buildings; and, 2) the Sign amendments to the Zoning Ordinance. Planner Pettis stated that at their April meeting, the Commission will review a proposed cellular tower ordinance and also an amendment to the City's Standard Specifications regarding streetlighting. Planner Pettis reported that pre-application meetings continue, including a meeting with the developer of the McDonald property on Sandy Boulevard and a proposal to place a church on the Spada property located on the north side of Sandy Boulevard near 205th Avenue.

D. Finance

Director Wall reported that the second budget orientation meeting had occurred and went very well, and that the last orientation meeting was scheduled for March 24th at 7:30pm. Director Wall

stated that the Budget review schedule had been distributed and that the first hearing will occur on April 7th at 7:00pm.

Director Wall presented an update on Measure 47, commenting that the State Legislature had approved the rewriting to be on the May 1997 ballot.

Councilor McCutcheon questioned the $150,000 refund as indicated on the warrants list. Director Wall stated that a developer was charged stormwater SDCs in the amount of $167,000 instead of $16,700; staff had miscalculated the amount on the tabulation sheet which was given the developer.

E. Administration

Administrator Holstrom reported that the next Council meeting will be held on April 2nd and contain two short items; she is requesting that at least four Council members attend this meeting in order to have a quorum. Administrator Holstrom indicated that the packet for the April 2nd meeting would be delivered on Monday, March 31, 1997. Mayor Vonderharr stated that he would not be able to attend; Councilor Tuomala indicated that he would be in attendance.

Administrator Holstrom stated that she would be on vacation the following week, and that June 19th has been scheduled for the next City Street Faire to be held in Raintree Park at the end of 213th Avenue near Park Cleone.

Administrator Holstrom reported that there is a vacant piece of property on Bridge Street listed on the County's Foreclosure list and is being offered to the City first. Administrator Holstrom stated that the City has taken advantage of foreclosed properties in the past, but this particular piece of property is only 50'x100'. Administrator Holstrom reminded the Council that when a City submits a request to receive foreclosed property, that they can not obtain the property and then sell it; it must be used for a public purpose. Administrator Holstrom mentioned that the Council could use the site for a well or a park, but that would mean maintenance for the property. Administrator Holstrom asked the Council if they would like to apply for the foreclosed property on Bridge Street. Council generally agreed that the City should apply for the Bridge Street property.

Administrator Holstrom stated that the Council had an agreement before them several months ago regarding Fujitsu, but the agreement never made it to the second step of being approved by Gresham. Gresham discovered several things that they had not caught before, sent it back to Fujitsu, so it will probably come back before Fairview Council again.

Administrator Holstrom reported that the recently approved zoning amendments for Fairview Village have been appealed to LUBA by the Multnomah County Kennel Club, and that the City has 21 days to submit their record to LUBA.

IX. ADJOURNMENT

Councilor Tuomala moved and Councilor Weatherby seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:21pm.

AYES: 5
NOES: 0
ABSTAINED: 0

Roger A Vonderharr
Mayor Roger Vonderharr

4-16-97
Dated:

Caren C. Huson Quiniones
Caren C. Huson Quiniones
City Recorder

EXHIBIT E COUNCIL MINUTES 3-19-1997

CITY OF FAIRVIEW

300 HARRISON ST., P.O. BOX 337
FAIRVIEW, OREGON 97024
(503)665-7929 FAX 666-0888

PUBLIC MEETING ATTENDANCE RECORD

SESSION DATE CC 3-19-97

This is a public attendance record. Please fill in the following information.

PLEASE PRINT

NAME	ADDRESS	CITY/STATE/ZIP	PHONE
Ry Bartlett	1331 SW Bradley		228-3445
Brita Jenkins	40 Main St	Fairview 97024	666-1087
Chuck Hartley	1620 SE 195th Ave.	Pld OR	293-3191

CITY OF FAIRVIEW, OREGON

CITY COUNCIL SESSION DATE 3-19-97 TIME START 7:30p TIME STOP 10:21p

STAFF PRESENT MH, CH, RW, JP, JS, GJ, Seidel

	STATUS	Sherry Lillard	Mike Weatherby	Dave McCutcheon	Mayor Roger Vonderharr	Len Edwards	Peter Tuomala	James R. Raze
ATTENDANCE		N	Y	Y	Y	Y	Y	N
CONSENT AGENDA								

EXHIBIT E COUNCIL MINUTES 3-19-1997

Agenda Item

Fairview City Council Meeting

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (REGULATION OF BILLBOARD SIGNS, PROVIDING FOR ADMINISTRATIVE APPROVAL PROCESS FOR SIGN PERMITS, REQUIRING ELECTRICAL INSPECTIONS FOR ENERGIZED SIGNS)

AGENDA DATE: March 19, 1997
DEPT. OF ORIGIN: Administration
REVIEWED BY: Seidel

EXHIBITS: Attached

PROCEEDING: To review proposed text amendments to the Fairview Zoning Ordinance which would regulate billboard signs, provide for an administrative approval process for sign permit applications and require electrical inspections for all energized signs requiring a permit.

BACKGROUND:

A review of the Fairview Zoning Ordinance revealed that no provisions existed for the regulation of billboard signs or inspection of energized signs. Further, no clear process for sign approval is in effect. Therefore, text amendments to the Fairview Zoning Ordinance were developed which: regulate billboard signs allowing existing signs to be maintained but not replaced or relocated; prohibit new billboard signs within the City; allow for an administrative approval process utilizing a sign permit application form provided by the City; provides for an electrical inspection of all energized signs requiring a permit. On March 4, 1997, the Planning Commission reviewed and approved the text amendments contained herein adding a provision that billboard signs may not be increased in size during any repair, maintenance or relocation.

RECOMMENDATION: The planning Commission recommends approval of first and second readings, and adoption of Ordinance 8-1997.

ORDINANCE
(08-1997)

AN ORDINANCE AMENDING ORDINANCE 9-1990 ENTITLED: "AN ORDINANCE TO GUIDE, REGULATE AND CONTROL THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENTIAL, BUSINESS INDUSTRIAL AND OTHER USES IN THE CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON: SETTING FORTH DEFINITIONS, PERTINENT PROVISIONS AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; REPEALING ORDINANCES 1-1958, 1-1968 AND 2-1979; AND OTHER PERTINENT PROVISIONS."

THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

SECTION 1: FINDINGS:

(A) ZONING ORDINANCE:
TEXT AMENDMENT PROPOSAL

A review of the Fairview Zoning Ordinance revealed that no provisions existed for the regulation of billboard signs or inspection of energized signs. Further, no clear process for sign approval is in effect. Therefore, text amendments to the Fairview Zoning Ordinance were developed which: regulate billboard signs to be maintained but not replaced or relocated; prohibit new billboard signs within the city; allow for an administrative approval process utilizing a sign permit application form provided by the City; provides for an electrical inspection of all energized signs requiring a permit.

On March 4, 1997, the Planning Commission reviewed and approved the text amendments contained herein adding a provision that billboard signs may not be increased in size during any repair, maintenance or relocation. In accordance with the recommendation of the Fairview Planning Commission, it is proposed that the following Zoning Ordinance text amendments be incorporated into the Sign Regulation Section of the Fairview Zoning Ordinance:

1. The first proposed Zoning Ordinance text amendment defines billboard signs for the purpose of regulating billboards as described in subsequent sections of these Zoning Ordinance text amendments.

2. The second proposed Zoning Ordinance text amendment specifies that sign permit applications be made on sign permit application forms provided by the City.

3. The third Zoning Ordinance text amendment provides for administrative approval which would allow sign permit applications to be approved by the City Administrator or designee in order to expedite the approval process. Section 4.144 (A) (2) Plans would be changed to Section 4.144 (A) (3) Plans.

4. The fourth Zoning Ordinance text amendment would require an electrical inspection of all energized signs requiring a sign permit prior to any said sign being energized. Section 4.144 (B) (1) (C) would be changed to Section 4.144 (b) (1) (D).

5. The fifth Zoning Ordinance text amendment would add billboard signs to Section 4.146 Titled Signing of Non-conforming Uses. Under this section billboard signs existing at the effective date of this ordinance would be permitted to remain and be maintained but not replaced, relocated, enlarged or otherwise structurally modified. This proposed requirement would not affect the signs message or content, only the physical structure of the sign.

6. The sixth Zoning Ordinance text amendment provides for hardship relief for billboards displaced by public improvement projects such as road widening. Such hardship relief would be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance. This text amendment chances the title of Design Review Board to Planning Commission.

7. The seventh Zoning Ordinance text amendment would prohibit new billboard signs but allow existing billboard signs which would be designated as non-conforming under new Section 4.146, billboard signs exempted through hardship relief under new Section 4.147 and billboard signs existing at the effective date of the Ordinance within commercial and industrial zones as specified in new Section 4.154.

8. The eighth Zoning Ordinance text amendment would delete the last sentence of Section 4.151 (C) which reads "Nonconforming signs outdoor advertising signs subject to Federal law are required to comply with this section". This sentence is misprinted in the existing Zoning Ordinance and should read "...are **not** required to comply with this section". Should the billboard provisions of this proposed Zoning Ordinance amendment be adopted, the last sentence of Section 4.151 (C) will be unnecessary.

9. The ninth Zoning Ordinance text amendment would change the title of Design Review Board to Planning Commission under Section 4.152 titled Nonconforming Exceptional Signs.

10. The tenth Zoning Ordinance text amendment would add new Section 4.154 (H) allowing billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair but not replaced, relocated or otherwise structurally modified in commercial and industrial zones.

(B) ZONING ORDINANCE TEXT AMENDMENT APPROVAL CRITERIA:

Section 5.062 of the Fairview Zoning Ordinance lists the criteria for approving an amendment to the zoning map or ordinance text:

1. The amendment will not interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendment.

2. The amendment will not be detrimental to the general interests of the community.

3. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

4. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complimentary designations without creating inappropriate "spot zoning".

In response to the criteria, the following findings are given:

1. Regulation of billboard signs serves to enhance neighborhood liveability, and protect the aesthetic values of surrounding properties.

   Administrative approval of sign permit applications will expedite the approval process, decreasing the probability of delayed development.

   None of the proposed text amendments will interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendments.

2. Regulation of billboard signs serves to enhance the public's safety by reducing distraction to motorists.

   Required electrical inspections for all energized signs requiring a permit prior to the signs being energized serves to enhance public safety by reducing the probability of fire and electrical injuries.

   Administrative approval of sign permits will reduce staff time and expedite the approval process for sign permit applicants.

   None of the proposed text amendments will be detrimental to the general interests of the community.

3. None of the proposed text amendments violate either the Comprehensive Plan Map or related text.

4. Each of the proposed amendments affect Zoning Ordinance text only and do not change any of the land use designations shown on the Zoning Map. Therefore, there is no potential for "spot zoning".

(C) CONCLUSIONS:

The proposed Zoning Ordinance text amendments meet the Zoning Ordinance text and map amendment approval criteria of Section 5.062 of the Zoning Ordinance.

SECTION 2: PURPOSE OF ORDINANCE

That ordinance 9-1990 of the City of Fairview entitled "An ordinance to guide, regulate and control the location and use of buildings, structures and land for residential, business industrial and other uses in the City of Fairview, Multnomah County, Oregon: setting forth definitions, pertinent provisions and providing for administration and enforcement; repealing ordinances 1-1958, 1-1968 and 2-1979; and other pertinent provisions.", which was adopted on the 15th day of August, 1990, shall be amended by the addition of amended Section 4.143, adding a new definition, amended Section 4.144 (A) (1) (2) (3), amended Section 4.144 (B) (1) (C) (D), amended Section 4.146 (G), amended Section 4.147, amended Section 4.150 (B) (4), amended Section 4.151 (C), amended Section 4.152 and amended Section 4.154 (H), which new Sections shall read as follows:

"Section 4.143. Definitions.

Sign, Billboard. *A free standing sign not pertaining to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.*

"Section 4.144 Sign ~~Development~~ Permit.

A. ***Sign*** Permit Application.

1. ***Sign*** Permit Form.

Application for a sign ~~development~~ permit shall be made on ***the sign permit application form*** ~~forms~~ provided by the City.

2. *Administrative Approval.*

Completed sign permit applications must be approved by the City Administrator or designee. Incomplete sign permit applications are subject to denial.

3. Plans

B. Inspection Required.

1. All work for signs requiring a permit shall be inspected in the following stages:

~~C) After installation is complete.~~

C) When electrical work is completed. Electrical signs shall not be energized until the final electrical inspection has been approved.

D) After installation is complete.

"Section 4.146. Signing of Non-Conforming Uses.

G. Billboard Signs. Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged or otherwise structurally modified. Changes in message shall not affect non-conforming status.

"Section 4.147. Hardship Relief.

Hardship relief may be requested from the ~~Design Review Board~~ *Planning Commission* for all sign regulations except for prohibited signs.

Hardship relief for billboards displaced by public improvement projects may be requested from the Planning Commission and shall be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance.

"Section 4.150. Prohibited Signs.

B) (4) Billboard signs except as provided by Section 4.146, Section 4.147 and Section 4.156 of this ordinance.

"Section 4.151. Nonconforming Signs.

C. Any nonconforming permanent sign installed prior to September 1, 1990, which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by September 1, 2000.

Any nonconforming temporary sign installed prior to September 1, 1990 which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by March 1, 1991. ~~Nonconforming outdoor advertising signs subject to Federal law are required to comply with this section.~~

"Section 4.152. Nonconforming Exceptional signs.

The ~~Design Review Board~~ *Planning Commission* may recognize exceptional nonconforming signs.

"Section 4.154. Permitted Signs Within Commercial and Industrial Zones

H. Billboard Signs.

Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged or otherwise structurally modified.

Key

New Language in Italics ~~**Deleted Language in Strikeout**~~

SECTION 3: AMENDMENT OF ZONING ORDINANCE

The Zoning Ordinance (ORDINANCE 9-1990) is amended to reflect the changes described in Section 2.

FIRST READING:_____

SECOND READING AND PASSED:_____

YES:_____

NO:_____

ABSENT:_____

ABSTAINED:_____

_____
Mayor, City of Fairview

_____
Date of Signing

ATTEST:

_____
Recorder, City of Fairview
Caren C. Huson Quiniones

CITY OF FAIRVIEW

300 HARRISON ST., P.O. BOX 337
FAIRVIEW, OREGON 97024
(503) 665-7929 FAX 666-0888
email: fairview@teleport.com

PUBLIC NOTICE

FAIRVIEW CITY COUNCIL PUBLIC HEARING SIGN ORDINANCE AMENDMENT

NOTICE IS HEREBY GIVEN: That the Fairview City Council will hold a public hearing on Wednesday, March 19, 1997, at 8:30pm, at Fairview City Hall, 300 Harrison Street, Fairview, Multnomah County, Oregon.

The purpose of the public hearing is to hear comments on the proposed amendment to the Fairview Sign Ordinance. Registered voters, persons particularly interested and the general public are welcome to attend.

Caren C. Huson Quiniones
City Recorder

STAFF REPORT AND RECOMMENDATIONS

TO: Fairview Planning Commission

FROM: John M. Seidel, Administrative Intern

SUBJECT: Zoning Ordinance Text Amendments:

- Adding provisions regulating billboard signs including definition, uses and hardship relief.
- Amending sign permit application procedure to allow for administrative approval process utilizing sign permit application form provided by the City.
- Adding electrical inspection of all energized signs requiring a permit.

DATE: February 26, 1997

APPLICANT: City of Fairview

APPLICABLE CRITERIA: Section 5.062 of Fairview Zoning Ordinance # 9-1990

STAFF RECOMMENDATION:

Based on the subject findings, recommend approval of the following Zoning Ordinance text amendments to the Fairview City Council:

"Section 4.143. Definitions.

Sign, Billboard. *A free standing sign not pertaining to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.*

"Section 4.144 Sign ~~Development~~ Permit.

A. *Sign* Permit Application.

1. *Sign* Permit Form.

Application for a sign ~~development~~ permit shall be made on *the sign permit application form* ~~forms~~ provided by the City.

J. The tenth Zoning Ordinance text amendment would add new Section 4.154 (H) allowing billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair but not replaced or relocated in commercial and industrial zones.

2. Section 5.062 of the Fairview Zoning Ordinance lists the criteria for approving an amendment to the zoning map or ordinance text:

A. The amendment will not interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendment.

B. The amendment will not be detrimental to the general interests of the community.

C. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

D. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complimentary designations without creating inappropriate "spot zoning".

In response to the criteria, the following findings are given:

A. Regulation of billboard signs serves to enhance neighborhood liveability, and protect the aesthetic values of surrounding properties.

Administrative approval of sign permit applications will expedite the approval process, decreasing the probability of delayed development.

None of the proposed text amendments will interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendments.

B. Regulation of billboard signs serves to enhance the public's safety by reducing distraction to motorists.

Required electrical inspections for all energized signs requiring a permit prior to the signs being energized serves to enhance public safety by reducing the probability of fire and electrical injuries.

CITY OF

City of Fairview
Planning Commission
300 Harrison Street
Fairview, Oregon 97024
(503) 665-7929

APPLICANT INFORMATION

Name of Applicant | *Street Address / City / State / Zip* | *Phone*

Name of Property Owner | *Street Address / City / State / Zip* | *Phone*

CONTRACTOR INFORMATION

Name of Sign Contractor | *City/metro License #* | *Board License #*

Name of Electrical Contractor | *City/metro License #* | *Board License #*

PROJECT DESCRIPTION

Site Address/Location: _____

Legal Description: _____

Sign Type: ☐ FREE STANDING ☐ WALL ☐ COPY CHANGE ☐ OTHER _____

Illumination: ☐ FLORESCENT ☐ NEON ☐ INDIRECT ☐ OTHER _____

I hereby acknowledge and agree that the information provided on this form is correct and that all work will be in conformance with approved plans, applicable codes, conditions of approval and policies of the City of Fairview.

I WILL CALL FOR REQUIRED INSPECTIONS

Signature | *Date* | **PLEASE SPECIFY:** ☐ Property Owner ☐ Contractor

PERMIT DECISION

Permit #: _____ **Site Type:** ☐ Multi-business ☐ Single Business ☐ Community Service ☐ Other _____

District: _____ **Submittal:** ☐ 2 Plans ☐ 2 Site Maps **Fee Amount:** _____

Date Submitted: _____ **Submitted To:** _____

Receipt #: _____ **Electrical Permit #:** _____

Sign Type: _____

Proposed Sign Area _____ **Square Feet per Sign Face** **Proposed Sign Height** _____ **Feet Above Grade**

Comments: _____

Decision By | *Date of Decision* | ☐ **APPROVED** ☐ **DENIED**

Sign, Repair. Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Sign, Readerboard. A sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, number, symbols and other similar character or changeable pictorial panels.

Sign, Roof. A sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

Sign, Roof Line. The lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

Sign, Rotating. Signs faces or portions of a sign face which revolve around a central axis.

Sign, Special Event Banner. A banner sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on specific date or dates, is open to the community, and has been declared a special event by the City Council.

Sign, Structure. A structure specifically intended for supporting or containing a sign.

Sign, Structural Alteration. Modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

Sign, Temporary. Any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.

Sign, Temporary Lawn. A temporary rigid sign not more than six square feet in area.

Sign, Temporary Rigid. A temporary sign made of rigid materials such as wood, plywood and plastic.

Sign, Under Marquee. A sign which is installed or maintained under and supported or partially supported by a marquee.

Sign, Unsafe. Any sign determined to be a hazard to the public by the Building Official or authorized representative.

Sign, Wind. Any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.

such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than 14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

5. Pedestrian Area Clearances. When a sign extends over private sidewalk, walkways or other spaces accessible to pedestrians, there shall be a minimum 8 foot six inch clearance.

6. Required Yards. Signs may be erected in required yards.

C. Fascia Sign

No point of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corner of buildings.

D. Projecting Sign

The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign.

E. Marquees and Awnings

1. Signs may be placed on or incorporated into marquees and awnings provided they do not extend above the upper surfaces of the structure.

2. Marquees and awnings containing signs may extend into the right-of-way the same distance as allowed for those that do not contain signs.

F. Illuminated Awning Sign

1. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings.

2. The projection of an illuminated awning sign shall not be less than 3 feet.

3. An illuminated awning sign shall be limited to a wall facing a street or adjacent to a pedestrian walkway.

4.146 Signing of Non-Conforming Uses.

The following provisions for signs shall apply when a use has been found to be lawfully existing within the provision of Section 5.02; the provisions of this section are not

required by the property owner where the banner will be located.

4.150 Prohibited Signs.

It shall be unlawful for any person to install, display or maintain any sign or advertising structure falling within any of the following descriptions:

A. Hazardous Signs. The following signs or advertising structures are identified as hazardous, either directly through their structural design, or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property.

1. Moving Signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement created by normal wind currents. Clocks and barber poles are exceptions.

2. Flashing Signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights and bead lighting.

3. Signs that substantially obstruct free and clear vision of the traveling public at the intersection of any street or driveway.

4. Signs that interfere with the traveling public's perception of traffic controls, including signs that use the words "STOP", "LOOK", "DANGER", or any other word, phrase, character, symbol, or graphic that is reasonably likely to distract or confuse vehicle operators.

5. Signs that incorporate reflective type bulbs, or par spot bulbs, or directly visible bulbs or greater than 25 watts capacity. Electronic message center signs are exceptions.

6. Signs that incorporate white or blue neon tubing that exceed 300 milliamperes rating, or other neon tubing that exceed 120 milliamperes rating.

7. Signs that incorporate fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than 9 inches, center to center.

8. Temporary reader boards, portable reader boards, A-board or sandwich signs, or any other portable signs capable of blocking public right-of-way that are not expressly permitted in the Zone Ordinance.

9. Signs that obstruct in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building; or any door required exit from a building, or required light or ventilation source.

B. Other Prohibited Signs. The following signs or advertising structures are identified as having unnecessary and adverse visual impact on the community.

a) Area. Shall be limited to thirty-two square feet.

b) Types of Signs. Fascia, awning and painted sign shall be permitted.

c) Height. No wall sign shall extend above the first floor business portion of the structure and in no case shall exceed a height of 25 feet above grade.

d) Number. One wall sign per business establishment is permitted.

e) Illumination.

1. May be internally illuminated when the illumination is confined to the lettering and logo. The background of the sign face shall be opaque. The illuminated areas of the sign shall not exceed 50% of the sign face.

2. Unless the commercial use operates on a 24 hour basis the sign shall not be illuminated between the hours of 12:00 AM and 7:00 AM.

f) Readerboard. A permanent readerboard may be incorporated into the wall sign provided the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed forty inches in height. The readerboard may be no more than 60% of the face of the sign.

E. Temporary Signs. Pursuant to Section 4.149 the following temporary signs shall be permitted.

1. Lawn Signs.

2. Rigid Signs. Temporary rigid signs shall be pole or wall mounted. Temporary rigid signs and sign structures, if any, must be removed within six months of the date of installation. Pole mounted rigid signs shall not exceed 8 feet in height. Wall mounted rigid signs shall not extend above the roof line at the wall or above the top of a parapet wall. The maximum area of a rigid sign shall be 16 square feet in area.

3. Banner Signs. Placement is limited to multiple-dwelling and commercial buildings.

4.154 Permitted Signs Within Commercial and Industrial Zones

A. Free-standing Sign.

1. Area. The maximum permitted area per sign face shall be .40 square feet of sign face area per linear foot of site frontage, up to a maximum of 100 square

CITY OF FAIRVIEW

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email: fairview@teleport.com

PUBLIC NOTICE
FAIRVIEW PLANNING COMMISSION HEARING
ZONING ORDINANCE TEXT AMENDMENT

NOTICE IS HEREBY GIVEN: That the City of Fairview Planning Commission will hold a public meeting at 7:30pm on Tuesday, March 4, 1997, in the Council Chamber of the Fairview City Hall, located at 300 Harrison Street, Fairview, Multnomah County, Oregon. At this time and place, registered voters, persons particularly interested, and the general public may appear and be heard upon the matter of a proposed text amendment to the City of Fairview Zoning Ordinance (Ordinance No. 9-1990).

The amendment would modify parts of the City's existing signage regulations found in Section 4.140 through 4.158 of the Zoning Ordinance (Ordinance 9-1990). Primarily, this amendment would adopt new regulations for billboard signs. No new billboard signs would be allowed in the City. Existing billboard signs would be allowed to remain in place, but not to be replaced or relocated.

The proposed text amendment will be evaluated against the text and map amendment approval criteria of the Zoning Ordinance (Section 5.062 of Ordinance 9-1990). A copy of these criteria are available at Fairview City Hall. A staff report to the Planning Commission regarding the proposed amendments will also be available seven days before the hearing.

To testify at the March 4, 1997 hearing, you must appear and be called by the Chairperson of the Planning Commission. If there is a large audience, you may be asked to fill in a name card before testifying. The proposed text amendment will also be reviewed by the Fairview City Council who will make the final decision on the matter; this will occur at 7:30pm on March 19, 1997. If you wish to appeal to the State Land Use Board of Appeals on a particular issue, that issue must be raised in person or in writing at this hearing. If you would like information regarding the proposed amendment or the hearing, please call John Pettis, City Planner, at 665-7929.

Caren C. Huson Quiniones
City Recorder

FAIRVIEW PLANNING COMMISSION

Tuesday
March 4, 1997
7:30pm

Fairview City Hall
300 Harrison Street
Fairview, Oregon

MEETING AGENDA

I.	**CALL TO ORDER** ROLL CALL	7:30 pm
II.	**APPROVAL OF MINUTES** February 4, 1997	
III.	**CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**	
IV.	**PUBLIC HEARING**	
	A. FAIRVIEW PLACE (N. E. 201st Ave./Halsey St.) - Design Review Modification - Lot Width Variance	7:35 pm
	B. FIELDSTONE APARTMENTS (20650 N. E. Halsey St.) - Front Yard Setback Variance	8:10 pm
	C. ZONING ORDINANCE TEXT AMENDMENT - Regulation of Billboard Signs, etc.	8:30 pm
V.	**STAFF REPORT**	9:15 pm
VI.	**COMMISSION CONCERNS**	9:20 pm
VII.	**ADJOURNMENT**	9:30 pm

Please note that agenda times are approximations only.

The meeting location is wheelchair accessible. To request large-print documents or for accommodations such as assistive listening device, sign language, and/or oral interpreter, please call the office of the City Recorder at 665-7929, at least two working days in advance of the meeting.

MINUTES
FAIRVIEW PLANNING COMMISSION REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024

MARCH 4, 1997 -- 7:30pm

I. CALL TO ORDER/ ROLL CALL

Chairman Ruff called the meeting to order at 7:30pm.

PRESENT: Chairman Jerry Ruff
Commissioner Steve Mayes
Commissioner Lynn Stokes
Commissioner Ken Heiner
Commissioner David McCausland

ABSENT: Commissioner Jan Shearer

STAFF PRESENT: John Pettis, City Planner
Caren Huson, City Recorder

II. APPROVAL OF MINUTES

Commissioner Heiner moved and Commissioner Mayes seconded the motion to approve the Minutes of February 4, 1997.

AYES: 5
NOES: 0
ABSTAINED: 0

III. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chairman Ruff called for persons wishing to speak on non-agenda items.

Kathy Davies, 21817 NE Halsey, approached the podium and stated that it was her understanding that there would be a proposal for a 3-story office building to be located on Halsey Street on the Commission's agenda, and that many of the neighbors along Halsey Street are opposed to such a structure. Chairman Ruff commented that no such proposal has been received by the City; however, the Commission and Council did approve a Fairview Village zone change for that location. Chairman Ruff indicated that all residents along Halsey Street would be notified of any proposal for Fairview Village and would be able to voice their concerns at any public hearing on that subject. Ms. Davies stated that she had been told that there would be no discussion of an office building proposal, and that she just wanted it known that citizens were against a 3-story building on Halsey Street.

IV. PUBLIC HEARING

A. FAIRVIEW PLACE - NE 201st Avenue/Halsey Street - Design Review Modification, Lot Width Variance

Chairman Ruff asked for any disclaimers from the Commission, including ex-parte, conflict of interest, or personal bias. Receiving no Commission response, Chairman Ruff opened the public hearing.

John Pettis, City Planner, presented the staff report, stating that the subject property was located at the northeast corner of NE 201st

Avenue and NE Halsey Street. Adjacent land uses consist of two single-family residences to the west (on Tax Lots 63 and 65) and the Wood Creek apartments site to the north and east. The subject property is 2.59 acres in area, has a trapezoidal shape, and is relatively level. The southwest corner of the site has been developed with three duplex buildings.

Planner Pettis reported that at the September 25, 1995, public hearing, the Planning Commission approved the preliminary design plan for Fairview Place Townhomes. This project primarily consisted of 14 duplex buildings (two-story) for a total of 28 units. Each unit would occupy its own lot and then create an opportunity for home ownership. The units would therefore be "zero lot line" with two units attached along a common wall. Each unit would have landscaped front and rear yard areas. Most of the buildings are arranged around a looped two-way private road with a single point of access from Halsey Street, about 200 feet from the 201st Avenue intersection. A landscaped common area would be located near the center of the project. The development was originally proposed to develop in two phases.

Planner Pettis indicated that the applicant was requesting a modification of the Fairview Place design plans in order to adopt the project to market conditions that were not originally anticipated. The applicant has found that the development has attracted primarily older adults who desire a smaller home but want the master bedroom on the ground floor in order to be more accessible in the event of a handicap or illness. The original townhouse design has the bedrooms located on the upper (second) floor. The applicant would now like to substitute a number of larger "semi-attached" dwellings for the originally approved duplex buildings. The new (one-unit) dwelling has a wider footprint than the original duplex unit dwelling. This allows for the master bedroom, living room, kitchen and dining area to all be located on the ground floor, in addition to the garage. An alternate design layout will allow all bedrooms to be located on the second floor, if so desired by the prospective buyer. Each dwelling would occupy its own lot. There would be a separation of 8 feet to 14 feet between building walls rather than being joined along a common wall. This will provide more privacy for the new units as well as avoiding the appearance of a larger scale "apartment like" building.

Planner Pettis stated that in order to maintain maximum market flexibility, the applicant proposes to introduce the new units in two phases: Phase A would be the initial substitution of seven of the new units (numbered 7A through 13A) for ten townhome units (numbered 7 through 16 on original plan). This is the primary request; Phase B is being proposed to be allowed at the discretion of the developer if there is a favorable market reaction to above Phase A. Phase B would be a subsequent substitution of four new units (numbered 14A through 17A) for six townhome units (numbered 17 through 21 on original plan). If both phases are implemented, the overall density of the project would decrease from the originally approved 28 dwelling units to 23 units.

Planner Pettis reported that the change will have no substantial impact on the remaining aspects of the site plan that was previously approved. It would not affect the internal road layout, common area

design or approved utility plan. Total impervious surface area will decrease. The only change to the landscaping plan would be to add more front yard landscape are to the lots where the new dwellings would be sited. The applicant also requests a variance which would allow the lot widths for the new dwellings to range between 50 feet and 58 feet instead of the minimum 60 feet lot width required by R-4 district. Planner Pettis stated that the proposal was in conformance with the City's Design Review Ordinance.

Planner Pettis concluded by stating that, based on the findings and conditions of the staff report, that staff was recommending approval of the variance and modification of the Fairview Place site design review plan.

Stewart Straus, 1532 SW Jefferson Street, approached the podium and stated that he was the project architect for the original proposal and also tonight's revision. Mr. Straus reported that he concurred with the staff report findings.

Chairman Ruff asked for proponents and opponents of the project to approach the podium; as no one responded, Chairman Ruff closed the public hearing per unanimous consent of the Commission.

Chairman Ruff commented that the drawings in the Commission Packet did not refer to units 23-28 of Fairview Place and questioned if they would stay as originally depicted. Planner Pettis responded yes.

Chairman Ruff asked the applicant if any of their tenants had encountered problems accessing Halsey Street from the project driveway. Applicant Phil Studarus, 20105 NE Halsey, responded that problems were very rare in accessing the driveway off Halsey Street, and that he hopes the new 207th Avenue Connector will diminish some of the traffic in front of the project. Planner Pettis mentioned that a signal would be installed at the intersection of Halsey and 201st Avenue by the end of Summer 1997. Chairman Ruff questioned if the applicant was encountering more people that were older and interested in the project. Mr. Studarus responded yes, and that the older individuals were interested in having at least the master bedroom on the first floor, and that they were very supportive of the homeowners association which would be created, as public landscaping would be maintained. Mr. Studarus indicated that the proposed single-family residences would be about 1585 square feet in size and would be a little larger than the townhouse designs.

Commissioner Mayes moved and Commissioner Stokes seconded the motion to approve, subject to the conditions and findings of the staff report, the modification of Fairview Place site design review plan and variance for lot width for those lots to be occupied by the new one unit buildings.

AYES:	5
NOES:	0
ABSTAINED:	0

B. FIELDSTONE APARTMENTS - 20650 NE Halsey Street - Front Yard Setback Variance

Chairman Ruff asked for any disclaimers from the Commission, including ex-parte, conflict of interest, or personal bias. Receiving no Commission response, Chairman Ruff opened the public hearing.

Planner Pettis presented the staff report, stating that the subject property was located on the south side of NE Halsey Street, directly east of the Reynolds Middle School facility. Directly north, on the north side of Halsey Street, are a number of single-family residential properties (zoned R-10, Single-Family Residential). To the south is located the site of the "Old Salish Ponds" planned development which was recently approved by the Planning Commission. To the east is a 10-acre parcel which has a residence located near Halsey Street. Like the subject property, it too is zoned A-2, Apartment Residential. The total property area is 26 acres. The northerly 8 acres near Halsey Street is presently being developed for Fieldstone Apartments (154 units). The development received Design Preview approval from the Planning Commission in November 1995.

Planner Pettis reported that Phase 1 of the project has been underway since Fall of 1996. Phase 1 includes Buildings 1, 2, and 11, which are largely constructed and situated near Halsey Street. The A-2, Apartment Residential zoning district requires a 20-foot building setback from the wall of a building to the front property line. This setback was established for the apartment buildings in Phase 1 of Fieldstone Apartments based on the existing location of the front property line. After Phase 1 construction was underway and the foundations were constructed for Buildings 1, 2 and 11, the developer became aware that Multnomah County wanted an additional 5 feet right-of-way dedication along the property frontage. This was needed for the planned widening of nearby Halsey Street which is a County arterial street. As a consequence, the existing side wall of Building 1 would be located 15 feet or 5 feet closer than allowed to the new front property line location, after the right-of-way dedication. A variance is therefore needed to authorize this reduced setback. Small parts (patios, etc.) of the other buildings would also be within the new 20 feet front yard setback area. These however are "projecting building features" which are not part of the main building wall. They are allowed by the Zoning Ordinance to be within a front yard setback area. The 20 feet front yard setback shown on the original site plan was based on the applicant's understanding of the requirements that were known at that time.

Planner Pettis reported that granting the variance will not affect the public welfare or impact other properties in the area to any greater extent than the present location of Building 1. The building has minimum impact as it is currently situated. It is the side rather than the front wall that is within the setback area. The sidewall measures 45 feet in length which represents only 5% of the entire 650 feet site frontage. The reduction of setback by 5 feet in this relatively small area will not impact sight distance or vision clearance along Halsey Street. Also, there is no nearby street intersection that would be impacted. Most of the subject property, 18 acres out of 26 acres, is a wetland which is in the process of being conveyed to the City as part of its open spaces system. The remaining 8 acre upland area near Halsey Street has been designed to accommodate the development and meeting City development requirements while not impacting the southerly wetland area. Establishing the front yard setback from the Halsey Street property line was critical to the

overall site design. Had the applicant been aware of the dedication requirement earlier, adjustments to the overall plan could have been made at the design stage. Now, however, Building 1 and the other building and infrastructure of Phase 1 are substantially completed. Relocating the building and making the other necessary on-site adjustments would impose a hardship on the applicant.

In conclusion, Planner Pettis stated that the variance request meets the variance approval criteria of Section 5.01 of the City's Zoning Ordinance, and that staff was recommending approval.

Dave Montagne, Montagne Development, approached the podium and stated that he concurred with the staff findings.

Chairman Ruff asked for proponents and opponents of the project to approach the podium., Chairman Ruff closed the public hearing per unanimous consent of the Commission.

Chairman Ruff questioned why building occurred before the County indicated the right-of-way they would require. Mr. Montagne responded that the County had originally approved the plans they submitted and the Planning Commission had approved the project. After construction began, the County told the developer that they would require additional street frontage. Mr. Montagne added that the County originally asked for 40 feet and they drew their plans to indicate that 40 feet; however, now the County was now asking for 45 feet. Chairman Ruff stated that as soon as the County asked for the additional 5 feet that construction should have halted on the site until approval was obtained from the Planning Commission. Planner Pettis responded that that occurred; the building foundation and framing were already completed by the time the developer was informed of the 45 feet desired from the County. Planner Pettis commented that the County never officially delineated the property lines of the project.

Commissioner McCausland asked if the project's driveway would be affected by the loss of 5 feet. Mr. Montagne responded that he did not think the loss of 5 feet would affect the driveway.

Commissioner Stokes moved and Commissioner McCausland seconded the motion to approve, subject to conditions and based on the findings of the staff report, the requested five feet front yard setback variance which would allow the side wall of Building No. 1 of Fieldstone Apartments to be 15 feet from the new Halsey Street (front) property line instead of 20 feet.

AYES:	5
NOES:	0
ABSTAINED:	0

C. ZONING ORDINANCE TEXT AMENDMENT - Regulation of Billboard Signs, etc.

Chairman Ruff asked for any disclaimers from the Commission, including ex-parte, conflict of interest, or personal bias. Receiving no Commission response, Chairman Ruff opened the public hearing.

John Seidel, City Intern, presented the staff report, stating that the proposed ordinance would basically accomplish three things: 1) add provisions that regulate billboard signs, including definition, uses, and hardship relief; 2) provide an amendment to include sign

permit application procedures for an administrative decision process; and, 3) provide provisions for electrical inspections for all energized signs requiring a permit.

Mr. Studarus questioned what the maximum size of sign was allowed without a permit in the administrative procedure. Planner Pettis responded that on freestanding signs, he believed it was 20 square feet, but it would depend on the site frontage. Planner Pettis added that if the sign was simply for real estate, it would just need to be maintained.

Chairman Ruff asked for proponents and opponents of the project to approach the podium.

Bev Lewis, 655 Main Street, asked where billboards would be placed in the City. Chairman Ruff responded that the proposed ordinance amendment would not allow new billboards to be placed in the City of Fairview, and that existing billboards would only be allowed to remain as long as they were maintained.

As no one else approached the podium, Chairman Ruff closed the public hearing per unanimous consent of the Commission.

Chairman Ruff suggested that wording be added to the ordinance amendment which would state that someone could repair an existing billboard but not replace them, and that current billboards could not be modified in size while they were being repaired. Mr. Seidel responded that modification of billboard size was covered under the non-conforming use section of the ordinance.

Commissioner McCausland questioned if the ordinance amendment would also regulate real estate directional signs which are 4'x4' or larger. Planner Pettis responded that real estate signs are allowed for a certain period of time and are not required to have a sign permit as they are considered temporary.

Commissioner Mayes moved and Commissioner McCausland seconded the motion to approve the Zoning Ordinance Text Amendment regarding signs.

AYES:	5
NOES:	0
ABSTAINED:	0

V. STAFF REPORT

Planner Pettis reported that the next Commission meeting would be held on April 1, 1997, and that the agenda would contain a proposed cellular tower ordinance and also a streetlight map that staff worked on with the Mayor and the County. Planner Pettis stated that no development proposals would be on the April 1st agenda. Planner Pettis reported that at the Council's March 19, 1997 meeting, they approved the revised apartment parking requirements and also approved the undergrounding of utility wires for single-family residential homes.

Planner Pettis commented that pre-application activity continues, with a proposed 150-unit apartment proposal on the property just south of the Blue Lake Village Manufactured Housing Park; it is a 20-acre site and staff informed the developer that there was no

allocated sewage capacity for that proposal this year, and may not be until next year, so the developer will be postponing their application. Planner Pettis stated that the McDonald property on Sandy Boulevard has been proposed for 450 condominium units and that they have been allocated a certain amount of sewer capacity for this year.

Planner Pettis announced that a part-time Associate Planner was hired to assist him, and introduced Ginger Davidson to the Commission.

VI. COMMISSION CONCERNS

Commissioner McCausland asked Planner Pettis to research if the home on the northeast corner of 6th and Harrison has applied for building permits as it appears that they are doing some major improvements. Planner Pettis stated that he would research the property.

VII. ADJOURNMENT

Commissioner McCausland moved and Commissioner Mayes seconded the motion to adjourn. Chairman Ruff adjourned the meeting at 8:26pm.

AYES:	5
NOES:	0
ABSTAINED:	0

Jerry F. Ruff

Chairman Jerry Ruff

1 april 97

Dated:

Caren C. Huson Quiniones

Caren C. Huson Quiniones
City Recorder

EXHIBIT G PLANNING COMMISSION MINUTES 3-4-1997

CITY OF FAIRVIEW

300 HARRISON ST., P.O. BOX 337
FAIRVIEW, OREGON 97024
(503)665-7929 FAX 666-0888

PUBLIC MEETING ATTENDANCE RECORD

SESSION DATE PC 3-4-97

This is a public attendance record. Please fill in the following information.

PLEASE PRINT

NAME	ADDRESS	CITY/STATE/ZIP	PHONE
Philip G. Studors	20105 NE Halsey	Fairview	618-0888
STEWART STRAUS	1532 SW JEFFERSON	PORTLAND	224-7510
Joe Sanders	20650 N.E. Halsey	Fairview	666-2611
Bill Lewis	635 Main	Fairview	661-5189
Kathey Davies	21817 NE Halsey	Troutdale	661-1191
Shirley Dunkins	350 Cedar	Fairview	669-8562
Ginger Davidson	City Hall		

CITY OF FAIRVIEW, OREGON

PLANNING COMMISSION SESSION DATE 3-4-97 TIME START 7:32 TIME STOP 8:26

STAFF PRESENT gunger, JP, ch, john seidel 7:55

	STATUS	Steve Mayes	Lynn Stokes	Jan Shearer	Chair Jerry Ruff	Ken Heiner	David McCausland	James G. Raze
ROLL CALL		Y	Y	N	Y	Y	Y	
CONSENT AGENDA		S	Y		Y	M	Y	
Fairview Place		M	S		Y	Y	Y	
Fieldstone Apts		Y	M		Y	Y	S	
Billboards		M	Y		Y	Y	S	
		S	Y		Y	Y	M	

CP452

EXHIBIT G PLANNING COMMISSION MINUTES 3-4-1997

ORDINANCE
(08-1997)

AN ORDINANCE AMENDING ORDINANCE 9-1990 ENTITLED: "AN ORDINANCE TO GUIDE, REGULATE AND CONTROL THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENTIAL, BUSINESS INDUSTRIAL AND OTHER USES IN THE CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON: SETTING FORTH DEFINITIONS, PERTINENT PROVISIONS AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; REPEALING ORDINANCES 1-1958, 1-1968 AND 2-1979; AND OTHER PERTINENT PROVISIONS."

THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:

SECTION 1: FINDINGS

A. ZONING ORDINANCE: TEXT AMENDMENT PROPOSAL

A review of the Fairview Zoning Ordinance revealed that no provisions existed for the regulation of billboard signs or inspection of energized signs. Further, no clear process for sign approval is in effect. Therefore, text amendments to the Fairview Zoning Ordinance were developed which: regulate billboard signs to be maintained but not replaced or relocated; prohibit new billboard signs within the city; allow for an administrative approval process utilizing a sign permit application form provided by the City; provides for an electrical inspection of all energized signs requiring a permit.

On March 4, 1997, the Planning Commission reviewed and approved the text amendments contained herein adding a provision that billboard signs may not be increased in size during any repair, maintenance or relocation. In accordance with the recommendation of the Fairview Planning Commission, it is proposed that the following Zoning Ordinance text amendments be incorporated into the Sign Regulation Section of the Fairview Zoning Ordinance:

1. The first proposed Zoning Ordinance text amendment defines billboard signs for the purpose of regulating billboards as described in subsequent sections of these Zoning Ordinance text amendments.

2. The second proposed Zoning Ordinance text amendment specifies that sign permit applications be made on sign permit application forms provided by the City.

3. The third Zoning Ordinance text amendment provides for administrative approval which would allow sign permit applications to be approved by the City Administrator or designee in order to expedite the approval process. Section 4.144(A)(2) Plans would be changed to Section 4.144(A)(3) Plans.

4. The fourth Zoning Ordinance text amendment would require an electrical inspection of all energized signs requiring a sign permit prior to any said sign being energized. Section 4.144(B)(1)(C) would be changed to Section 4.144(b)(1)(D).

5. The fifth Zoning Ordinance text amendment would add billboard signs to Section 4.146 Titled Signing of Non-conforming Uses. Under this section billboard signs existing at the effective date of this ordinance would be permitted to remain and be maintained but not replaced, relocated, enlarged, or otherwise structurally modified. This proposed requirement would not affect the signs message or content, only the physical structure of the sign.

6. The sixth Zoning Ordinance text amendment provides for hardship relief for billboards displaced by public improvement projects such as road widening. Such hardship relief would be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance. This text amendment changes the title of Design Review Board to Planning Commission.

7. The seventh Zoning Ordinance text amendment would prohibit new billboard signs but allow existing billboard signs which would be designated as non-conforming under new Section 4.146, billboard signs exempted through hardship relief under new Section 4.147 and billboard signs existing at the effective date of the Ordinance within commercial and industrial zones as specified in new Section 4.154.

8. The eighth Zoning Ordinance text amendment would delete the last sentence of Section 4.151(C) which reads "Nonconforming signs outdoor advertising signs subject to Federal law are required to comply with this section." This sentence is misprinted in the existing Zoning Ordinance and should read "...are **not** required to comply with this section." Should the billboard provisions of this proposed Zoning Ordinance amendment be adopted, the last sentence of Section 4.151(C) will be unnecessary.

9. The ninth Zoning Ordinance text amendment would change the title of Design Review Board to Planning Commission under Section 4.152 titled Nonconforming Exceptional Signs.

10. The tenth Zoning Ordinance text amendment would add new Section 4.154(H) allowing billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair but not replaced, relocated, or otherwise structurally modified in commercial and industrial zones.

B. ZONING ORDINANCE TEXT AMENDMENT APPROVAL CRITERIA:

Section 5.062 of the Fairview Zoning Ordinance lists the criteria for approving an amendment to the zoning map or ordinance text:

1. The amendment will not interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendment.

2. The amendment will not be detrimental to the general interests of the community.

3. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.

4 The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complimentary designations without creating inappropriate "spot zoning."

In response to the criteria, the following findings are given:

1. Regulation of billboard signs serves to enhance neighborhood liveability, and protect the aesthetic values of surrounding properties.

   Administrative approval of sign permit applications will expedite the approval process, decreasing the probability of delayed development.

   None of the proposed text amendments will interfere with the livability, development or value of other land in the vicinity of the site specific-proposals when weighed against the public interest in granting the proposed amendments.

2. Regulation of billboard signs serves to enhance the public's safety by reducing distraction to motorists.

   Required electrical inspections for all energized signs requiring a permit prior to the signs being energized serves to enhance public safety by reducing the probability of fire and electrical injuries.

   Administrative approval of sign permits will reduce staff time and expedite the approval process for sign permit applicants.

   None of the proposed text amendments will be detrimental to the general interests of the community.

3. None of the proposed text amendments violate either the Comprehensive Plan Map or related text.

4. Each of the proposed amendments affect Zoning Ordinance text only and do not change any of the land use designations shown on the Zoning Map. Therefore, there is no potential for "spot zoning".

C. CONCLUSIONS:

The proposed Zoning Ordinance text amendments meet the Zoning Ordinance text and map amendment approval criteria of Section 5.062 of the Zoning Ordinance.

SECTION 2: PURPOSE OF ORDINANCE

That ordinance 9-1990 of the City of Fairview entitled "An ordinance to guide, regulate and control the location and use of buildings, structures and land for residential, business industrial and other uses in the City of Fairview, Multnomah County, Oregon: setting forth definitions, pertinent provisions and providing for administration and enforcement; repealing ordinances 1-1958, 1-1968 and 2-1979; and other pertinent provisions.", which was adopted on the 15th day of August, 1990, shall be amended by the addition of new Section 4.143, adding a new definition, new Section 4.144(A)(1)(2)(3), amended Section 4.144(B)(1)(C)(D), amended Section 4.146(G), amended Section 4.147, amended Section 4.150(B)(4), amended Section 4.151(C), amended Section 4.152 and amended Section 4.154(H), which new Sections shall read as follows:

"Section 4.143. Definitions.

Sign, Billboard. *A free standing sign not pertaining to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.*

"Section 4.144 Sign ~~Development~~ Permit.

A. ***Sign*** Permit Application.

   1. ***Sign*** Permit Form.

      Application for a sign ~~development~~ permit shall be made on ***the sign permit application form*** ~~forms~~ provided by the City.

2. Administrative Approval.

Completed sign permit applications must be approved by the City Administrator or designee. Incomplete sign permit applications are subject to denial.

3. Plans

B. Inspection Required.

1. All work for signs requiring a permit shall be inspected in the following stages:

~~C) After installation is complete.~~

C) When electrical work is completed. Electrical signs shall not be energized until the final electrical inspection has been approved.

D) After installation is complete.

"Section 4.146. Signing of Non-Conforming Uses.

G. Billboard Signs. Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect non-conforming status.

"Section 4.147. Hardship Relief.

Hardship relief may be requested from the ~~Design Review Board~~ *Planning Commission* for all sign regulations except for prohibited signs.

Hardship relief for billboards displaced by public improvement projects may be requested from the Planning Commission and shall be processed in accordance with Section 5.01 of the Fairview Zoning Ordinance.

"Section 4.150. Prohibited Signs.

B) (4) Billboard signs except as provided by Section 4.146, Section 4.147 and Section 4.156 of this ordinance.

"Section 4.151. Nonconforming Signs.

C. Any nonconforming permanent sign installed prior to September 1, 1990, which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by September 1, 2000. Any nonconforming temporary sign installed prior to September 1, 1990 which does not comply with the Fairview Zone Ordinance, shall be made to comply, or be removed by March 1, 1991. ~~Nonconforming outdoor advertising signs subject to Federal law are required to comply with this section.~~

"Section 4.152. Nonconforming Exceptional signs.

The ~~Design Review Board~~ *Planning Commission* may recognize exceptional nonconforming signs.

"Section 4.154. Permitted Signs Within Commercial and Industrial Zones

H. Billboard Signs.

Billboard signs existing at the effective date of this Ordinance shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged or otherwise structurally modified.

Key

New Language in Italics ~~**Deleted Language in Strikeout**~~

SECTION 3: AMENDMENT OF ZONING ORDINANCE

The Zoning Ordinance (Ordinance 9-1990) is amended to reflect the changes described in Section 2.

FIRST READING: March 19, 1997

SECOND READING AND PASSED: March 19, 1997

YES: 5 (Weatherby, McCutcheon, Edwards, Tuomala, Vonderharr)

NO: 0

ABSENT: 2 (Lillard, Raze)

ABSTAINED: 0

Roger A. Vonderharr
Mayor, City of Fairview

3-19-97
Date of Signing

ATTEST:

Caren C. Huson Quiniones
Recorder, City of Fairview
Caren C. Huson Quiniones

EXHIBIT I SUPLEMMENTAL APPLICANT LETTER DATED 1-7-2019

MEADOW
OUTDOOR ADVERTISING
meadowoutdoor.com

P.O. Box 331 (mailing) • 1201 Bargeway Road (shipping) • The Dalles, Oregon 97058
541-296-9684 • (Toll-free) 1-800-221-4114 • FAX 541-296-1855

January 7, 2019

City of Fairview City Council
1300 NE Village St
Fairview, Oregon 97024

RE: Billboard discussion

Dear Mayor and Councilors,

I want to provide this letter to you as a supplement to my application for a permit to rebuild a billboard sign in Fairview. Given the quasi-judicial nature of the process undertaken to review my application I was precluded from giving a statement during the initial Council meeting on this subject on January 2nd. Therefore, the purpose of this letter is to provide an explanation and context for my application in order that this may be considered along with the information provided in the staff report and application.

Meadow is a family owned and operated company which started in The Dalles in 1981. We have expanded from there and now operate signs throughout Oregon and the Northwest. On an ongoing basis we upgrade our sign structures to improve their safety and aesthetics. One sign which has been on our list to rebuild since the early 2000s is our sign in Fairview. This sign is on a long-term lease with East Winds Industrial Park, has advertised Action Motor Sports, a Fairview business, for a number of years and is probably one of the ugliest signs we own! Currently the municipal code allows us to maintain the sign but precludes us from rebuilding it. Through numerous conversations with city planning staff and review by the city attorney it was determined that the only avenue which would allow us to rebuild the sign is a text amendment to the municipal code. Hence our application.

Our application is to replace the existing sign with a new modern sign structure similar to the two other pre-existing billboards in Fairview. As part of this project we would install an advertising face on the east side of the sign. We would also like to increase the height of the sign by ten feet in order to improve its visibility and effectiveness. We feel the improvements to the sign will be a benefit to our advertisers, to the travelling public viewing the sign and, given the sign's location immediately before the Fairview Parkway off-ramp, a benefit to Fairview businesses hoping to bring traffic off of I-84 and into Fairview.

Thank you very much for your consideration. I look forward to addressing any additional questions or concerns you have during the January 16th Council meeting.

Best Regards,

Brian Casady

PLAYEAST!
East County Recreation

BOARD MEETING MINUTES

Thursday, December 13, 2018
5:30-7:00 PM
Fairview City Hall, Heslin Room

BOARD PRESENT:	**BOARD ABSENT:**
Mike Abbaté, Fairview Resident	Scott Harden, Wood Village Resident
Patricia Smith, Wood Village City Councilor	Mike Weatherby, Fairview City Councilor
Tom Miles, Wood Village Resident	Darren Riordan, Fairview Resident
STAFF PRESENT:	**STAFF ABSENT:**
Jairo Rios-Campos, Program Manager	
Nolan Young, Fairview City Administrator	
Bill Peterson, Wood Village City Manager	

1. **Call to order:** Acting Chair Patricia Smith called the meeting to order at 5:35 p.m.

2. **Minutes for November 2018:** Board Member Mike Abbate' moved to approve the minutes of November 2018; Member Tom Miles seconded the motion. The vote to approve was unanimous.

3. **Fund raising & Other Events**
   Mike Abbate' commented that fundraising was successful last year. He provided a list of last year's donors.

   There was discussion about the where and when of this year's fundraising event. There was agreement on using Wood Village Baptist Church building. Tom Miles was willing to host it. All felt there was room for growth at this facility.

   Last year's event was held on June 2nd. There was general discussion of options. The first Saturday (June 1st) was tentatively selected. Tom will check the availability of the church.

   Last year there was a single committee that handled both planning of the event and fund raising. Patricia Smith asked if metro paid. Staff will look into it. There was general discussion about who should be contacted for donations and participation.

   Last year the charge was $1000 for an eight person table or $125 for a person. There was a discussion on price. It was proposed that the cost of individual seats was set at $150 to help motivate organizations to purchase the whole table.

Mike move that the price for this year's event be $1500 for a sponsor who receives a table and their name on the banners, $1000 for a table and $150 for a seat. Tom Miles seconded the motion. The vote to approve was unanimous.

It was agreed that the purpose of fundraiser is Scholarships and program expansion.

Brain Cooper agreed that as the new Mayor in January 2019 he will make contacts for donations. The committee specifically recommended that utility providers in the two communities be solicited for sponsorship, including Portland General Electric, Northwest Natural Gas, ComCast, Frontier, Waste Management, Ten Mile Solid Waste services, and other identified service providers in the community.

An Event/Fund Raising Committee was organized with membership including board members Smith, Miles, Riordan and Harden.

There was a discussion about our current efforts to get the word out about our program. It was recommended that we use banners during registration periods.

Brian talked about a run/walk fundraiser. The Board showed interest. Mike and Brain will reach out to others about doing an event in May 2019. Manager Jairo Rios-Campos will do some investigation and bring it back to the board so we can organize a committee with a chair.

4. Programming Update

We have moved forward with the winter guide. It includes many programs from fall.
Jairo mention that as a result of our visit to Superintendent Diaz, she talked with her cabinet and they have appointed a contact to work with us on an IGA.

Jairo talk about the indoor soccer program at Woodland Elementary for this winter. We will be in partnership with a nutrition program
We are still working with Fairview Elementary for use of their gym for a basketball program this winter. We hope to hear soon

We will include Gresham Futsal in our guide. The hope is that this partnership will eventually include them paying for residents to participate in ECR.

5. City Council Presentation Update

Abate presented the material that was included in the presentation to both of the cities. The Wood Village presentation was on November 28. The Council asked for a quarterly report at a council meeting with a corresponding written report. Total participation, financial status and pictures were the information the council desired. The Fairview presentation is on December 19th.

Jairo has been dropping by classes and taking pictures. Bill Peterson asked for copies. He and Nolan Young can include them in weekly reports to Councils. Jairo has been using social media to publicize what we are doing.

6. Adjournment:

Acting Chair Smith adjourned the meeting at 6:30 p.m.

Darren Riordan, Chair — 1/3/2019 Date

Nolan Young, City Administrator — 1/3/2019 Date

City of Fairview

Check Register

Packet: APPKT02568 - 12/21/2018 CASH DEPOSIT RA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02073	BANK OF THE WEST	12/21/2018	Regular	0.00	46,000.00	66430
INV0030205	Invoice	12/21/2018	CASH DEPOSIT -PAYROLL	0.00	46,000.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	46,000.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	**1**	**0.00**	**46,000.00**

City of Fairview

Check Register

Packet: APPKT02567 - 12/21/2018 RE-ISSUE RA

By Check Number

Vendor Number / Payable #	Vendor Name / Payable Type	Payable Date	Payment Date / Payable Description	Payment Type	Discount Amount / Discount Amount	Payment Amount / Payable Amount	Number
Bank Code: US BANK-OPERATING ACCOUNT							
00806	MULTNOMAH COUNTY SCHOOL DIS		12/21/2018	Regular	0.00	726.72	66429
2019068.....	Invoice	12/11/2018	PW CONTRACT FUEL -NOV 2018		0.00	634.57	
20191068..	Invoice	12/11/2018	CS CONTRACT FUEL -NOV 2018		0.00	92.15	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	2	1	0.00	726.72
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	2	**1**	**0.00**	**726.72**

City of Fairview

Check Register

Packet: APPKT02574 - 1/4/2019 AP RA

By Check Number

Vendor Number / Payable #	Vendor Name / Payable Type	Payment Date / Payable Date	Payment Type / Payable Description	Discount Amount / Discount Amount	Payment Amount / Payable Amount	Number
Bank Code: US BANK-OPERATING ACCOUNT						
00022	AHERN RENTALS INC	01/07/2019	Regular	0.00	1,712.75	66435
19829586-2	Invoice	12/06/2018	TELESCOPING BOOM- CHRISTMAS TREE LI	0.00	1,712.75	
02113	ALISIA REYES	01/07/2019	Regular	0.00	150.00	66436
INV0030233	Invoice	12/24/2018	CC DEPOSIT REFUND	0.00	150.00	
00025	ALL ABOUT AUTOMOTIVE INC	01/07/2019	Regular	0.00	2,110.36	66437
38656	Invoice	12/14/2018	2007 SIERRA CLASSIC (E239906) OIL CHA	0.00	63.40	
38657	Invoice	12/14/2018	2008 SILVERADO (E234832) OIL CHANGE/	0.00	326.44	
38658	Invoice	12/14/2018	2007 SLIVERADO (E29901) OIL CHANGE/T	0.00	404.38	
38659	Invoice	12/14/2018	2005 SIERRA (E233374) OIL CHANGE	0.00	63.94	
38688	Invoice	12/20/2018	2006SILVERADO(E237105)OIL CHANGE/A	0.00	353.10	
38689	Invoice	12/20/2018	2000 SIERRA (E215514) OIL CHANGE	0.00	63.94	
38698	Invoice	12/21/2018	2011 SIERRA (E253170) OIL CHANGE/TRA	0.00	778.19	
38700	Invoice	12/21/2018	2012 TERRAIN (E260016) OIL CHANGE	0.00	56.97	
00053	ANSWERNET INC	01/07/2019	Regular	0.00	126.50	66438
068-88016	Invoice	12/21/2018	PW SHOP- ANSWERING SERVICE	0.00	126.50	
02355	BOB COCHRAN	01/07/2019	Regular	0.00	400.00	66439
INV0030234	Invoice	12/23/2018	CC DEPOSIT REFUND	0.00	400.00	
01659	CARDNO INC	01/07/2019	Regular	0.00	5,020.00	66440
512551	Invoice	12/17/2018	FV HYDRAULIC MODELING -NOV 2018	0.00	5,020.00	
00178	CITY OF GRESHAM	01/07/2019	Regular	0.00	73.86	66441
INV0030251	Invoice	12/20/2019	STORMWATER/POLICE FIRE PARKS FEE	0.00	73.86	
00178	CITY OF GRESHAM	01/07/2019	Regular	0.00	28,526.43	66442
46151	Invoice	12/14/2018	SEWER IGA CONNECTION SEPT- OCT 2018	0.00	28,526.43	
00402	CORE & MAIN LP	01/07/2019	Regular	0.00	536.07	66443
J843100	Invoice	12/12/2018	HYDRANT EXT KIT (1)	0.00	536.07	
01699	DEAN HURFORD CONSTRUCTION IN	01/07/2019	Regular	0.00	5,600.00	66444
INV0030237	Invoice	12/27/2018	REFUND LU APP #2018-52-DR	0.00	5,600.00	
02261	DIVERSIFICATION, INC.	01/07/2019	Regular	0.00	60.20	66445
18351	Invoice	12/26/2018	CHAIR ARM CAPS/GLIDES (40)	0.00	60.20	
00314	FASTENAL COMPANY	01/07/2019	Regular	0.00	549.49	66446
ORPO852792	Invoice	12/10/2018	CH -CNTRPLL PAPER TWL/TP/ LATEX GLO	0.00	187.39	
ORPO852843	Invoice	12/12/2018	PW- TRASH CAN LINERS/ EAR PLUGS/ CN	0.00	206.70	
ORPO852844	Invoice	12/12/2018	CH- C FOLD RPLCMNTC PPR TOWELS	0.00	66.90	
ORPO852948	Invoice	12/12/2018	CH- TOIL STCVR/ C- FOLF PPR TOWELS	0.00	88.50	
02321	GEOFFREY MICHAEL ABBATE	01/07/2019	Regular	0.00	2,975.00	66447
1818.1.4	Invoice	12/19/2018	ECR CONSULTING - DEC 2018	0.00	2,975.00	
00392	HACH COMPANY	01/07/2019	Regular	0.00	529.75	66448
11252734	Invoice	12/10/2018	REGENT SET /CHLORINE FREE	0.00	529.75	
01838	HOLLY LEWIS	01/07/2019	Regular	0.00	400.00	66449
INV0030258	Invoice	12/16/2018	CC DEPOSIT REFUND	0.00	400.00	
01883	MILWAUKIE PLUMBING CO	01/07/2019	Regular	0.00	588.29	66450
386414	Invoice	12/10/2018	CH - WOMEN'S UPSTAIRS RESTROOM AD	0.00	588.29	

Vendor Number / Payable #	Vendor Name / Payable Type	Payment Date / Payable Date	Payment Type / Payable Description	Discount Amount / Discount Amount	Payment Amount / Payable Amount	Number
00596	MOEN MACHINERY INC	01/07/2019	Regular	0.00	59.59	66451
500137	Invoice	10/24/2018	PW - CLING STRAP	0.00	6.99	
502775	Invoice	12/26/2018	PW - FC EDGER BLADE	0.00	52.60	
01889	NEW BEGINNINGS CHURCH	01/07/2019	Regular	0.00	150.00	66452
INV0030235	Invoice	12/31/2018	CC DEPOSIT REFUND	0.00	150.00	
00648	NORTHWEST NATURAL GAS COMPA	01/07/2019	Regular	0.00	571.39	66453
INV0030262	Invoice	12/18/2018	CH - GAS HEAT	0.00	204.15	
INV0030263	Invoice	12/18/2018	PW SHOP - GAS HEAT	0.00	132.66	
INV0030264	Invoice	12/18/2018	CC- GAS HEAT	0.00	234.58	
00694	OREGON CORRECTIONS ENTERPRISI	01/07/2019	Regular	0.00	1,300.00	66454
01230215-IN	Invoice	12/18/2018	TRAFFIC SIGNS	0.00	1,300.00	
01243	PACIFIC SALES AND SERVICE INC	01/07/2019	Regular	0.00	1,354.03	66455
53605	Invoice	12/14/2018	AIR COMPRESSOR - OIL CHANGE	0.00	1,354.03	
00745	PIP PRINTING AND DOCUMENT SER'	01/07/2019	Regular	0.00	52.05	66456
31169	Invoice	12/21/2018	INTERLACHEN SEWER POSTCARD PRINTIN	0.00	52.05	
01984	PORTLAND GENERAL ELECTRIC	01/07/2019	Regular	0.00	17.85	66457
0000369196	Invoice	12/15/2018	EXCESS TRANSFORMER CAP- MARINE DR	0.00	17.85	
00850	SCRUBBYS CAR WASH	01/07/2019	Regular	0.00	24.00	66458
INV0030269	Invoice	11/25/2018	CS - CAR WASHES	0.00	17.00	
INV0030270	Invoice	11/25/2018	PW - CAR WASH	0.00	7.00	
01932	SHARON DONALDSON	01/07/2019	Regular	0.00	400.00	66459
INV0030236	Invoice	12/29/2018	CC DEPOSIT REFUND	0.00	400.00	
00864	THE SHERWIN WILLIAMS CO / PARK	01/07/2019	Regular	0.00	161.92	66460
3681-6	Invoice	12/17/2018	(2) GALLONS PAINT	0.00	93.06	
8890-1	Invoice	11/30/2018	(2) GALLONS PAINT	0.00	68.86	
00932	TICE ELECTRIC COMPANY	01/07/2019	Regular	0.00	280.00	66461
150244	Invoice	12/19/2018	CH - OUTDOOR LIGHT TIMER	0.00	112.00	
150245	Invoice	12/18/2018	CH - REPAIR LIGHT FIXTURE- GENERATOR	0.00	112.00	
150246	Invoice	12/18/2018	PUMP 2 RESET TRIPPING BREAKER	0.00	56.00	
00991	WESTON BUICK GMC INC	01/07/2019	Regular	0.00	51.65	66462
GCCS532162	Invoice	12/18/2018	2016 SILVERADO REPLACED HEADLAMP	0.00	51.65	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	45	28	0.00	53,781.18
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	45	**28**	**0.00**	**53,781.18**

City of Fairview

Check Register

Packet: APPKT02581 - 1/9/2019 PO #19-0020

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Payable Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: US BANK-OPERATING ACCOUNT						
02356	MARK KRANER	01/09/2019	Regular	0.00	4,365.00	66464
INV0030281	Invoice	01/09/2019	FAIRVIEW COMMUNITYCENTER DOWNS	0.00	4,365.00	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	4,365.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	**1**	**0.00**	**4,365.00**

City of Fairview

Check Register

Packet: APPKT02579 - 1/9/2018 PO#19-0015 RA

By Check Number

Vendor Number / Payable #	Vendor Name / Payable Type	Payment Date / Payable Date	Payment Type / Payable Description	Discount Amount / Discount Amount	Payment Amount / Payable Amount	Number
Bank Code: US BANK-OPERATING ACCOUNT						
02147	JSE INC	01/09/2019	Regular	0.00	84,864.64	66463
INV0030280	Invoice	01/09/2019	CDBG-7TH ST. MAIN- DEPOT IMPROVEME	0.00	84,864.64	

Bank Code US BANK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	84,864.64
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	**1**	**0.00**	**84,864.64**