



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

June 19, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist *Meg Larry French*

SUBJECT: City of Beaverton Plan Amendment  
DLCD File Number 003-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 30, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Christine Valentine, DLCD Natural Hazards and Floodplain Specialist  
Colin Cooper, City of Beaverton

<paa> ya/ph



DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

JUN 12 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Beaverton Local File No.: TA 2006-0002 (Floodplain) (If no number, use none)

Date of Adoption: 06/06/06 (Must be filled in) Date Mailed: 06/09/06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 02/17/06

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

X Land Use Regulation Amendment Zoning Map Amendment

X New Land Use Regulation Other:

(Please Specify Type of Action)

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

Text amendment to Section 60.10, Floodplain, to update the City's Floodplain regulations to be consistent with the Federal Emergency Management Agency.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

Same

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: N/A Acres Involved: N/A

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 2 & 7

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-06 (15027)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:    

If no, do the Statewide Planning Goals apply. Yes:     No:    

If no, did The Emergency Circumstances Require immediate adoption. Yes:     No:    

Affected State or Federal Agencies, Local Governments or Special Districts: Clean Water Services, Washington County, Metro,

Local Contact: Colin Cooper, AICP, Senior Planner

Area Code + Phone Number: 503-526-2425

Address: PO BOX 4755

City: Beaverton Zip Code+4: 97076-4755

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## ADOPTION SUBMITTAL REQUIREMENTS

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

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≡ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≡ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4392

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTERS 60 and 90;  
TA 2006-0002 (Floodplain Text Amendment).

**WHEREAS**, the purpose of the Floodplain Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4382 (April 2006) to clarify terms and definitions related to floodplain maps and the use of recreational vehicles as dwelling units. Affected chapters of the Development Code include Chapter 60 (Special Regulations) and Chapter 90 (Definitions); and

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on March 28, 2006, published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on April 5, 2006; and,

**WHEREAS**, the Planning Commission held a public hearing on April 5, 2006 and approved the proposed Floodplain Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated March 28, 2006, and as amended at the hearing; and

**WHEREAS**, on April 5, 2006 the Planning Commission conducted a public hearing for TA 2006-0002 (Floodplain) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1856; and,

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0002 (Floodplain) following the issuance of the Planning Commission Land Use Order No. 1856; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1856 dated April 21, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2050, effective through Ordinance No. 4382, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

**Section 2.** All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 15<sup>th</sup> day of May, 2006.

Passed by the Council this 5<sup>th</sup> day of June, 2006.

Approved by the Mayor this 16<sup>th</sup> day of JUNE, 2006.

ATTEST:

Catherine Jensen  
Deputy City Recorder *for*  
SUE NELSON, City Recorder

APPROVED:

Rob Drake  
ROB DRAKE, Mayor

## EXHIBIT A

**Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10, will be amended to read as follows:**

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### **60.10.10. Floodplain Designation.**

1: Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Department of Homeland Security's Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated February 18, 2005, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. In addition, the Letter of Final Determination, dated August 18, 2004, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, effective February 18, 2005, revises portions of the 1984 and 1987 studies and maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. (ORD 3563) [ORD 4337; January 2005]

2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or if a development application is received for a site where a floodplain is unclear or lacks an established elevation, the City Engineer shall may request require the concerned person or applicant to provide a detailed hydraulic data report prepared in accordance with standard engineering practice by a registered engineer with background in the area of hydrology and hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. The report must document the base flood elevation and specific limits of inundation

within a floodplain designated on a FIRM map in Zone A or in Zone AO or along a stream corridor beyond the FIRM studied limits. After review of the available data and the report, the floodplain base flood elevation shall be established by the City Engineer and shall be used and have the same effect as a FIRM-determined base flood elevation.

All applicable floodplain regulations for preservation of flood conveyance and flood storage of sites and building elevation requirements shall be determined from the base flood elevation as established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

**Section 2: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10.20, will be amended to read as follows:**

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- 60.10.20. Commercial and Industrial Uses in the Floodway Fringe.** All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:
1. Meets the requirements of Beaverton Code Section 9.05;
  2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;
  3. Meets the requirements of the ~~Unified Sewerage Agency Clean Water Services District~~ Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002]

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- 60.10.25. Residential Uses in the Floodway Fringe.**
2. All other residential uses, if allowed in the primary zone, are allowed only as conditional uses in the floodway fringe. The request for a Conditional Use shall be processed and reviewed in the manner set forth in this ordinance. In addition to all other findings of fact required to be made in order to grant the Conditional



Use, the following findings shall also be made: [ORD 4155; April 2001]

A. The proposed development meets all the site and building design standards and requirements of the Beaverton Code Section 9.05, and the technical standards of this ordinance; and [ORD 4155; April 2001]

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6. All manufactured homes otherwise allowed to be placed or substantially improved within the floodplain FIRM zones A1-A30 and AO shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is not less than one foot or above the base flood elevation, be flood proofed to or above that level together with attendant utility services composed of flood resistant materials, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Beaverton Code Section 9.05. Site Development Code. (ORD 3563) [ORD 4155; April 2001]
  
7. In the floodplain, the long-term storage, permanent placement, or installation of recreational vehicles on the land is prohibited.

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**Section 3: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 90 – Definitions, will be amended to read as follows:**

**Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. ~~Synonymous with Flood Management Area and Floodplain.~~ (ORD 3563)

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". ~~Designation on maps always includes the letters A or V.~~ (ORD 3563)

**Basement.** A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from the floor to its ceiling, below the average adjoining finished grade. ~~For floodplain regulation purposes in determining building elevation requirements, this shall include any area having its floor subgrade (below ground level) on all sides.~~

**Flood Management Area.** [ORD 4155; April 2001] Pursuant to CWS Design and Construction Standards, the area of inundation that encompasses the floodplain, or the area of special flood hazard, consisting of the following: Land identified

within the 100 year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps and land identified in updated flood studies or any other authoritative data documenting flood elevations, as approved by the City Engineer. **Synonymous with Area of Special Flood Hazard and Floodplain.**

**Floodplain.** The zone along a watercourse enclosed by the outer limits of land which is subject to inundation or affected by hydraulic connection in its natural or lower revised contours by the base flood. **Synonymous with Area of Special Flood Hazard and Flood Management Area.**

**Flood Surface Elevation.** Those elevations to which flood waters will rise at a given location for a specified flood or base flood if not otherwise specified. The elevations are referenced to the National Geodetic Vertical Datum of 1929 or as determined by the City Engineer..

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (ORD 3563)

**Recreation Vehicle or Recreational Vehicle.** A boat, camper, self-propelled motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational, camping, seasonal, and vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. For floodplain regulation purposes, such vehicles shall be fully licensed and ready for highway use on wheels or jacking system and attached to the land only by quick disconnect type utilities and security devices and have no permanently attached additions.