

ORDINANCE NUMBER 1651

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 18.04 OF THE MILWAUKIE CODE REGARDING REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS (ZA-88-02), AND DECLARING AN EMERGENCY.

WHEREAS, the Flood Hazard Ordinance was adopted by the City Council on May 19, 1980, to regulate development in flood hazard areas in compliance with National Flood Insurance Program requirements, and

WHEREAS, new changes have occurred to the National Flood Insurance Program requiring local compliance by April 1, 1987, and

WHEREAS, amendments to the ordinance were considered at public hearings before the Planning Commission on January 10, 1989, and

WHEREAS, the City Council finds that the Flood Hazard Ordinance should be amended based upon the findings listed below,

NOW THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings of fact and conclusions are adopted:

1. The City revised it's Flood Hazard Ordinance on April 21, 1987, to comply with changes to the National Flood Insurance Program. This ordinance is codified as Chapter 18.04 of the Milwaukie Code.
2. The City was informed on December 5, 1988, by the Federal Emergency Management Agency (FEMA) that the April 21, 1987 revisions to Chapter 18.04 were in conformance to federal standards except for additional wording required for Subsection 18.04.120.B.1.
3. The FEMA correspondence directs the City to amend Subsection 18.04.120.B.1. and receive FEMA approval of this amendment prior to February 2, 1989, or the City could be suspended from the National Flood Insurance Program.
4. The proposed revision consists of a minor wording addition requiring the City to review all available base flood and flooding elevation data as part of development review.
5. This new amendment implements Flood Policies of the City's Comprehensive Plan, which require regulation of new construction and development within Flood Plains (Policy 1, Page 11).
6. The City's Comprehensive Plan requires City participation in the Flood Insurance Program and the update of the City Flood Hazard Ordinance to comply with revisions to that program (Policy 5, page 12).

Conclusions:

1. The amendment proposed brings Milwaukie's Flood Hazard regulations into compliance with the Federal Flood Insurance Program.

Section 2. Amendments. Chapter 18.04 of the Milwaukie Code, which regulates development in flood hazard areas for the City of Milwaukie, is amended as follows:

A. Section 18.04.120.B.1. is amended to read as follows:

- "1. When base flood and floodway elevation data has not been provided for flood zones in accordance with Section 18.04.050, the public works director shall obtain, review, and reasonably utilize any base flood and floodway elevation data available from a federal, state, or other source, in order to administer Section 18.04.160(A) and Section 18.04.160(B)."

Section 3. Emergency. Because FEMA is requiring this amendment to be approved by February 2, 1989, and delay in Milwaukie's compliance could affect flood insurance administration within the City, an emergency exists and the Ordinance is necessary to preserve the peace, health, and safety of the community. Therefore, this Ordinance will take effect immediately upon it's final passage.

Read the first time on January 17, 1989, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on January 17, 1989.



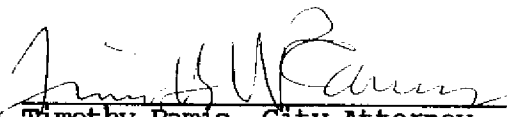
Roger Hall, Mayor

ATTEST:



Jerri Widner, Finance Director

APPROVED AS TO FORM:



Timothy Ramis, City Attorney