



CITY OF COOS BAY  
Community Development Department

500 Central Avenue  
Coos Bay, OR 97420

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www.coosbay.org

**NOTICE OF PLANNING COMMISSION RECOMMENDATION  
AMENDMENT TO ORDINANCE 93 (COOS BAY MUNICIPAL CODE)**

**APPLICATION:** 187-ZON2013-049

**APPLICANT:** City of Coos Bay, 500 Central Ave, Coos Bay, OR 97420

**PROPOSAL:** Amend Coos Bay Municipal Code Chapter 17.195, Flood Damage Prevention, including adopting updated Flood Insurance Rate Maps dated March 17, 2014, by reference at "Exhibit A" and the proposed Text Amendments at "Exhibit B".

**RECOMMENDATION:** Recommend approval as submitted on February 11, 2014  
Planning Commission Final Vote:

**Yea:** *Vice-Chairmen Jeff Marineau, Commissioners Jim Berg, Christine Coles, Bruce Harlan, Phil Marler and Rex Miller*

**Nay:** None **Abstain:** None

**APPEAL PROVISIONS:** Page 2.

**DECISION CRITERIA, ADOPTED FINDINGS OF FACT, CONCLUSIONS:** Pages 3-4

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**FINAL RECOMMENDATION**

Based on the applicant's submittal and the Findings and Conclusion, attached hereto and incorporated herein by reference as "Attachment A", recommend the City Council approve the proposed map and text amendments to Coos Bay Municipal Code Chapter 17.195, Flood Damage Prevention, including the Flood Insurance Rate Maps dated March 17, 2014 by reference at "Exhibit A" and the proposed Text Amendments at "Exhibit B".

**DECISION PROCESS - EFFECTIVE DATE**

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the decision criteria applicable for the proposed zone change and plan map amendment. The Commission may recommend approval, approval with conditions, or deny the proposals after approving findings or statements which substantiate their conclusions.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration. Upon approval of the proposed amendments, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective 30 days after the enactment of the ordinance.

**APPEAL PROVISION**

The final decision will be made by the City Council, and this decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

Sincerely,  
CITY OF COOS BAY



Debbie Erler, Planner  
Community Development

Date: February 14, 2014

ATTACHMENT: A - Findings and Conclusions  
B - Applicant's submittal (previously provided)

EXHIBIT: A - Flood Insurance Rate Maps dated March 17, 2014 by reference  
B - Proposed Text Amendments at "Exhibit B".

c: Applicant and Dave Perry, DLCD

## ATTACHMENT "A"

### I. APPLICANT'S REQUEST

The City of Coos Bay is proposing amendments to Coos Bay Municipal Code Chapter 17.195, Flood Damage Prevention, including adopting updated Flood Insurance Rate Maps dated March 17, 2014, by reference at "Exhibit A" and the proposed Text Amendments at "Exhibit B". The maps have been developed using new technology to increase the accuracy and the proposed text amendments are necessary in order to remain in compliance with the National Flood Insurance Act of 1968 and to continue to be eligible for the National Flood Insurance Program.

### II. APPLICABLE REGULATIONS

City of Coos Bay Coos Bay Municipal Code  
Chapter 17.195 - Flood Damage Prevention  
Chapter 17.380 - Amendments  
Comprehensive Plan, Volume I, 7.1 - Natural Resources and Hazards

### III. STAFF RECOMMENDATION

Based on the applicant's submittal and the findings and conclusion set forth below, recommend the City Council enact the proposed map and text amendments to Coos Bay Municipal Code Chapter 17.195, Flood Damage Prevention, including the Flood Insurance Rate Maps dated March 17, 2014 by reference at "Exhibit A" and the proposed Text Amendments at "Exhibit B", in order to remain in compliance with the National Flood Insurance Act of 1968 and continue eligibility in the National Flood Insurance Program.

### IV. DECISION CRITERIA, STATEMENT OF FACT/FINDINGS & CONCLUSION

The Planning Commission will make a recommendation to the City Council based on the findings and conclusions which address the following criteria from Coos Bay Municipal Code Chapter 17.380:

**Decision Criteria #1:** An acceptable rationale which supports the need for the amendment.

**Decision Criteria #2:** The amendment complies with the applicable provisions of the comprehensive plan.

1. Statewide Planning Goal 7, Areas Subject to Natural Hazards, requires local governments to adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.
2. On April 29, 2011, FEMA provided the City with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in our community, including Base Flood Elevations (BFFs). The proposed flood hazard determinations (FHDs) for our community were published in *The Federal Register* on December 28, 2012 and *The World* on February 28, 2013 and March 7, 2013.

A letter dated May 20, 2011 was sent to property owners in the notice area informing them of the proposed updates to the maps and inviting them to attend an open house on June 7, 2011 to review the proposed maps and that the maps are available for review at Coos Bay City Hall. Published notice appeared again in *The World* on February 28, 2013 and March 7, 2013 regarding the proposed adoption of the maps and the appeal period. On March 27, 2013 an article appeared in *The World* informing citizens of the proposed map updates and another open house on April 8, 2013. The six month review and appeals period has ended.

The City mailed notice to all property owners within the floodplain (based on current and proposed maps) and published notice in *The World* on January 30, 2014 and notice will be published again on March 6, 2014 prior to the March 18, 2014 City Council hearing.

The City must adopt or show evidence of pending adoption of the updated maps, prior to March 17, 2014, as a requirement of continued eligibility in the National Flood Insurance Program (NFIP).

3. The purpose of the NFIP is not to prohibit floodplain development, but to guide development in floodplain areas in such a way as to greatly lessen the economic loss and social disruption caused by impending flood events. Federal flood insurance is only available in those communities that participate in the NFIP and flood insurance is required for the following: federally-backed loans to purchase or build structures located in any special flood hazard area; lending institutions federally regulated; the loan will be sold on the secondary market to a government sponsored enterprise. This comprises well over 95% of all mortgage loans made each year ("Floodplain Management," FEMA, 2000).
4. Comprehensive Plan, Volume I, 7.1, Natural Resources and Hazards:

*NRH.5 Coos Bay shall continue to participate in the National Flood Insurance Program of the U.S. Department of Housing and Urban Development, recognizing that participation in this program substantially insures the health and wellbeing of its residents and allow city residents to benefit from subsidized flood insurance rates.*

**CONCLUSION:** The proposed updates to the Coos Bay Municipal Code Chapter 17.195, including the Flood Insurance Rate Maps adopted by reference, at "Exhibit A" and the proposed text amendments at "Exhibit B" will bring the City into compliance with the requirements of the National Flood Insurance Act of 1968 and continue eligibility in the National Flood Insurance Program. The decision criteria have been satisfied.