



STAFF REPORT

Development Code Legislative Text Amendment

REVIEWER: Tom Dixon, Community Development Administrator

HEARING: Planning Commission

DATE & TIME: August 8, 2017 at 6:00 p.m.

LOCATION: City Council Chambers, City Hall, 500 Central Avenue, Coos Bay

APPLICANT: City of Coos Bay, 500 Central Avenue,
Coos Bay, Oregon

CASE FILE/SUBJECT: **#187-ZON17-051: Text Amendment. The purpose being to amend the definition of 'substantial improvement' so that it is consistent with the current floodplain management standards put forward by the Federal Emergency Management Agency (FEMA).**

I. APPLICANT'S REQUEST

The City of Coos Bay, as applicant, is initiating a Development Code text amendment to broaden the definition of 'substantial improvement' as it is stated in Chapter 17.149 Definitions. The addition, placed between subsections (2) and (3) would state:

"In any 1-year period, if improvements to the structure total more than 50% of the value of the structure, the structure will be required to be brought up to current floodplain management standards. The 1-year period will be a rolling period and start at the completion, or date of finalization, of the oldest improvement within the last 365-day period. At the end of each improvement, the structure must be deemed habitable as defined by the Oregon Building Code."

II. BACKGROUND

The current Development Code for the City of Coos Bay was adopted February 16, 2016 by the City Council and had an effective date of March 18, 2016. At that time, the City of Coos Bay staff was interpreting re-development on existing structures that were located in the floodplain in a

manner less restrictive than what FEMA intended and had enforced. As proposed, the amended language would be consistent with FEMA's position on re-development in the floodplain and protect the City's interests against FEMA enforcement actions.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.215 Definitions

IV. STAFF RECOMMENDATION

Staff prepared the following report based on the proposed Development Code modification. The project file and information is available at City Hall. The project is evaluated under Chapter 17.215 Plan Amendments and Zone Changes.

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of application #187-ZON17-051 as found on page 3 of this staff report.

V. SECTION 17.215 APPROVAL CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS

The following is a list of the approval criteria applicable to the request. According to Chapter 17.215.060 A. of the City of Coos Bay Municipal Code (CBMC) a Code Amendment request must be evaluated against the applicable approval criteria. Each criterion is followed by findings or justification statements.

APPROVAL CRITERION 1. The boundaries of the Comprehensive Plan map designations and the Comprehensive Plan text may be amended as provided in CBMC 17.215.020.

STATEMENTS OF FACT AND FINDINGS:

The purpose of the requested change is to satisfy FEMA standards and limitations on certain activities, in particular, re-development of existing structures in the floodplain unless they fully comply with floodplain requirements. The Development Code is therefore being amended. However, it is not necessary to amend text within the Comprehensive Plan to reflect this added language.

CONCLUSION: Approval of this request would have no impact on the Comprehensive Plan; therefore, this criterion is satisfied.

APPROVAL CRITERION 2. The proposed amendment is in the public interest.

STATEMENTS OF FACT AND FINDINGS:

There is a public interest to ensure that the City of Coos Bay and its taxpayers are not unduly harmed or disadvantaged by increased floodplain insurance costs due to claims against FEMA due to flood damage. A thorough review and enforcement of floodplain requirements, as well as safeguards on the phasing of re-development, is the best manner to ensure this.

CONCLUSION: Based on considerations discussed above, the proposed amendment to the City of Coos Bay Development Code is deemed to support the public interest and be in satisfaction of this criterion.

APPROVAL CRITERION 3. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Capital Improvement Plan(s).

STATEMENTS OF FACT AND FINDINGS:

The proposed text amendment has very limited conflict or opposition to proposed capital improvements or any services identified in any of the City's adopted Capital Improvement Plans (CIPs). The exception would be facilities in the public rights-of-way and within the floodplain that may be impacted during an emergency. In those cases, a state of emergency could be proclaimed to allow the repair or replacement of vital public services and resources in the event that damage is done in a flood event situation.

CONCLUSION: This criterion is deemed to be satisfied.

VI. RECOMMENDATION

Based on the adopted Findings and Conclusions, approve land use application #187-ZON17-051 to amend the City of Coos Bay's Development Code Section 17.140.010 Definitions, as described in the report.

EFFECTIVE DATE OF PERMIT APPROVAL:

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.



DATE MAILED: July 31, 2017

Tom Dixon, Community Development Administrator

cc: Dave Perry, DLCD