

**CITY OF COOS BAY  
JOINT CITY COUNCIL / URA WORK SESSION**

**Agenda Staff Report**

<b>MEETING DATE</b>	<b>AGENDA ITEM NUMBER</b>
August 22, 2017	2.b.

TO: Mayor Benetti and City Councilors

FROM: Tom Dixon, Community Development Administrator

THROUGH: Rodger Craddock, City Manager

**ISSUE:** Consideration of Approval of a Text Amendment to the Coos Bay Municipal Code Definition Substantial Improvement - Approval Would Require Enactment of the Proposed Ordinance

**SUMMARY:**

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."

**ACTION REQUESTED:**

If it pleases the Council, at the September 5th Council meeting, enact an amendment to the Development Code definition of Substantial improvement as it relates to floodplain re-development so that it aligns with FEMA's interpretation for the timing of phased improvements.

**BACKGROUND:**

The current Development Code for the City of Coos Bay was enacted 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. At their August 8, 2017 Planning Commission Hearing, the Planning Commission recommended approval as written above on a vote of 6-0.

**BUDGET IMPLICATIONS:**

None

**ATTACHMENT(S):**

- ▢ Substantial Improvement Draft Ordinance

**ORDINANCE NO.###**

**AN ORDINANCE AMENDING COOS BAY MUNICIPAL CODE, TITLE 17, CHAPTER 17.140.010 TO EXPAND THE DEFINITION OF 'SUBSTANTIAL IMPROVEMENT' AS IT RELATES TO DEVELOPMENT AND RE-DEVELOPMENT IN AREAS DESIGNATED AS FLOODPLAIN.**

**WHEREAS**, portions of Coos Bay are within a floodplain which necessitates special consideration when development and re-development occur, and

**WHEREAS**, the City of Coos Bay has been given direction by both the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) to enforce more stringent review of re-development projects within the floodplain to ensure compliance with FEMA's definition of 'substantial improvement', and

**WHEREAS**, the City of Coos Bay is following the direction of FEMA and DLCD by expanding the Development Code definition of 'substantial improvement' by adding the following language:

*"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.", and*

**WHEREAS**, legal notice was published in "The World", a newspaper of general circulation within Coos County, Oregon on March 2, 2017 and April 20, 2017, and

**WHEREAS**, a public hearing was held before the City of Coos Bay Planning Commission on July 20, 2017; and after receiving evidence and hearing testimony, the Planning Commission supported the Development Code amendment by a vote of 6-0 and,

**WHEREAS**, after considering the Commission's Findings and Justification and after receiving evidence and hearing testimony at the September 5, 2017 hearing, the City Council of the City of Coos Bay, adopted the Findings and Justifications, and approved the proposed Development Code amendment to the definition of 'substantial improvement'.

**NOW THEREFORE**, the City Council of City of Coos Bay ordains the following:

**Section 1.** Amend the City of Coos Bay's Development Code to expand the definition of 'substantial improvement'.

**Section 2.** The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

**Section 3.** This Ordinance shall take effect 30 days after enactment by the City Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the \_\_\_\_\_ day of September 2017.

Yes:

No:

Absent:

\_\_\_\_\_  
Joe Benetti  
Mayor of the City of Coos Bay Coos  
County, Oregon

ATTEST:

\_\_\_\_\_  
Susanne Baker  
City Recorder of the City of Coos Bay Coos  
County, Oregon