

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

June 3, 2021

Text Amendment – Legislative Process – Floodplain Ordinance

HEARING DATE: June 30, 2021

FILE NUMBER: TA 20-03

APPLICANT/OWNER: Columbia County
Land Development Services
230 Strand Street
St. Helens, OR 9705

REQUEST: To amend the Columbia County Zoning Ordinance, (CCZO) Section 1100 Flood Hazard Overlay, to bring it into compliance with the National Flood Insurance Program (NFIP) requirements and Federal Emergency Management Agency (FEMA) guidelines, by adopting the 2019 Oregon Model Flood Hazard Ordinance produced by the Oregon Department of Land Conservation and Development (DLCD).

APPLICABLE CRITERIA:

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BACKGROUND:

On September 19, 2019, the Natural Hazards Planner from the Oregon Department of Land Conservation and Development (DLCD), funded through a FEMA grant, conducted a Community Assistance Visit (CAV) to assess the Floodplain Management Program of Columbia County. The purpose of the visit was to discuss the County's participation in the National Flood Insurance Program (NFIP) and to ensure the community is managing their floodplains in compliance with the NFIP.

During the CAV, DLCD staff analyzed the floodplain development process in Columbia County and reviewed all of the permit forms and floodplain development applications, and elevation certificates for the last 5 years. Additionally, a thorough analysis was given to the Flood Hazard Ordinance 2010-6, contained within Section 1100 of the Columbia County Zoning Ordinance (CCZO).

Ultimately, it was found that Columbia County has been appropriately administering the floodplain management program; however, the floodplain ordinance in place since 2010 is no longer compliant with federal regulations and needs to be updated. In 2019, DLCD staff in coordination with FEMA, developed a new model floodplain ordinance that is compliant with federal regulations, State of Oregon land use law, and incorporates the 2014 changes to the State of Oregon building code and specialty codes that pertain to flood hazard areas. In order to remain within the National Flood Insurance Program, Columbia County is required to adopt a new floodplain development ordinance.

A summary of actions taken to date includes the original contact by DLCD Natural Hazards staff in September of 2019 and the Community Assistance Visit (CAV). The outcome of the CAV was the requirement for the County to adopt the Oregon Model Flood Hazard Ordinance.

After the CAV meeting, in October 2019, Columbia County Land Development Services (LDS) staff documented the Standard Operating Procedures for reviewing development within a Special Flood Hazard Area. Staff also started preliminary work in preparation for the ordinance adoption process. That work included a work session with the County Planning Commission on November 4, 2019 and a work session with the Columbia County Board of County Commissioners on November 13, 2019.

In December 2019, Staff drafted a modified version of the Oregon Model Floodplain Ordinance so that it was specific to Columbia County and available for citizen review. LDS also began planning community outreach and scheduled a number of public open house sessions throughout the County to talk about the proposed changes. Those public open house sessions were held on the following dates in the locations listed:

- Tuesday, February 11, 2020 Vernonia City Hall, 1001 Bridge St., Vernonia
- Wednesday, February 12, 2020 Clatskanie PUD, 495 E Col River Hwy, Clatskanie
- Tuesday, February 18, 2020 Rainier Transit Center, 207 B St., Rainier
- Tuesday, February 25, 2020 Port of Columbia County, 100 E St., City of Columbia City
- Wednesday, February 26, 2020 Scappoose Library, 52469 SE 2nd St., Scappoose

At each Open House session, in addition to a staff presentation and a Q&A period, copies of the proposed 2019 Model Flood Ordinance were provided free of charge for the public to review.

After the open houses, in March 2020, Staff began preparing to schedule the flood ordinance for public hearing at the Planning Commission. Unfortunately, COVID-19 changed the fundamental ways in which LDS conducted business, and in late March the Governor and State Public Health Office prohibited public gatherings due to concerns with COVID 19.

In January 2021, LDS was contacted by DLCD Natural Hazards Staff and reminded the Oregon Model Flood Ordinance still needed to be adopted in order to finish up the 2019 CAV. Furthermore, in June 2021, DLCD must report to FEMA on the status of each jurisdiction's 2019 CAV. Currently, Columbia County is listed as not complete. On March 15, LDS staff conducted a work session with the Planning Commission to discuss the proposed amendments to the Columbia County Zoning Ordinance Section 1100, Flood Hazard Overlay.

It is the goal of Columbia County to stay in compliance with FEMA guidelines and the NFIP. The first public hearing on the adoption of the Oregon Model Flood Ordinance was held on May 3, 2021, before the Columbia County Planning Commission. The Planning Commission heard the item and made a motion to recommend **APPROVAL** to the Board of County Commissioners for the adoption of the model flood ordinance amendments to Section 1100 of the Zoning Ordinance, with 5 revisions.

The five revisions have been included in the attachments to this report and are summarized as follows:

Revision 1: The word “and” has been add to Section 1105.2(A)(1-7).

Revision 2: The words “(50 lots or 5 acres, whichever is less) has been added to Section 1106.1(F)(1) at the request of DLCD and FEMA. This is required FEMA language.

Revision 3: The words “(A1-A-30, AH, and AE)” were removed from Section 1106.2 at the request of DLCD and FEMA. This was a typo error that was not included in the Oregon Model Flood Ordinance.

Revision 4: At the request of the County Sanitarian, the following note was added to Section 1106.1(E)(1) to clarify that septic systems are not required to go through the floodplain development permit process if they are located entirely underground.

“(Note: Onsite subsurface septic tanks regulated by OAR 340, Division 71 and 73, are not required to obtain a floodplain development permit).”

Revision 5: Added an exception to the floodplain development permit review process to allow for temporary storage and permanent residential storage in a floodplain, but not in a floodway. Revised Section 1105.3(A) as follows:

1. “The following exceptions apply for the storage of equipment and/or materials:
 - i. Temporary storage, located out of the floodway, within any zoning district; and
 - ii. Permanent storage, connected with residential use, located out of the floodway.”

FINDINGS:

This request is being processed under Section 1606 (Legislative hearing) and Section 1611 (Notice of Legislative Hearing) of the CCZO. The pertinent sections of the ordinance are reviewed as follows:

1606 Legislative Hearing:

Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures.

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.

Finding 1: At the request of DLCD, this legislative amendment to the CCZO to adopt the Oregon Model Flood Ordinance was initiated by the County Board of Commissioners on November 13, 2019. As such, staff this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

- .2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 2: A hearing notice was published in the Columbia County Spotlight Newspaper on April 16, 2021 and on April 23, 2021. Additionally, another hearing notice was published in the Chronicle Newspaper on and April 14, 2021 and on April 21, 2021. Both of these notices in each newspaper were published more than 10 days prior to the Planning Commission hearing date of May 3, 2021. Notice and Referral to CPAC's, watershed councils, and affected Federal, State, and Local agencies was mailed on March 25, 2021.

Pursuant to ORS 215.503, Measure 56 Notice of the proposed zoning code text amendment was mailed on March 25, 2021 to property owners that had property located within a special flood hazard area.

The Board of Commissioners public hearing notice was published in the Columbia County Spotlight Newspaper on June 11, 2021 and on June 18, 2021. Notice was also published in the Chronicle Newspaper on June 9, 2021 and on June 16, 2021. Notice was also published in the

Clatskanie Chief newspaper on June 11, 2021 and on June 18, 2021. All of these notices in each newspaper were published more than 10 days prior to the Board of Commissioners hearing date of June 30, 2021. Staff finds appropriate public notice meeting the required timelines for legislative hearings has been given; therefore, this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 3: The Planning Commission held a public hearing on May, 3 2021 and recommended approval of the proposed amendments to Section 1100 of the Zoning Ordinance with five revisions. The revisions approved by the Planning Commission have been included with the attachments to this staff report. Notice of the Board of Commissioners public hearing was published in accordance with the required legislative notice criteria. The Board of Commissioners will hold a public hearing on this matter on June 30, 2021.

Continuing with the Columbia County Zoning Ordinance:

1611 Notice of Legislative Hearing:

The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

Finding 4: All of the above information was included in the Planning Commission Notice of Public Hearing and the Board of Commissioners Notice of Public hearing, published twice in the Columbia County Spotlight and the Chronicle newspapers. Reference Attachment 1. The Board of Commissioners public hearing on this matter has been scheduled for June 30, 2021. Staff finds that the public hearing notice given for the Planning Commission public hearing and the Board of Commissioners public hearing includes all of the required language for legislative hearings under CCZO Section 1611; therefore, these criteria have been satisfied.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

ORS 197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.
- (3) Submission of the proposed change must include all of the following materials:
 - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
 - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;
 - (d) The date set for the first evidentiary hearing;
 - (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
 - (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.
- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:
 - (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

- (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

Finding 5: Notice of the proposed post-acknowledgement zoning ordinance amendment was uploaded to the DLCD PAPA Online Submittal portal on March 13, 2020, and the first public hearing date was revised on March 22, 2021, reflecting the May 3, 2021 Planning Commission public hearing. Reference DLCD file number 002-03. The online submittal includes all of the required information describing the type of change, the text of the change, the date of the first public hearing and how a copy of the staff report can be obtained. This staff report will be uploaded to the online portal once complete, as well as added to the Columbia County LDS Planning webpage. Staff has also been in close communication about this project with DLCD representatives, Lisa Phipps and Celinda Adair. Staff finds that it has exceeded the minimum notice requirements to State agencies by providing notice more than 20 days prior to the first public hearing. These criteria have been met.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

NOTICE TO PROPERTY OWNERS (Required by Measure 56)

ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.

- (1) As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.
- (2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the governing body of a county shall be by ordinance.
- (3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.
- (4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the governing body of the county and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (governing body of the county) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (governing body) will hold a public hearing regarding the adoption of Ordinance Number _____. The (governing body) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number _____ is available for inspection at the _____ County Courthouse located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the (governing body) Planning Department at _____.

(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by the governing body of a county pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the governing body of the county shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (governing body of the county) has proposed a land use that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (governing body) has proposed Ordinance Number _____. (Governing Body) has determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number _____ will become effective on (date).

Ordinance Number _____ is available for inspection at the _____ County Courthouse located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number_____, you may call the (governing body) Planning Department at _____.

- (7) Notice provided under this section may be included with the tax statement required under ORS 311.250.
- (8) Notwithstanding subsection (7) of this section, the governing body of a county may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.
- (9) For purposes of this section, property is rezoned when the governing body of the county:
 - (a) Changes the base zoning classification of the property; or
 - (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.
- (10) The provisions of this section do not apply to legislative acts of the governing body of the county resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047, or resulting from an order of a court of competent jurisdiction.
- (11) The governing body of the county is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the local comprehensive plan or land use regulation.
- (12) The Department of Land Conservation and Development shall reimburse the governing body of a county for all usual and reasonable costs incurred to provide notice required under subsection (6) of this section.

Finding 6: LDS mailed Measure 56 notice to every property owner that had an identified Special Flood Hazard Area (SFHA) on their property as describe in Finding 2. The mailing list was generated from the County Geographic Information Service (GIS) map that includes the FEMA Flood Insurance Rate Map (FIRM) information on the floodplain layer. The mailed Measure 56 notice contained all of the required elements of a Measure 56 notice as required by this statute and clearly states it is for Adoption of the Oregon Model Flood Ordinance. The Measure 56 notice was mailed on March 25, 2021, which is at least 20 days but not more than 40 days before the date of the first public hearing on May 3, 2021. A copy of the notice is in the record and attached to this report. Reference Attachment 2. Staff finds these criteria are satisfied.

Review of the Code of Federal Regulations (CFR) for FEMA:

CFR Title 44 - Emergency Management and Assistance

Chapter 1 - Federal Emergency Management Agency (FEMA)

§ 60.1 - Purpose of subpart.

- (a) The Act provides that flood insurance shall not be sold or renewed under the program within a community, unless the community has adopted adequate flood plain management regulations consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Federal Insurance Administrator.
- (b) This subpart sets forth the criteria developed in accordance with the Act by which the Federal Insurance Administrator will determine the adequacy of a community's flood plain management regulations. These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. Except as otherwise provided in § 60.6, the adequacy of such regulations shall be determined on the basis of the standards set forth in § 60.3 for flood-prone areas, § 60.4 for mudslide areas and § 60.5 for flood-related erosion areas.
- (c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood, mudslide (i.e., mudflow) and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use.
- (d) The criteria set forth in this subpart are minimum standards for the adoption of flood plain management regulations by flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone communities. Any community may exceed the minimum criteria under this part by adopting more comprehensive flood plain management regulations utilizing the standards such as contained in subpart C of this part. In some instances, community officials may have access to information or knowledge of conditions that require, particularly for human safety, higher standards than the minimum criteria set forth in subpart A of this part. Therefore, any flood plain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this part are encouraged and shall take precedence.

Finding 7: Columbia County, Oregon is considered a riverine flood-prone community and is currently part of the National Flood Insurance Program (NFIP). In order to remain in the National Flood Insurance Program, the County must meet the minimum compliance flood plain management criteria found in §60.2 - §60.8. FEMA and the State of Oregon have developed the Oregon Model Flood Ordinance that meets the minimum compliance standards required by §60.2 - §60.8. By adopting the Oregon Model Flood Ordinance the County will remain in compliance with the NFIP, which then allows for flood insurance to be sold in the County, helps with insurance rates, and keeps the County eligible for flood disaster relief funds.

Review of the following Columbia County Comprehensive Plan Goal & Policies:

The Columbia County Comprehensive Plan has twenty one parts, each with a set of general Goals and implementing Policies. These Goals and Policies are implement by Ordinance and most specifically the CCZO. The Flood Hazard Overlay District of the CCZO is designed to reduce or avoid damages caused by flood, mudslide, or flood related erosion. By protecting the floodplain areas, the County also helps implement other parts of the Comprehensive Plan. More precisely, the Flood Hazard Overlay provides security for Housing (Part VI), stabilization for certain areas of the Economy (Part X), protection of Open Space and Natural Resources (Part XVI), protection of the provision of Recreational Needs (Part XVII), and protection of the Air, Land and Water (Part XVIII).

The most applicable portions of the Comprehensive Plan are Part I – Administrative Procedures for Zoning Text Amendments and Part XIX Natural Disasters – Floodplain, are reviewed below.

Columbia County Comprehensive Plan

Part 1 Administrative Procedures

Goals:

1. To assure the goals and policies of this plan are implemented.
2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide and understandable framework for reviewing and revising this plan.

Policies:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
 - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
 - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
 - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
 - D. For quasi-judicial amendments, all property owners within two hundred and fifty

(250) feet of the affected area shall be notified of the hearing date and the requested amendment at least ten (10) days prior to the first scheduled public hearing.

- E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees and interested parties at least ten (10) days prior to the first scheduled public hearing.

Finding 8: The proposed zoning ordinance text amendment was requested by the State of Oregon, DLCDC. Planning Staff discussed the matter with the Columbia County Board of Commissioners at the November 13, 2019, Board work session. At this meeting, the Board initiated the CCZO text amendment and authorized staff to begin the process of adopting the Oregon Model Flood Ordinance so the County could remain in compliance with the NFIP. This project was not initiated by a CPAC and is not a quasi-judicial decision. Adoption of the Oregon Model Flood Ordinance did follow the process for a legislative amendment with notice and opportunity to comment given to CPAC's, Measure 56 notice to the public, followed by a Planning Commission public hearing and recommendation and then a Board of Commissioners public hearing and adoption of amendment. Notice to CPAC's was more than 10 days before the first scheduled public hearing with the Planning Commission on May 3, 2021. Reference Findings 2-6 for specific details of the notice. Staff finds the process used for this legislative text amendment to the CCZO is consistent with Part 1 of the Comprehensive Plan. These criteria are satisfied.

Continuing with the Columbia County Comprehensive Plan:

Part XIX Natural Disasters and Hazards

Floodplain

Goal: Eliminate or reduce the economic and social costs created by flood-caused damages.

Policy: 1. Columbia County will participate in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).

Finding 9: The DLCDC Natural Hazards Coordinator for the State of Oregon has found that the current Columbia County Floodplain Ordinance, CCZO Section 1100 Flood Hazard Overlay, is no longer in compliance with State and Federal guidelines required for participation in the National Flood Insurance Program administered by FEMA. It is the policy for Columbia County to participate in the NFIP. Adoption of the Oregon Model Flood Ordinance will bring the County into compliance with the NFIP, consistent with this policy. These criteria are satisfied.

COMMENTS:

County Building Official: “All new construction in flood zones will require to be designed to flood standards and require a BFE at application.”

County Public Works Department: “No comments or concerns in the matter of this amendment.”

County Surveyor: “No objection to its approval as submitted.”

City of Scappoose: “No objection to its approval as submitted.”

City of Columbia City: “No objection to its approval as submitted.”

Webb Drainage District: “Our Board must meet to consider this, we will return comments to you by 4/12/21.” Scott Fraser provided a petition in opposition signed by 24 people, received on April 19, 2021 and on May 3, 2021.

Columbia River PUD: “No objection to its approval as submitted.”

Rural Fire Protection Districts: No Response.

CPAC’s: No Response.

County Sanitarian: “Review of proposed Section 1100 amendments indicate onsite wastewater requirements that do not conform to OAR Chapter 340, Division 71 and 73 requirements. It is suggested that discretionary language be added to allow decisions that do not result in a conflict with applicable onsite system construction criteria and rules.”

DLCD: On June 2, 2021, DLCD Natural Hazards Staff submitted comments requesting removal of the Fish Enhancement Structure exemption from Floodway requirements located in Section D(1)(iii), due to the fact that FEMA Region 10 has rescinded their support of this section.

Finding 10: No other written comments have been submitted to the record as of the date of this staff report, June 3, 2021. Public testimony was given at the May 3, 2021 Planning Commission meeting. The video is available on the Columbia County website.

With regards to the 5 revisions that were identified during the public process and recommended by the Planning Commission, all of the following were discussed with FEMA and DLCD and found to be compliant with FEMA guidelines and the intent of the Oregon Model Floodplain Ordinance. In addition, since the Planning Commission public hearing, DLCD has requested the removal of Section 1106.2(D)(1)(iii), regarding Fish Enhancement Structures in the Floodway. In order to remain in compliance with FEMA and DLCD, staff has removed section 1106.2(D)(1)(iii) from the proposed new

text in Attachment 4 and it is shown as strikeout in the Bold/Strike version in Attachment 3. A description of the 5 revisions approved by the Planning Commission and determined to be acceptable by FEMA and DLCD are listed below:

Revision 1: The word “and” has been add to Section 1105.2(A)(1-7).

Revision 2: The words “(50 lots or 5 acres, whichever is less) has been added to Section 1106.1(F)(1) at the request of DLCD and FEMA. This is required FEMA language.

Revision 3: The words “(A1-A-30, AH, and AE)” were removed from Section 1106.2 at the request of DLCD and FEMA. This was a typo error that was not included in the Oregon Model Flood Ordinance.

Revision 4: At the request of the County Sanitarian, the following note was added to Section 1106.1(E)(1) to clarify that septic systems are not required to go through the floodplain development permit process if they are located entirely underground.

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Revision 5: Added an exception to the floodplain development permit review process to allow for temporary storage and permanent residential storage in a floodplain, but not in a floodway. Revised Section 1105.3(A) as follows:

2. “The following exceptions apply for the storage of equipment and/or materials:
 - i. Temporary storage, located out of the floodway, within any zoning district; and
 - ii. Permanent storage, connected with residential use, located out of the floodway.”

CONCLUSION & DISCUSSION:

Work sessions with the Planning Commission on the Oregon Model Flood Ordinance were conducted on November 4, 2019 and on March 15, 2021. The first work session was a general overview of the project discussing why the County needs to adopt the Oregon Model Flood Ordinance and copies of the proposed text were given to the PC. The second work session was a more detailed discussion of the summary of changes describing the difference between the current flood ordinance and the proposed Oregon Model Flood Ordinance. Public outreach was conducted via public open house sessions in five different communities where copies of the Oregon Model Flood Ordinance text were provided to the public for free and there was opportunity to ask questions of staff.

Measure 56 notice was mailed to all property owners within a special flood hazard designation. Notice of the Planning Commission public hearing was available on the County website, published in local newspapers and mailed notice was given to Federal, State and Local agencies. The Planning Commission held a public hearing on May 3, 2021. After hearing the staff presentation and public testimony and deliberating on the matter, the Planning Commission unanimously approved a motion to recommend approval of the item to the Board of Commissioners with five revisions. The revisions approved by the

Planning Commission have been added into the attachments of this staff report, as has the June 2nd modification requested by DLCDC. Work sessions with the Board of Commissioners were conducted on November 12, 2019 and on June 2, 2021. Notice of the Board of County Commissioners public hearing was published twice in local newspapers in accordance with legislative notice procedures. Notice of the Board of Commissioners public hearing was also available on the County website Board of Commissioners calendar. All notices given have been shown to meet the timelines required by State and Local law. Therefore it is found that citizens that wish to participate in this legislative process have been provided proper legal notice and have had opportunity to be involved.

STAFF RECOMMENDATION:

Based upon the findings in this staff report, Staff forwards to the Board of County Commissioners the recommendation of the Columbia County Planning Commission to **APPROVE**, the proposed legislative text amendments to the CCZO, Section 1100 Flood Hazard Overlay, as revised, contained in File Number TA 20-03, which will implement the 2019 State of Oregon Model Flood Hazard Management Ordinance.

Attachments:

1. Published Notice of Legislative Hearing
2. Measure 56 Notice
3. Revised Bold/Strikeout Text - CCZO Section 1100
4. Revised Proposed Text - New CCZO Section 1100