

**CITY OF GRANTS PASS
COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT
ARTICLE 13 ~ SPECIAL PURPOSE DISTRICTS
FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00118-20
Project Type:	Development Code Text Amendment
Applicant:	Director, Community Development
Planner Assigned:	Donna Rupp
Application Received:	August 26, 2020
Application Complete:	August 27, 2020
Date of Planning Commission Staff Report:	October 7, 2020
Date of Planning Commission Hearings:	October 14, 2020 AND October 28, 2020
Date of Findings of Fact	November 4, 2020

Note: ***Bold Italic Text*** indicates text added by the Commission that was not contained in the staff report. ~~Strikethrough Text~~ indicates deletions made by the Commission.

I. PROPOSAL:

The proposal is an ordinance amending Article 13 of the Grants Pass Development Code (GPDC). Section 13.200, Special Flood Hazard District, and all subsections within it provide standards regarding development within the Special Flood Hazard Areas in the City of Grants Pass as required by both the State Department of Land Conservation and Development (DLCD) and the Federal Emergency Management Agency (FEMA).

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The Director of Community Development has initiated these amendments.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorizes the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

III. APPEAL PROCEDURE:

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

- A. An application for a Development Code text amendments was submitted on August 26, 2020 and deemed complete on August 27, 2020. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment was sent to the Oregon Department of Land Conservation and Development (DLCD) on August 28, 2020 in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. A public hearing was held by the UAPC on October 14, 2020 to consider the proposal and make a recommendation to the City Council. The UAPC continued the hearing to October 28, 2020 to obtain more information from staff. The UAPC made a recommendation of approval to the City Council for the proposed amendment at the October 28, 2020 meeting.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the October 7, 2020 UAPC staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the UAPC on October 14, 2020 and the draft minutes of the segment of the meeting addressing this text amendment on October 28, 2020 are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentations given by staff at the October 14 and 18, 2020 UAPC hearings are attached as Exhibit "C" and incorporated herein.

VI. FINDINGS OF FACT:

The Urban Area Planning Commission found that based upon the testimony given at the public hearing and the staff report, the proposal meets the criteria in Section 4.103 of the Development Code based on the reasons stated in the findings included below.

VII. GENERAL FINDINGS:

In August 2019, DLCD sent a Model Flood Ordinance to the City of Grants Pass to use as a guide for minimum development standards in Special Flood Hazard Areas within the city. Some changes were required to meet the model language verbatim while others could address the intent of the requirements outlined in the model ordinance. The project manager at DLCD reviewed Section 13.200 and provided a crosswalk for changes. These changes were completed in March 2020, but the text amendment was delayed due to the pandemic and uncertainty concerning the timing of notification for public meetings.

As a participating member in FEMA's Community Rating System (CRS) to lower flood insurance rates for all who are required to acquire it, the City chose to implement stricter requirements in some areas of the text amendment to keep our community rating of 8. The CRS contains a rating scale of 1-10, with 1 requiring the most restrictive development standards and offering citizens the highest discount on insurance rates possible, and 10 being the most permissive. Some municipalities choose not to participate in the CRS program at all and their citizens receive no discounts on required flood insurance.

One such requirement involves changing the placement height of mechanical equipment (HVAC, water heaters, electric services, etc.) in the 100-year floodplain from at, or above Base Flood Elevation, to a minimum of one (1) foot above Base Flood Elevation. The DLCD announced this change for cities with a CRS rating of 8 after the text amendment went out for public noticing. In order to keep the rating of 8, this requirement has to be included in the Grants Pass Development Code by January 2021. The DLCD announcement came after the text amendment was sent out for public noticing on August 28 and was added to the text amendment.

Other significant changes to Article 13 include:

- Requires the addition of 19 Sections or Subsections, most with little impact including legal housekeeping and missing language regarding garages, tanks and accessory structures.
 - Those with broader impact include:
 - Structures located in multiple or partial flood zones will have to abide by the most restrictive standards (Section 13.258).
 - Substantial improvement and damage assessments will have to abide by more restrictive standards.
- Removal of three subsections, one with broad impact:
 - In the current Section 13.271(4)(a), placement and replacement of manufactured homes in the floodway is allowed if it already exists and was permitted at the time of original installation; the text amendment removes this allowance and requires an engineering "No-rise" analysis for any placement in the floodway.
- RV parks in floodways must meet requirements for being "road ready" and parked on site for fewer than 180 consecutive days; or meet the requirements for manufactured dwellings. There is one park in violation of this standard (Section 13.280(3)).

On March 9, 2020 Donna Rupp, Associate Planner, gave a presentation at a Council Workshop outlining the changes contained in this text amendment.

VIII. FINDINGS IN ACCORDANCE WITH APPLICABLE CRITERIA:

The text of the Development Code may be recommended for amendment and amended provided all of the criteria of Section 4.103 of the Development Code are satisfied.

SECTION 4.103:

CRITERION 1: The proposed amendment is consistent with the purpose of the subject sections and articles.

Planning Commission Response: Satisfied. The proposed amendment is consistent with both the purpose and intent of the Article 13. The purposes of the Article remains intact. The proposed amendment reflecting the new language will assist in protecting the rights of property owners to use and enjoy real property in a safe manner.

CRITERION 2: The proposed amendment is consistent with other provisions of this code.

Planning Commission Response: Satisfied. The proposed amendment is consistent with other provisions and Articles in the Development Code. The proposed amendment increases development standards and provides increased safety for property owners living in Special Flood Hazard Areas within Grants Pass and all areas downstream.

CRITERION 3: The proposed amendments are consistent with the goals and policies of the Comprehensive Plan and most effectively carry out those goals and policies of all alternatives considered.

Planning Commission Response: Satisfied. The proposed changes are consistent with the Grants Pass Comprehensive Plan specifically the Flood Hazard section in Chapter 5 (Natural Hazards), which requires safeguards from flooding through land use regulations. In addition, Policies 5.2.1 and 5.2.8 require the city to maintain active involvement in the National Flood Insurance Program and participate with other agencies to reduce flood hazards.

CRITERION 4: The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Planning Commission Response: Not Applicable. The proposed amendment does not affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

IX. RECOMMENDATION:

The Planning Commission **RECOMMENDS APPROVAL** to the City Council of the proposed amendment to amend Article 13 of the Development Code as presented in Exhibit "A". The vote was 4-0, with Commissioners Heesacker, Nelson, Arthur, and Collier voting in favor. There were none against. Commissioner Tokarz-Krauss abstained. Chair Coulter and Commissioner Aviles were absent.

X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this ____ day of November 2020.

Eric Heesacker, Vice Chair

**Urban Area Planning Commission
DRAFT MEETING MINUTES - SEGMENTS
October 28, 2020 at 6:00 PM
Council Chambers**

COMMISSIONERS:

Jim Coulter (Chair)
Eric Heesacker (Vice Chair)
Loree Arthur
Mark Collier
Jennifer Aviles
Susan Tokarz-Krauss
L. Ward Nelson

STAFF/LIAISON MEMBERS:

Bradley Clark - Director, Community Development
Ryan Nolan – Contract Principal Planner
Donna Rupp – Associate Planner
Jason Maki – Assistant Planner

COUNCIL LIAISON:

Vacant

GUESTS:

See attached sign-in sheet

1. **Roll Call** – Vice Chair Heesacker called the meeting to order at 6:03 pm. Chair Coulter and Commissioner Aviles absent.

4. **Approval of Minutes:**
 - a. October 14, 2020

MOTION

Commissioner Nelson moved, and Commissioner Collier seconded the motion to approve the October 14, 2020 minutes as presented. The vote resulted as follows: “AYES”: Vice Chair Heesacker, Commissioners Arthur, Collier, and Nelson. “NAYS”: None. Abstain: Tokarz-Krauss. Absent: Chair Coulter and Commissioner Aviles.

The motion passed.

6. **Public Hearings**
 - a. 405-00118-20 ~ Flood Hazard District Ordinance.

Hearing continued from October 14, 2020. Staff presented additional information regarding RVs parked in Special Flood Hazard Areas and suggestions from DLCD on how to address the issue. No members of the public spoke in support or opposition of the proposal.

MOTION

Commissioner Nelson moved, and Commissioner Arthur seconded the motion to forward the Flood Hazard District Ordinance text amendment as amended to Council with a recommendation for approval. The vote resulted as follows: “AYES”: Vice Chair Heesacker, Commissioners Arthur, Collier, and Nelson. “NAYS”: None. Abstain: Tokarz-Krauss. Absent: Chair Coulter and Commissioner Aviles.

The motion passed.

Adjourn: 8:00 pm

Next Meeting ~ Special Meeting for Approval of Findings of Fact: November 4, 2020.

Summary draft minutes for this segment of the October 28, 2020 UAPC meeting prepared by Donna Rupp, Associate Planner, Community Development.

