

EXHIBIT B
CITY OF OAKRIDGE, OREGON
FLOOD HAZARD MANAGEMENT ORDINANCE ADOPTION
LOCAL FILE # PAPA 01-21
FINDINGS OF FACT

**ADOPTION OF TEXT AMENDMENTS TO THE OAKRIDGE FLOODPLAIN MANAGEMENT ORDINANCE TO
INCORPORATE THE OREGON STATE MODEL FLOODPLAIN CODE**

I. BACKGROUND

The City of Oakridge participates in the National Flood Insurance Program (NFIP). As such, the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) routinely require participating cities to review their floodplain development ordinance to ensure that the newest regulations and guidelines are being followed. These proposed text amendments to the Flood Hazard Management Ordinance; no other sections of the development code are being amended. The proposed text amendments are based on the most recent State of Oregon’s Model Flood Hazard Ordinance, which FEMA directs DLCDC to implement at the local level. There are no changes in zoning designations or changes to the allowed uses in any particular zone. The proposed amendments will however repeal and replace Section 15.01 of the Oakridge Development Code. DLCDC approached the City about updating the floodplain development ordinance as a result of routine inspection and assessment that are required of cities that participate in the NFIP. The amendments are required for Oakridge to continue to participate in the NFIP. These findings of fact serve as the factual basis for the amendments to be adopted by City Council. DLCDC notice of proposed amendment was submitted to the online database on December 9, 2021. Notice of both public hearing was published in the Register Guard on January 8 and January 9, 2022. See **Exhibit C** for notice materials.

II. APPLICABLE CRITERIA & FINDINGS

The proposed amendments are legislative in nature because they impact the city as a whole and are not specific to one property. Section 29.02 of the Oakridge Development Code requires that a public hearing be held on the amendments – one hearing before the Planning Commission and a final hearing before the City Council. Article 29 of the Oakridge Development Code relates to District Changes. The proposed amendments are not related to a district change, but Article 29 is the closest section of the Code that deals with amendments and legislative actions. As such, staff will utilize Section 29.03 for the approval criteria for the proposed amendments, in addition to conformance with applicable Comprehensive Plan

policies and the Oregon Statewide Planning Goals. The existing text of Section 15.01 will be removed and replaced with the proposed amendments as seen in **Exhibit A**.

ARTICLE 29 – DISTRICT CHANGES - SECTION 29.03 CRITERIA

(1) The proposed amendment conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan, inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change. If this is the case, the Plan must be amended before final action on the district change.

FINDING: To address criterion (1), staff will introduce a discussion of the applicable Comprehensive Plan policies in which the proposed amendments must be consistent with. Substantial changes have not occurred in which render the Comprehensive Plan inapplicable. There is no proposed rezone or change in the City’s Comprehensive Plan or Zoning map as a result of the floodplain amendments.

Flood Hazard (Goal 7) Flood Plain Management Policy

The Flood Plain Management Policy of Goal 7 in the Comprehensive Plan states that the City of Oakridge is a participating member in FEMA’s National Floodplain Insurance Program. Further, Goal 7 states that development in the flood plain is regulated by the adopted policies relating to flood plain management. The Policy directs that all reasonable steps be taken to minimize damage to property in the City from flooding. The proposed floodplain amendments are consistent with Goal 7 of the Comprehensive Plan because the amendments allow for continued steps to be taken to reasonable minimize damage to property from flooding and keep the City in conformance with the standards of the NFIP and FEMA regulations. Criterion met.

(2) The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.

FINDING: The proposed amendments allow for and continue for development to occur in the regulated floodplain, to the extent that the flood plain management ordinance allows. Without the proposed amendments and participation in the NFIP, the City risks lapse of its good standing with the standards of the NFIP. The demonstrated public need is the need for the City and property owners who own structures located within the regulated flood plain to be able to continue to participate in the NFIP. The proposed amendments will not have adverse impacts on housing needs to the City. New construction, including new dwellings, is permitted in the regulated floodplain, subject to the floodplain development standards of Oakridge. Criterion met.

(3) If residential zoning is involved, the proposed residential district or districts best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low or moderate housing or 'needed housing' types as defined in OAR 660-08-015 within the subject neighborhood area.

FINDING: The proposed floodplain amendments do not involve the rezoning of any residential districts. Of course, however, there may be residential districts that are located within the regulated floodplain. In such cases, residential development is subject to the standards of the Flood Hazard Management Ordinance. Staff note, development within the regulated floodplain has always been regulated.

(4) The proposed zone district is compatible with the existing and anticipated surrounding land use.

FINDING: The floodplain amendments do not involve a rezone or the introduction of a new zoning district. Criterion not applicable.

CONSISTENCY WITH APPLICABLE OREGON STATEWIDE PLANNING GOALS

This section will include a review of the proposed amendment's consistency with applicable Oregon Statewide Planning Goals.

Oregon Statewide Planning Goal 1: Citizen Involvement.

FINDING: Goal 1 requires that citizens be involved in the local land use planning process and have an opportunity to review and comment on proposed land use actions. For the proposed amendments, the City duly noticed the proposed amendments by publishing notice of the public hearings in a newspaper of general circulation and posting notice in public spaces. The City is processing the proposed code amendments as a legislative process, which means there will be at least two public hearings on the matter – both of which will be free and open to the public to participate in the local land use hearings process. Goal 1 addressed.

Oregon Statewide Planning Goal 2: Land Use Planning.

FINDING: As its most basic level, Goal 2 requires the land use actions of local governments to be consistent with the adopted Comprehensive Plan and any adopted refinement plans. As discussed in these findings, the proposed amendments are consistent with the City's adopted Comprehensive Plan. The Comprehensive Plan includes a discussion of Goal 7 with a stated purpose to reasonably protect property from damage due to flooding. The proposed amendments further implement that Goal. The proposed amendments to the City's floodplain development are consistent with the Comprehensive Plan and thus consistent with Goal 2. Criterion met.

Oregon Statewide Planning Goal 7: Natural Hazards.

Staff Response: Goal 7 requires local governments to adopt Comprehensive Plan policies, inventories and implementing measures to reduce risk to people and property from natural hazards. As Oakridge is already a participating member in the NFIP, having adopted floodplain regulations is a pre-requisite for participation in the NFIP. Oakridge's participation in the NFIP and the proposed amendments are directly intended to reduce risk to people and property from the natural hazard of flooding or high-water events.

III. CONCLUSION:

The amendments to Section 15.01 of the Oakridge Development Code, amending the City's floodplain development code and implementing the State of Oregon's Model Flood Hazard standards, are consistent with the Oakridge Comprehensive Plan and the Oregon Statewide Planning Goals. On January 18, 2022, the Planning Commission of Oakridge held a public hearing on the proposed amendments. Following the public hearing, Planning Commission passed a motion to recommend approval and adoption of the amendments onto City Council for final action. Staff recommends City Council approve and adopt the amendments via ordinance.