COOS COUNTY PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Re: FILE NO. AM-14-01

A request to amend the Coos County Comprehensive Plan and Zoning and Land Development Ordinance.

This is an official Coos County Planning Commission Notice of Decision and/or action for the above-referenced application. The Planning Commission held a public hearing on March 6, 2014, and made the following decision:

☐ Recommend Approval to the Board of Commissioners
☑ Recommend Approval to the Board of Commissioners with conditions (see conditions in the attached report)

COOS COUNTY PLANNING COMMISSION

Joe Cortez, Planning Commission Chair

Date

The Board of Commissioners will hear the matter including the Planning Commission recommendations on March 13, 2014 at 9:00 am in the conference room at the Owens Building, 201 N. Adams, Coquille, OR 97423. For details on the recommendation see the attached report.
I. PROPOSAL

Legislative amendments to the Coos County Zoning & Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP) for:

1. Article 4.6 Floodplain Regulation, (§ 4.6.100 through § 4.6.239 only)
2. CCCP and LDO Policy 5.11 Natural Hazards

The Board of Commissioners initiated this amendment after staff provided information including some proposed language. The amendments were necessary to allow the property owners in unincorporated portions of Coos County to continue obtaining floodplain insurance. The amendment must be adopted by March 17, 2014 floodplain management measures (ordinance) that meet or exceed the minimum the National Flood Insurance Program (NFIP). Coos County cannot be less restrictive than the federal requirements but can be more restrictive if the County finds it is necessary to ensure safety. The County has participated in the NFIP since the mid-1980s.

There was an open house held hosted by Department of Land Conservation and Development on the mapping and all changes to the NFIP. This was held on April 8, 2013 in the Owen Building. The meeting was published in the local newspapers but was not required by law to send out individual notice because it was an open house. This was an opportunity for people to provide any public input.

On September 17, 2013, Coos County received formal notice that the final flood hazard determination for the Unincorporated Areas of Coos County was in compliance with Title 44, Chapter I, Part 67, § 67.11, code of Federal Regulation (CFR). The letter further explained that On September 29, 2009, the Department of Homeland Security’s Federal Emergency Management Agency (FEMA) issued Flood Insurance Maps (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood. FEMA completed a re-evaluation of flood hazards in Coos County and on April 29, 2011, FEMA provided preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in Coos County including Base Flood Elevations (BFEs). The proposed flood hazard determinations (FHD’s) were published in The World Newspaper on February 28, 2013 and March 7, 2013, and in the Federal Register, at Part 37, Volume 77, Number 249, Page 76502, on December 28, 2012. The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited ended and FEMA did not receive any appeals of the proposed FHDs during that time. Therefore, the FHDs are considered final. Coos County
must adopt or show evidence of adoption of floodplain management regulations that meet the standards to continue to be eligible to participate in the NFIP by March 17, 2014.

Since the date of this letter staff has been working with DLCD to ensure that language drafted was in compliance with the requirements. Proposed language was taken before the Planning Commission, Board of Commission and Citizen Advisory for input prior the formal process.

Notice of the proposed amendment was provided to DLCD, as required, on January 29, 2014. Hearing notice for the Planning Commission and Board of Commissioner meetings was mailed out to anyone affected by the floodplain changes (even if removed) on February 13, 2014.

The Planning Commission reviewed the proposed text and made some revisions which staff has incorporated into the current proposed language. There was written and verbal testimony received at the meeting and some prior to the meeting. The issues raised were mostly with the errors in the mapping and cost of floodplain insurance which Coos County has no control over. The Planning Commission asked staff to look at some language concerning an acknowledgment of the inaccuracy in the mapping, taking property owners historical testimony into account, and providing more information to the insurance companies when the County makes a determination that the development is above the BFE. Staff has tried to incorporate some of that language into the text amendments.

The Planning Commission unanimously recommended approval of the proposed language with modifications (staff has made) and they supported the testimony and comments made in the meeting. The Planning Commission agreed that the system has flaws but if the new language and maps were not adopted in compliance with the FEMA regulations there would be no opportunity for people to purchase floodplain insurance.

This recommendation will be reviewed by the Board of Commissioners on March 13, 2014 at 9:00 a.m. Staff will be available for anyone that would like to look at an individual property.