



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, July 25, 2022 at 7:00 PM

This meeting will be held online via Zoom; please contact planning@orcify.org for the meeting link.

CALL TO ORDER

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PUBLIC HEARING

1. LEG-22-00002 Amendments to Chapter 17.04.020 -Definition and Chapter 17.42 Flood Management Overlay District of the Oregon City Municipal Code
2. Continuance of GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

COMMUNICATIONS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Planning Commission **Agenda Date:** 07/25/2022
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

LEG-22-00002 Amendments to Chapter 17.04.020 -Definition and Chapter 17.42 Flood Management Overlay District of the Oregon City Municipal Code

STAFF RECOMMENDATION:

Recommend approval of LEG 22-0002 to the City Commission

EXECUTIVE SUMMARY:

The Oregon City Public Works Department requests the adoption of an ordinance to revise Oregon City Municipal Code sections 17.04 and 17.42. The request for code changes is made due to a request from the Federal Emergency Management Agency (FEMA) in conjunction with their Community Rating System (CRS) Program, of which the City is a participant.

BACKGROUND: The CRS Program, if participated in by a governmental jurisdiction, requires insurance companies to provide floodplain insurance to those properties located within the floodplain at a discount. The program rating ranges from 1 to 10. The City is currently an 8 and hopes to obtain a 6 as part of the 5-year certification. A rating of 8 provides a 10% discount in insurance. A rating of 6 provides a 20% discount on insurance. To receive these discounts, a property must be mapped by FEMA as a Special Flood Hazard Area (SFHA). Non-SFHA properties which lie in an area designated as B, C, and X where minimal flooding occurs will be eligible for half of the SFHA discount (or 5 and 10%, respectively). Non-SFHA properties can obtain Preferred Risk Policies.

The City is currently undergoing its 5-year review with FEMA to maintain or improve the CRS rating. During the review, FEMA requested additional revisions to the City's floodplain code (OCMC 17.42).

The changes include:

- adding a criterion concerning the construction of 'manufactured homes' within a floodplain, and;
- the application of the floodplain code to 'machinery and equipment'.
- The FEMA reviewer states that the criteria in Oregon City Municipal Code are unclear and has requested additional language to clarify how manufactured homes,

machinery, and equipment are handled in floodplain zones. Also, by making changes to OCMC 17.42, changes to the definitions in OCMC 17.04 were also needed.

The update to the Code is a pre-requisite to remain in the CRS program. If the City is able to improve its rating, an additional reduction in insurance rate will also be realized by property owners with property located within the floodplain.

Lastly, a change in FEMA regulations also will allow CRS enrolled communities to provide an insurance discount to those property owners with properties outside of a mapped Special Flood Hazard Area (SFHA) that wish to obtain flood insurance that meet certain criteria.

Do the proposed code revisions change existing city policy or further restrict what can be built on properties located in the flood overlay district?

The code changes proposed by this application enhance the Code with language that FEMA feels is clearer than the existing language in the Code; however, the City has been implementing the same floodplain standards for several years.

These code changes will not affect the implementation of floodplain regulations or require anything different than what was previously needed.

A property in the floodplain will be required to follow regulations and complete elevation certificates and will be eligible for insurance discounts. These code changes do not further restrict the ability to complete development in the floodplain.

What will occur if the City does not adopt the proposed revisions?

If the City does not approve and implement these code changes, the City will lose its status as a CRS community, and insurance discounts will no longer be available.

OPTIONS:

1. Recommend approval of LEG 22-0002 to the City Commission
2. Request additional information from staff and continue to the August 8, 2022 Planning Commission meeting.



LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

July 17, 2022

HEARING DATE: July 25, 2022 - Planning Commission

FILE NUMBER: LEG-22-00002

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Public Works Development Department
Po Box 3040, Oregon City, OR 97045
Josh Wheeler, Assistant City Engineer

REQUEST: Amendments to Chapter 17.04.020 -Definition and Chapter 17.42 Flood Management Overlay District of the Oregon City Municipal Code

LOCATION(S): Properties located in the Flood Management Overlay District

I. BACKGROUND:

File No. LEG-22-00002 amends Chapter 17.04.020 -Definition and Chapter 17.42 Flood Management Overlay District of the Oregon City Municipal Code

The Oregon City Public Works Department requests the adoption of an ordinance to revise Oregon City Municipal Code sections 17.04 and 17.42.

The request for code changes is made due to a request from the Federal Emergency Management Agency (FEMA) in conjunction with their Community Rating System (CRS) Program, of which the City is a participant.

The CRS Program, if participated in by a governmental jurisdiction, requires insurance companies to provide floodplain insurance to those properties located within the floodplain at a discount. The program rating ranges from 1 to 10. The City is currently an 8 and hopes to obtain a 6 as part of the 5-year certification. A rating of 8 provides a 10% discount in insurance. A rating of 6 provides a 20% discount on insurance. To receive these discounts, a property must be mapped by FEMA as a Special Flood Hazard Area (SFHA). Non-SFHA properties which lie in an area designated as B, C, and X where

minimal flooding occurs will be eligible for half of the SFHA discount (or 5 and 10%, respectively). Non-SFHA properties can obtain Preferred Risk Policies.

The City entered the CRS program on October 1, 2003. This program allows those that own property within a floodplain to receive floodplain insurance at a discounted rate. The City updated its codes in 2010 when FEMA requested updated codes to meet new Federal requirements to remain in the CRS program. These were adopted as Ordinance 10-1003. Other sections of the Code were also updated unrelated to FEMA within that ordinance.

The City is currently undergoing its 5-year review with FEMA to maintain or improve the CRS rating. During the review, FEMA has asked for additional revisions to the City's floodplain code (OCMC 17.42).

The changes include adding a criterion concerning the construction of 'manufactured homes' within a floodplain and the application of floodplain to 'machinery and equipment'. The FEMA reviewer states that the criteria is unclear in Oregon City Municipal Code and has requested additional language to clarify how manufactured homes, machinery, and equipment are handled in floodplain zones. By making changes to OCMC 17.42, changes to the definitions in OCMC 17.04 were also needed.

The update to the Code is a pre-requisite to remain in the CRS program. If the City is able to improve its rating, an additional reduction in insurance rate will also be realized by property owners with property located within the floodplain.

Lastly, a change in FEMA regulations also will allow CRS communities to provide an insurance discount to those properties outside of a mapped Special Flood Hazard Area (SFHA) that wish to obtain flood insurance that meet certain criteria.

Who is affected by this regulation?

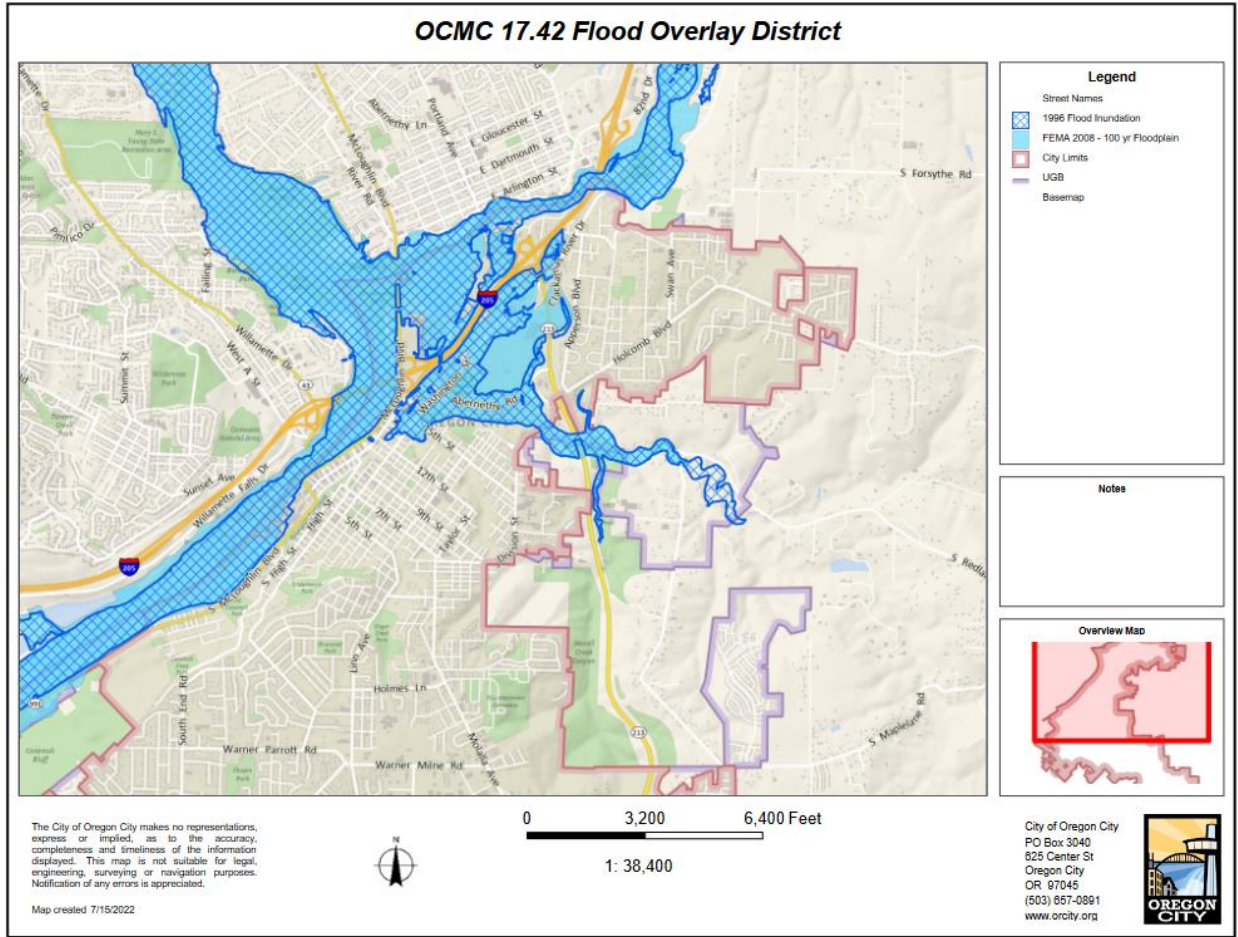
Properties located within the Flood Overlay Management District

Do the proposed code revisions change existing city policy or further restrict what can be built on properties located in the flood overlay district?

The code changes proposed by this application enhance the Code with language that FEMA feels is more clear than the existing language in the Code; however, the City has been implementing the same floodplain standards for several years. These code changes will not affect the implementation of floodplain regulations or require anything different than what was previously needed. A property in the floodplain will be required to follow regulations and complete elevation certificates and will be eligible for insurance discounts. These code changes do not further restrict the ability to complete development in the floodplain.

What will occur if the City does not adopt the proposed revisions?

If the City does not approve and implement these code changes, the City will lose its status as a CRS community, and insurance discounts will no longer be available.



PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

SUMMARY OF CODE AMENDMENTS

Revisions to Chapter 17.04 Definitions

17.04.295 Design flood elevation.

"Design flood elevation" means an elevation that is a minimum of twelve inches greater than the base flood elevation as defined by FEMA (Federal Emergency Management Agency). It can also be referred to as the elevation of the highest flood (generally the base flood elevation including freeboard) that a retrofitting method is designed to protect against. It can also be referred to as the Flood Protection Elevation.

17.04.709 Machinery and Equipment.

"Machinery and Equipment" means electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities.

Revisions to Chapter 17.42 Flood Management Overlay District.

Chapter 17.42.160 E Construction Standards

E. Construction Standards.

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

- a. All new construction, substantial improvements, and substantial flood damage restoration for residential and non-residential buildings, including manufactured homes in subdivisions and manufactured home parks, subject to this Chapter shall follow this section.
- b. All construction considered herein shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- d. "Machinery and Equipment" (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities), other than specially designed equipment, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Residential Machinery and Equipment shall be elevated to at least the base flood elevation plus one foot. Machinery and equipment may be placed below the base flood elevation if floodproofed to the base flood elevation. Locating Machinery and Equipment below one foot above base flood elevation is permitted provided that the machinery and equipment is designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation.. Specially designed equipment (e.g. elevator components) may be located below one foot above base flood elevation.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Residential Construction.

- a. New construction, substantial improvements, and substantial flood damage restoration of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation referred to as the design flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Manufactured Homes. The following standards apply to all manufactured homes to be placed, substantially improved, or restored after substantial flood damage on sites within Flood Hazard Overlay District. When manufactured homes in a subdivision or mobile home park are installed in flood hazard areas, they shall be elevated such that the lowest finished floor is at least one foot above base flood elevation; and, anchored according to the Oregon Residential Specialty Code.

5. Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;
 - ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

The Legislative Process as it relates to the Oregon City Comprehensive Plan

The applicable approval criteria for a legislative action are set forth in the applicable goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

Section 2 – *Land Use* of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

Oregon City Comprehensive Plan (P.16)

Regular Review and Update

Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

Staff presented the amendments to the Citizen Involvement Committee on June 6, 2022

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission and will follow the notice procedures for a legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed its review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing, and the application will be processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in Criterion 2.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.

The proposed code amendments are a response to the community's desire to protect public safety and welfare through the Flood Overlay Management District

3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.

The City has been a participant in the CRS program since 2003. This program balances community desire for natural hazard protection and mitigation with an individual property's ability to develop. The additional regulations for this program are also met with a reduced FEMA flood insurance rate.

4. Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.

The request for code revisions is made due to a request from the Federal Emergency Management Agency (FEMA) in conjunction with their Community Rating System (CRS) Program, of which the City is a participant.

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on June 9, 2022. Notice of the June 25, 2022 hearing was sent to all property owners and residents in the Flood Management Overlay District and other agency staff. No Public comments have been received for this proposal.

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 - Initiation of the amendment.

A text amendment to the Comprehensive Plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Applicant's Response: The Oregon City Public Works Department has made a Land Use Application on June 6, 2022 to the Planning Division.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

- A. The proposal shall be consistent with the applicable goals and policies of the comprehensive Plan;*

Complies: The proposed change to Oregon City Municipal Code 17.04 and 17.42 will be consistent with the applicable goals and policies of the comprehensive Plan as detailed further in this report.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan*

amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment;

Complies: The proposed change to Oregon City Municipal Code 17.04 and 17.42 does not impact existing or future uses or utilities serving the City. The changes are proposed as directed by FEMA; however, the City, through its Building Division and Public Works Department, has already implemented the Floodplain Overlay Zone to manufactured homes and areas of a building that contain machinery and equipment based on State building codes.

C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district or plan amendment; and*

Complies: The proposed change to Oregon City Municipal Code 17.04 and 17.42 does not impact existing or future functions, capacity, or level of service of the Transportation System serving the City. Clarifications of Code relate to Buildings, not the transportation system; therefore, this criteria is not applicable.

D. *Statewide planning goals shall be addressed if the comprehensive Plan does not contain specific policies or provisions which control the amendment.*

Complies: The proposed change to Oregon City Municipal Code 17.04 and 17.42 will be consistent with the applicable goals and policies of the comprehensive Plan and statewide planning goals as detailed further in this report.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Complies: No zoning change is proposed by the proposed code amendments; therefore, this criteria is not applicable.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Complies: The Oregon City Public Works Department respectfully request the Planning Commission to provide a positive recommendation to the City Commission for code adoption.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Complies: No zoning change is proposed by the proposed code amendments; therefore, this criteria is not applicable.

Conformity of the proposal with the City's Comprehensive Plan;

Goal 1: Citizen Involvement

Goal 1.1 – Citizen Involvement Program

Policy 1.1.1 Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.4 – Community Involvement

Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.

Finding: This proposal makes no changes to the City's citizen involvement program or public notification procedures. Residents and taxpayers within the Flood Management Overlay District and within 300 feet of the proposed received public notice of the code changes. The public process that led to the legislative file included community engagement, as described in this staff report.

Comprehensive Plan Section 2 Land Use

Section 1: Citizen Involvement

Goal 1.1 Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision-making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

The Oregon City Public Works Department presented to the Citizen Involvement Committee on June 6, 2022 to meet Goal 1.1.

Policy 1.1.1

Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

The Oregon City Public Works Department presented to the Citizen Involvement Committee on June 6, 2022 to meet Goal 1.1.

Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

Policy 1.2.1

Encourage citizens to participate in appropriate government functions and land-use planning.

Policy 1.2.1

Encourage development and refinement of CIC and neighborhood association bylaws that will govern the groups' formation and operations.

The Oregon City Public Works Department presented to the Citizen Involvement Committee on June 6, 2022 to meet Goal 1.1.

Goal 1.3 Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.

Policy 1.3.1

Encourage training of volunteers involved with the CIC and neighborhood associations.

The Oregon City Public Works Department presented to the Citizen Involvement Committee on June 6, 2022 to meet Goal 1.1. The Oregon City Public Works Department also provides educational brochures at City Hall and at the Operations Building. Once Code is adopted and the City receives its new 5-year rating, the City will be providing public notice through use of the website, social media, and direct mailings to those owning properties within the floodplain.

Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

The Oregon City Public Works Department presented to the Citizen Involvement Committee on June 6, 2022 to meet Goal 1.1. The Oregon City Public Works Department also provides educational brochures at City Hall and at the Operations Building. Once the Code is adopted and the City receives its new 5-year rating, the City will be providing public notice through the website, social media, and direct mailings to those owning properties within the floodplain.

Section 2: Land Use

Goal 2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. Land will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis.

Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. The downtown area will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year

certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis.

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the City by type, density and location.

Policy 2.7.2 Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Commercial (C)
- Mixed Use Corridor (MUC)
- Mixed Use Employment (MUE)
- Mixed Use Downtown (MUD)
- Industrial (I)
- Public and Quasi-Public (QP)
- Parks (P)
- Future Urban Holding (FUH)

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposal will maintain the existing Oregon City Land Use Map as the official long range planning guide for land use development of the City by types, density and location (Goal 2.7).

Goal 1 Public Involvement

Public involvement is a required part of land use planning in Oregon. This requirement is one of the things that make Oregon's land use planning program unique. The requirement for public participation is written in the first goal of nineteen in the statewide land use planning system.

Residents and taxpayers within the Flood Management Overlay District and within 300 feet of the proposed received public notice of the code changes. The Legislative file and proposed redline changes are available online at the project website The public process that led to the legislative file included a presentation to the Citizen Involvement Committee and general citywide outreach about the Flood Management Overlay District and the Community Rating System process and flood insurance.

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. Natural Resources will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis.

Section 7: Natural Hazards

Flooding

Most flooding in Oregon City is the result of overflows of one or more of its three major streams—the Willamette River, Clackamas River, and Abernethy Creek—although localized, minor flooding can occur during storms. Flooding is most likely between October and April and generally results from a series of

heavy rainfall events that can be aggravated, as in 1964 and 1996, by concurrent snowmelt in the watershed.

Because the Willamette River is influenced by tidal height nearly to the base of the falls, flooding at the confluence of the Clackamas and Willamette rivers and Abernethy Creek can be exacerbated by high river levels caused by high winter tides and storm surge on the coast. Areas associated with the Willamette and Clackamas rivers and Abernethy Creek that are subject to flooding have been mapped and are shown in the Oregon City Hazard Mitigation Plan (1998).....

In 1999, Oregon City adopted a Flood Management Overlay District as part of the City of Oregon City Municipal Code. An overlay district is an area that contains a specific resource or potential hazard and is subject to regulations related to the resource or hazard. Examples are historic areas and floodplains. The purpose of a Flood Management Overlay District is to minimize public and private losses due to flooding through a variety of means.

Areas in the Flood Management Overlay District are within the 100-year floodplain, flood areas, and floodways as shown on the Federal Emergency Management Agency flood insurance maps, including areas of special flood hazard delineated in 1979 and the area inundated by the 1996 flood and have physical or documented evidence of flooding based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.2

Protect existing development from natural hazards through mitigation measures identified in the Oregon City Hazard Mitigation Plan.

Policy 7.1.3

Reduce risk to residents and businesses by maintaining accurate information on the existence and potential of hazards.

Policy 7.1.4

Minimize the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of flood proofing are used.

Policy 7.1.6

Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.

Policy 7.1.7

Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. Natural Resources will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year

certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis.

Current City Code already meets the criteria. A Floodplain Overlay District already exists to *protect life and reduce property loss from the destruction associated with natural hazards and limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.*

The City already participates in the Natural Hazards Mitigation Plan and that document is part of the CRS certification.

The City already *reduces risk to residents and businesses by maintaining accurate information on the existence and potential of hazards.* This is completed as required by the CRS program to document flood elevation certificates and document any properties which come to the City to inquire about properties within a floodplain overlay. Those inquiries are kept in each division that discusses property inquiries.

The City already *minimizes the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of floodproofing are used.* This regulation is provided by existing City Code 17.42. These amendments will clarify that regulation.

The City already *encourages the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.* This regulation is provided by existing City Code 17.42. These amendments will clarify that regulation.

The City already *prohibits uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.* This regulation is provided by existing City Code 17.42. These amendments will clarify that regulation.

Section 9: Economic Development

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. Economic Development will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis and ensures all inquiries within the City are notified of being located within a Floodplain District Overlay as already documented within the City's GIS system and can be seen in its property reports output.

Goal 14.3 Orderly Provision of Services to Growth Areas

Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

The proposed change to Oregon City Municipal Code 17.04 and 17.42 does not impact existing or future utilities serving the City or the Urban Growth Area. The changes are proposed as directed by FEMA; however, the City, through its Building Division and Public Works Department, already implement the Floodplain Overlay Zone to manufactured homes and areas of a building that contain machinery and equipment based on State building codes and will continue do that as Urban Growth Areas are annexed to the City.

Section 15: Willamette River Greenway

Goal 15.1 Protect the Willamette River Greenway

Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.

The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions. The Willamette River Greenway overlay will not be further regulated as part of the proposed code amendments; however, through the CRS 5-year certification process, various procedures are being improved to ensure proper documentation by each department occurs on an annual basis.

Statewide Planning Goals

STATEWIDE PLANNING GOAL Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Finding: Complies as Proposed The code amendments clarify regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions
To protect life and property from natural disasters and hazards.

The Floodplain Overlay District was adopted in 1999 and is acknowledged by the Department of Land Conservation and Development. The goal of the Overlay District is to *protect life and reduce property loss from the destruction associated with natural hazards and limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.* Please refer to Oregon City's Comprehensive Plan Chapter 7 Goals and Policies section in the staff report for further findings.

STATEWIDE PLANNING GOAL Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Complies as Proposed. This legislative code update will continue to support the aim of creating a vibrant economy by ensuring that commercial development is allowed within the Flood Management

Overlay District, provides clear direction to property owners on construction methods, and supporting the CRS system by providing a discount rate on flood insurance.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
 1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal Code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this Code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Staff held the required pre-application conference meeting in June 2022.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*

- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Staff presented the amendments to the Citizen Involvement Committee on May 3, 2021.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
 - 1. *Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. *Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. *The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. *The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
 - 1. *The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. *At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends amendments to OCMC 17.42 for the Flood Management OVerlay District program. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

EXHIBITS:

1. Proposed Amendments to Chapter 17.04 and 17.42
2. June 9, 2022 Letter from Josh Wheeler, Assistant City Engineer
3. 1996 Flood Inundation Area Founding Ordinance
4. 1996 Flood Inundation Area Current Ordinance
5. June 6, 2022 CIC Presentation

17.42.160 Flood management area standards.

- A. Uses Permitted Outright:
1. Excavation and fill required to plant any new trees or vegetation.
 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).
- B. Provisional Uses.
1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.
- C. Prohibited Uses.
1. Any use prohibited in the base zone;
 2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.
- D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:
1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
 2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.
 3. Any excavation below bankfull stage shall not count toward compensating for fill.
 4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.
 5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.
 6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.
 7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.
 8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.
 9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities.

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(Supp. No. 42)

Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

E. Construction Standards.

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

- a. All new construction, ~~and substantial improvements, and substantial flood damage restoration for residential and non-residential buildings, including manufactured homes in subdivisions and manufactured home parks, subject to this Chapter shall follow this section.~~
- b. All construction considered herein shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- d. "Machinery and Equipment" (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities), other than specially designed equipment, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Residential Machinery and Equipment shall be elevated to at least the base flood elevation plus one foot. Machinery and Equipment may be placed below the base flood elevation if floodproofed to the base flood elevation. Locating Machinery and Equipment below one foot above base flood elevation is permitted provided that the machinery and equipment is designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation.. Specially designed equipment (e.g. elevator components) may be located below one foot above base flood elevation.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Residential Construction.

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- a. New construction, ~~and~~ substantial improvements, and substantial flood damage restoration of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design-base flood elevation referred to as the design flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. **Manufactured Homes. The following standards apply to all manufactured homes to be placed, substantially improved, or restored after substantial flood damage on sites within Flood Hazard Overlay District. When manufactured homes in a subdivision or mobile home park are installed in flood hazard areas, they shall be elevated such that the lowest finished floor is at least one foot above base flood elevation; and, anchored according to the Oregon Residential Specialty Code.**

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5. Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;
 - ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).
- F. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:

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1. Be on-site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 2. Meet the requirements of subsection E.6. of this section and the elevation and anchoring requirements for manufactured homes.
- G. Below Grade Crawlspace. Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.
1. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in subsection 2. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
 2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
 3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
 4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
 5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
 6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitations is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
 7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
 8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Chapter 17.04 DEFINITIONS¹

Selected Sections:

17.04.295 Design flood elevation.

"Design flood elevation" means an elevation that is a minimum of twelve inches greater than the base flood elevation as defined by FEMA (Federal Emergency Management Agency). It can also be referred to as the elevation of the highest flood (generally the base flood elevation including freeboard) that a retrofitting method is designed to protect against. It can also be referred to as the Flood Protection Elevation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.709 Machinery and Equipment.

"Machinery and Equipment" means electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.04 in its entirety to read as herein set out. Former Chapter 17.04, §§ 17.04.005—17.04.1535, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 13-1003, adopted July 17, 2013; Ord. No. 18-1005, adopted May 2, 2018 and Ord. No. 17-1007, adopted June 21, 2017.

June 6, 2022

Oregon City Planning Division
695 Warner Parrott Rd
Oregon City, Oregon 97045

RE: Legislative Application
Revisions to OCMC 17.04 and 17.42

To Whom it May Concern:

In conjunction with the land use application, the Oregon City Public Works Department requests the adoption of an ordinance to revise Oregon City Municipal Code sections 17.04 and 17.42.

The request for code changes is made due to a request from the Federal Emergency Management Agency (FEMA) in conjunction with their Community Rating System (CRS) Program of which the City is a participant in.

The City entered the CRS program October 1, 2003. This program allows those that own property within a floodplain to receive floodplain insurance at a discounted rate. The City updated their codes in 2010 when FEMA requested updated codes to meet new Federal requirements to remain in the CRS program. These were adopted as Ordinance 10-1003. Other sections of code were also updated unrelated to FEMA within that ordinance.

The City is currently undergoing its 5-year review with FEMA to maintain or improve the CRS rating. During the review, FEMA has asked for additional revisions to the City's floodplain code (OCMC 17.42).

The changes include adding a criteria concerning construction of 'manufactured homes' within a floodplain and the application of floodplain to 'machinery and equipment'. The FEMA reviewer states that the criteria is unclear in Oregon City Municipal Code and has requested additional language to clarify how manufactured homes and machinery and equipment are handled in

June 9, 2022
Page 2

floodplain zones. BY making changes to OCMC 17.42, changes to the definitions in OCMC 17.04 were also needed.

The update to code is a pre-requisite to remaining in the CRS program. If the City is able to improve their rating, an additional reduction in insurance rate will also be realized by property owners with property within the floodplain.

Lastly, a change in FEMA regulations also will allow CRS communities to provide an insurance discount to those properties outside of a mapped floodplain who wish to obtain flood insurance.

If you should have any questions, please do not hesitate to contact me.

A handwritten signature in blue ink that reads "Josh Wheeler". The signature is fluid and cursive, with the first name "Josh" being more prominent than the last name "Wheeler".

Josh Wheeler, PE
Assistant City Engineer

Legislative Update Revisions to Oregon City Municipal Code 17.04 and 17.42

June 6, 2022



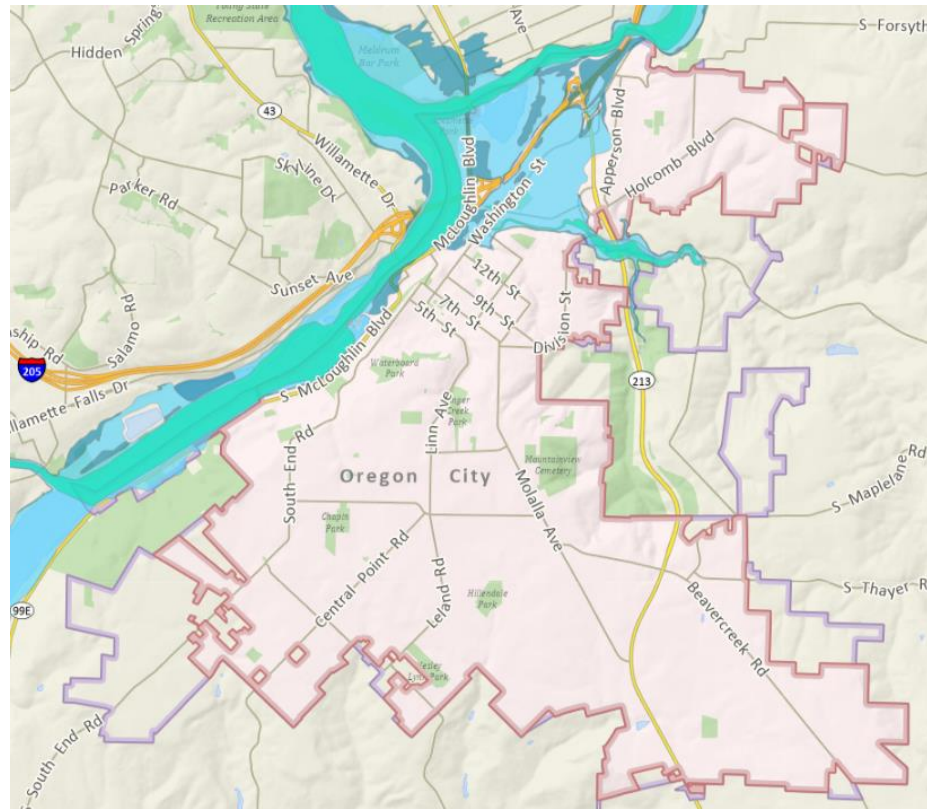
Federal Emergency Management Agency (FEMA)

- Community Rating System (CRS) Program
- City Eligibility October 1, 2003
- Annual Reports
- 5-Year Certifications
- Rating System 1-10.
- Existing City Rating = 8
- Hopeful City Rating = 6-7

Code Changes

- 17.04 – Definitions
 - Machinery and Equipment
- 17.42 – Flood Management Overlay District
 - Inclusion of Manufactured Homes
 - Inclusion of Machinery and Equipment

Floodplain Overlay Zone



Revisions to Oregon City Municipal Code
17.04 and 17.42



AN ORDINANCE AMENDING THE NATURAL RESOURCES ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN BY REPEALING ORDINANCE NO. 93-1007 AND ADOPTING A NEW WATER RESOURCES SECTION OF THE NATURAL RESOURCES ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN; DELETING THE FLOOD PLAIN SECTION OF THE NATURAL HAZARDS ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN AND ADOPTING A NEW FLOOD MANAGEMENT SECTION OF THE NATURAL HAZARDS ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN; DELETING THE LANDSLIDES, WEAK FOUNDATION SOILS AND EROSION SECTIONS OF THE NATURAL HAZARDS ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN AND ADOPTING A NEW LANDSLIDES, WEAK FOUNDATION SOILS AND EROSION SECTIONS OF THE NATURAL HAZARDS ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN; AMENDING THE NATURAL RESOURCES GOALS AND POLICIES SECTION OF THE COMPREHENSIVE PLAN BY ADDING NEW TEXT; AND

AMENDING TITLE 16: LAND DIVISIONS, CHAPTER 16.08: SUBDIVISIONS--PROCESS AND STANDARDS, SUBSECTION 16.08.040: PRELIMINARY SUBDIVISION PLAT--REQUIRED PLANS, OF THE OREGON CITY MUNICIPAL CODE OF 1991, BY AMENDING SUBSECTION (C); AMENDING TITLE 16; LAND DIVISIONS, CHAPTER 16.08: SUBDIVISIONS--PROCESS AND STANDARDS, SECTION 16.08.050: PRELIMINARY SUBDIVISION PLAT--NARRATIVE STATEMENT, BY AMENDING SUBSECTION (E); AMENDING TITLE 16: LAND DIVISIONS, CHAPTER 16.12: MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS; SECTION 16.12.330: WATER RESOURCES; AMENDING TITLE 16: LAND DIVISIONS, CHAPTER 16.16: PARTITIONS--PROCESS AND STANDARDS; SECTION 16.16.030: PARTITION APPLICATION SUBMISSION REQUIREMENTS, SUBSECTIONS (L) AND (N); DELETING TITLE 17: ZONING, CHAPTER 17.42: F-P FLOODPLAIN OVERLAY DISTRICT AND ENACTING A NEW TITLE 17: ZONING, CHAPTER 17.42: FLOOD MANAGEMENT OVERLAY DISTRICT; DELETING TITLE 17: ZONING, CHAPTER 17.47: EROSION CONTROL, AND ENACTING A NEW TITLE 17: ZONING, CHAPTER 17.47: EROSION AND SEDIMENT CONTROL; DELETING TITLE 17: ZONING, CHAPTER 17.49: WR WATER RESOURCES OVERLAY DISTRICT AND ENACTING A NEW TITLE 17: ZONING, CHAPTER 17.49: WATER QUALITY RESOURCE AREA OVERLAY DISTRICT, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS

WHEREAS, on June 18, 1998, Metro adopted Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation, of Metro's Urban Growth Management Functional Plan, which requires cities within Metro's jurisdiction to comply with certain requirements involving Water Quality, Flood Management and Erosion Control; and

WHEREAS, the Planning Commission and City Commission requested a review of the City of Oregon City's Comprehensive Plan and Municipal Code for compliance with the requirements of Metro Title 3 and, in addition, compliance with the Oregon Division of State Lands standards and guidelines for local wetlands inventories; and

WHEREAS, the current Comprehensive Plan and Municipal ordinances, while addressing many of the same issues, do not fully comply with the requirements of Metro Title 3 and the Division of State Lands standards and guidelines; and

WHEREAS, a public need to protect water resources and address flood management has been identified at the federal, state, regional and local levels and that need has been specifically expressed in the Federal Clean Water Act, the Federal Flood Control Act, Statewide Planning Goal 6, Statewide Planning Goal 7, Title 3 of Metro's Urban Growth Functional Plan and the existing Oregon City Comprehensive Plan; and

WHEREAS, Oregon City has recently completed a Local Wetlands Inventory, prepared with guidance from the Division of State Lands and that inventory has resulted in a more complete and accurate inventory of wetlands in the City; and

- a. provide a vegetated corridor to separate Protected Water Features from development;
 - b. maintain or reduce stream temperatures;
 - c. maintain natural stream corridors;
 - d. minimize erosion and nutrient and pollutant loading into water; and
 - e. filter, provide infiltration and natural water purification.
5. The City shall conserve domestic groundwater and surface water resources from potential pollution through a variety of regulatory measures relating to land use, transportation, and hazardous substances.
 6. The City shall conserve wetlands, riparian areas and water bodies which have functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish and wildlife habitat. Regulate development within water bodies, riparian areas, and wetlands to retain their important functions and values.

Section 2. That the Flood Plain section of the Natural Hazards Element of the Oregon City Comprehensive Plan is hereby repealed and a new Flood Management section of the Natural Hazards Element of the Oregon City Comprehensive Plan is hereby enacted to read as follows:

"Discussion

Flooding is a problem in the Portland metropolitan region and is expected to become worse as the region grows. Cost estimates of the February 1996 flood and landslide disaster in the entire tri-county region (which includes Clackamas, Multnomah and Washington counties) were almost \$60 million dollars (Oregon Emergency Management Office, 1997) (Reference: Metro, Growth Management Services Department, "Policy and Scientific Literature Review for Title 3 of the Urban Growth Management Functional Plan: Water Quality and Floodplain Management Conservation", July 1997). Within the City of Oregon City there are areas which are subject to the periodic presence of surface water as a result of flooding. These flood management areas are associated with several rivers and streams, including the Willamette River, the Clackamas River, and Abernethy Creek. In terms of managing these areas there are two important issues: the degree of hazard to life and property and the preservation of natural function and value of the stream corridors as drainageways. A precise map of flood plain boundaries as approved by the US Department of Housing and Urban Development (HUD), is on file in City Hall.

Costs associated with flooding have grown exponentially in recent years, not necessarily because floods are any larger or more frequent. Rather it is because of human development in the floodplain where rivers will eventually return. Flooding is a natural process that helps restore a river's health, clean its sediments, create critical aquatic and streamside habitat, exchange nutrients between the river and its floodplain and renew its fisheries. Floods clean out accumulations of large wood. Floods also bring leaves, needles, wood and dissolved nutrients into the river giving aquatic communities access to new habitats and increased food supplies (Orsinger and Gregory, 1996) (Reference: Metro, Growth Management Services Department, "Policy and Scientific Literature Review for Title 3 of the Urban Growth Management Functional Plan: Water Quality and Floodplain Management Conservation", July 1997).

Floodplains in their natural or relatively undisturbed state provide numerous beneficial natural resource functions and values, including:

- a. Moderation of floods, flood storage, water quality maintenance and groundwater recharge,
- b. Habitat value for plants and animals, and
- c. Scientific, historic, agricultural, recreational and aesthetic values (FEMA, 1992). (Reference: Ibid.)

Existing State and Federal Programs

Statewide Planning Goal 7 is "to protect life and property from natural disasters and hazards." The guidelines state that "Development subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards." Stream flooding is listed among the natural events subject to this Goal. The guidelines go on to state that "In planning for floodplain areas, uses that will not require protection through dams, dikes and levies should be preferred over uses that will require such protection." Implementation for the Goal includes the recommendation that cities and counties not already eligible should qualify for inclusion in the National Flood Insurance Program.

With passage of the Flood Control Act of 1936, the federal government has dominated the nation's flood damage reduction efforts. The primary federal tool to address flood hazard management is the National Flood Insurance Program (NFIP). The U.S. Congress initiated the NFIP in 1968 to provide low cost insurance to communities that have adopted approved floodplain management regulations. The program is administered by the Federal Insurance Agency (FIA) which is part of the Federal Emergency Management Agency (FEMA). NFIP requires communities to adopt a local floodplain management ordinance approved by FEMA. The ordinance is based on the Flood Insurance Rate Map (FIRM). Flood risk is determined and insurance rates are set for mapped floodplain areas. In designating flood plain areas, FEMA has conducted studies that delineate land areas needed to hold anticipated water volumes resulting from 100-year flood conditions.

Existing Regional Requirements

The City is required to comply with Title 3 of the Growth Management Functional Plan. This title includes standards for floodplains that require balanced cut and fill and the expansion of flood management areas to include the boundary of historic floods and not just the Federal Emergency Management Agency 100-year floodplain.

Goal

To assure that urban land use activities are planned, located and conducted consistently with the best available information and technology, so that the risk of flood damage is minimized.

Policies

1. The City shall adopt standards in the Chapter 17 of the Municipal Code designed to protect Flood Management Areas, which provide the following functions:
 - a. Protect life and property from dangers associated with flooding;
 - b. Flood storage, reduction of flood velocities, reduction of flood peak;
 - c. Flows and reduction of wind and wave impacts;
 - d. Maintain water quality by reducing and sorting sediment loads;
 - e. Processing chemical and organic wastes and reducing nutrients;
 - f. Recharge, store and discharge groundwater; and
 - g. Provide plant and animal habitat, and support riparian ecosystems.
2. The City shall maintain and, when necessary, update the flood management standards of the Municipal Code, consistent with federal, state and regional regulations, and the Uniform Building Code (UBC).
3. The City shall retain qualification in the National Flood Insurance Program through implementation of a full range of floodplain management measures."

ORDINANCE NO. 10-1003

**AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING AMENDMENTS TO TITLES
12, 13, 16, and 17 OF THE OREGON CITY MUNICIPAL CODE**

WHEREAS, the development regulation sections of the Municipal Code (found in Titles 12, 13, 16, and 17) are comprised of standards governing zoning, site development, land division, street design, architectural review, parking, signs, natural resources, hillside development, home occupations, variances and other similar topics; and

WHEREAS, these standards reflect the vision for the future development of Oregon City, implement our Comprehensive Plan, and allow the City to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated. This was a collaborative process whereby the City worked with interested citizens to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08-1014; and

WHEREAS, Ordinance 08-1014 additionally setup a six-month update process to review the code language to determine if any sections needed revisions or adjustments that were unforeseen. At the end of the hearing adopting Ordinance 08-1014, the City Commission also directed staff to study some outstanding issues and bring them back during the 6-month review. The Planning Commission met on November 23, 2009, January 25, 2010, February 8, 2010, and February 22, 2010 to review the proposed code amendments.

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Zoning and Development Code and unanimously recommended that the City Commission adopt the revisions; and

WHEREAS, the City Commission additionally reviewed the creation of the Oregon City Municipal Code section 17.44 Geologic Hazards Overlay District Map that was previously outlined in code but did not exist in map form and;

WHEREAS, the amended Zoning and Development Codes complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, the City Commission, based on the oral and written testimony they received at the public hearings, adopted revisions to the Development Code; and

WHEREAS, adopting the revisions to the Development Code is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The amendments to the Oregon City Zoning and Development Codes, as provided in Exhibit 1, are hereby adopted based on the findings contained in the Staff Report.

Section 2. The Oregon City Geological Hazards Overlay Map, attached as Exhibit 2, is hereby adopted.

Read for the first time at a regular meeting of the City Commission held on the 16th day of June, 2010, and the City Commission finally enacted the foregoing ordinance this 7th day of July, 2010.



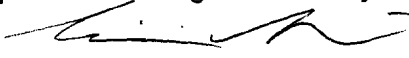
ALICE NORRIS, Mayor

Attested to this 7th day of July 2010

Approved as to legal sufficiency:



Nancy Ide, City Recorder



City Attorney

Oregon City Municipal Code

Chapter 17.42 Flood Management Overlay District

17.42.010 Purpose--Findings.

- A. There is established in the city a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the city's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.
- B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
 - To minimize expenditure of public money and costly flood control projects;
 - To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 2. To minimize prolonged business interruptions;
 3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 5. To ensure that potential buyers are notified that property is in an area of special flood hazard;
 6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
 7. To protect flood management areas, which provide the following functions:
 - a. Protect life and property from dangers associated with flooding,
 - b. Flood storage, reduction of flood velocities, reduction of flood peak,
 - c. Flows and reduction of wind and wave impacts,
 - d. Maintain water quality by reducing and sorting sediment loads,
 - e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater, and
 - f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 Applicability.

- A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
- B. The flood management areas which have been mapped include the following locations:
1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and
 2. Lands that have physical or documented evidence of flooding within recorded history

based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

- C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

17.42.030 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Clackamas County, Oregon and Incorporated Areas,” dated June 17, 2008, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the city recorder in the City Hall.

17.42.040 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

17.42.050 Abrogation and interpretation.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. All provisions shall be considered as minimum requirements and liberally construed in favor of the governing body. Where this chapter and another section, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

17.42.060 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.42.070 Severability.

The provisions of this chapter are severable. If any section, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this chapter.

17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170(E)(5); and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.42.090 Building official--Duties and responsibilities.

A. The city building official, defined as the local floodplain administrator, is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties of the building official shall include, but not be limited to those listed in this chapter.

C. The building official shall:

1. Review all development permits to determine that the permit requirements of this title have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.42.200 are met.

17.42.100 Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 17.42.030, the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 17.42.160 and 17.42.200.

17.42.110 Information to be obtained and maintained.

The building official shall:

- A. Where base flood elevation data is provided through the flood insurance study, FIRM or required as in Section 17.42.100, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in Section 17.42.080:
 - 1. Verify and record the actual elevation (in relation to mean sea level); and
 - 2. Maintain the floodproofing certifications required in Section 17.42.080(C)(3);
 - 3. Maintain for public inspection all records pertinent to the provisions of this chapter.

17.42.120 Alteration of watercourses.

- A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

17.42.130 Map administration.

- A. The purpose of this section is to provide a process for interpreting and amending the water quality and flood management areas map to clarify and correct the location of flood management overlay district.
- B. Interpretation of Map Boundaries. The building official shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.42.150.
- C. Map corrections shall be processed pursuant to the requirements of Chapter 17.68:
 - 1. Within ninety days of receiving information establishing a possible error in the existence or location of the flood management overlay district, the city shall provide notice to interested parties of a public hearing at which the city will review the information.
 - 2. The city shall amend the water quality and flood management areas map if the information demonstrates that the boundaries of the flood management overlay district have changed since adoption of the water quality and flood management areas map by Metro (June 18, 1998) provided that, in the case of a boundary established by FEMA, a letter of map amendment (LOMA) or letter of map revision is obtained from FEMA by the applicant prior to any map change.

17.42.140 Appeals and variance procedure.

- A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be

varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.

- B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of Chapter 17.60.
1. Variance applications made pursuant to this section shall follow the variance procedures outlined in Chapter 17.50.
 2. In addition to the public notice requirements outlined in Section 17.50.090, Metro shall be notified within fourteen days of the city receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.
 3. The requirements of Section 17.60.020 (Variances--Grounds) do not apply to requests to vary from the standards of Chapter 17.42.
 4. If an application to vary from the standards of Chapter 17.42 is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.
- C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:
1. The variance is the minimum necessary to allow the proposed use or activity;
 2. The variance will not increase danger to life and property due to flooding or erosion;
 3. The impact of the increase in flood hazard which will result from the variance will not prevent the city from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;
 4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and
 5. The proposed use complies with the standards of the base zone.
- D. The planning commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

- E. Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the planning commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.
- F. The city recorder shall maintain the records of all appeal actions and the building official shall report any granted variances to the Federal Insurance Administration upon request.

17.42.150 Conditions for variances.

The planning commission, pursuant to Chapter 17.60, may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to Section 17.42.140, the variance shall be subject to the conditions set out in this section. In addition to other standards listed in Section 17.42.160, the following conditions must be met:

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon a showing of good and sufficient cause.
- E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.
- H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
- J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

17.42.160 Flood management area standards.

- A. Uses Permitted Outright:
 1. Excavation and fill required to plant any new trees or vegetation.
 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that

meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:

1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purposes of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.
3. Any excavation below bankfull stage shall not count toward compensating for fill.
4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.
5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.
6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.
7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.
8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.
9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

E. Construction Standards.

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Residential Construction.

- a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5. Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection (D)(2) of this section are met;
 - ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110(B);
 - iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (E)(4)(b) of this section; and
 - v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance

premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

F. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:

1. Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
2. Meet the requirements of subsection (E)(6) of this section and the elevation and anchoring requirements for manufactured homes.

G. Below Grade Crawlspace. Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.

1. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in section 2 below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

17.42.170 Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

17.42.180 Subdivision standards.

A. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).
5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.

1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:
 - a. The density transfer is proposed as part of a subdivision.
 - b. Minimum density standards will not increase due to the density transfers.
 - c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

17.42.190 Floodways.

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

- C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.
- D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Planning Commission **Agenda Date:** 07/25/2022
From: Pete Walter, Planning Manager
Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Continuance of GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission open the public hearing, take public testimony from any member of the public who wishes to comment, and continue the hearing until August 22, 2022.

EXECUTIVE SUMMARY:

Please Note: Although the Commission may decide to take additional testimony on July 25 in advance of granting a continuance, all parties will have another opportunity on Aug 22 to respond to any new materials as well as the staff report.

The public hearing for this application first opened on April 25, 2022. Subsequently the applicant requested continuances (one from staff) and was granted by Planning Commission to May 9, 2022, May 23, 2022, July 11, 2022, July 25, 2022, and now to August 22, 2022.

Additional time is requested by the applicant to address concerns outlined below, and for staff to provide a revised staff report analyzing the revised proposal, and the new issues raised at the July 11 hearing, with revised conditions of approval. Due to time constraints and because of ongoing analysis, staff has not provided revised analysis and findings or conditions of approval for tonight's meeting.

The applicant has granted a thirty-day extension of the decision deadline, which is currently September 23, 2022, to October 23, 2022.

At the July 11 hearing, additional questions and concerns were raised by the Planning Commission. These concerns included:

- How the proposed General Development Plan complies with the density requirements of the Park Place Concept Plan and the minimum and maximum density requirement of the zoning code.
- The phasing and mechanism for when and how the Redland Road connection will be made
- How the proposed park realignment and new layout for Neighborhood Commercial areas complies with the Park Place Concept Plan.
- The timing for the requirement for a new local road connection east of Holly Lane.
- The design of the cross section of Holly Lane at the pinch point and concerns regarding noise, grading and buffering from adjacent Trailview Estates residents.
- Engineering staff input regarding the geologic hazard slope stability and conditions and differences between in the North and South Village areas of the concept plan.
- Discussion of how lots will be sized to better blend with adjacent development and protect existing surrounding residents
- Sight distance concerns for the Holly Lane extension to the north realignment and concerns over steep slopes and impeded vision along the “S” curve.
- An explanation from the City Attorney concerning *Baker v. City of Milwaukie* and the relevance to this land use review.
- Revised conditions of approval.

At the July 11, 2022, the applicant presented a revised proposal to address concerns expressed in prior hearings by members of the public, staff, and the Planning Commission. The applicant submitted a revised proposal that addressed four areas:

1. An extension of Holly Lane to Holcomb Blvd
2. Reconfiguration of the proposed portion of the Community Park located at the southwest corner of the Master Plan area.
3. A second street connection to provide additional connectivity to Livesay Rd.
4. An access restriction plan that would prevent 2,000 average daily trips (ADT) on Winston Drive, Cattle Drive, Shartner Drive, and Street A.

The Park Place Crossing Master Plan consists of 92 acres that will eventually provide 476 residential lots planned over six phases, a community park, open space, regional stormwater management facility, a retail/civic site, and trail components. The Park Place Crossing Master Plan area is within the northernmost portion of the larger Park Place Concept Area established in 2008 through the Park Place Concept Plan. The 92-acres was annexed into the City limits through AN-17-04.

The 92-acre site includes properties zoned Medium Density Residential (R-5), Low Density Residential (R-10), and Neighborhood Commercial (NC).

Staff recommends opening the record to hear a brief staff summary and to take public testimony. The record may be left open until the next hearing.

BACKGROUND:

The 92-acre subject property was annexed and assigned zoning in 2018 through AN-17-04 and ZC 17-05; this application for a General Development Plan is the next step in the development of this site. One of the conditions of approval imposed by the City on the approved annexation request was that the applicant obtain General Development Plan approval for the 92-acre area prior to any urban development on the site.

This application includes requests for the following approvals:

- **General Development Plan (GDP):** The overall long-term approach to development through 2030 for up to 476 residential lots, including supporting parks, trails, and neighborhood commercial and civic spaces. Included in the request for GDP approval is:
 - A modification to street width standards for a limited segment of Holly Lane
 - Adjustments to the following development standards:
 - OCMC Chapter 17.08.040 and 17.10.040 Dimensional Standards, including up to 20% reduction of lot sizes, widths, depths, and setbacks
 - OCMC Chapter 17.21.090.A for garage placement and design
 - OCMC Chapter 17.08.050 and 17.10.050 Density Standards to exceed maximum density by approximately 4%
- **Variance:** Request to reduce the minimum lot size for attached single family lots to 1800 square feet.

The General Development Plan includes the following uses:

- 476 total housing units, including 126 attached dwellings and 350 detached dwellings
- Construction of a segment of Holly Lane, a planned collector street
- A future public park site of 4.4 acres
- Approximately 1.3 acres of commercial/civic space provided in two parcels
- An off-street trail system within protected natural areas

Phase 1 is anticipated to be constructed in 2023, with completion of Phases 2 through 6 accomplished by 2030. Detailed Development Plan applications for each Phase are anticipated to be submitted at a future date following approval of the General Development Plan. The provision of the OCMC 17.65, Master Plans, allow for detailed development plans to be reviewed through a Type II process following the Type III approval of a General Development Plan.

This approach allows staff, the applicant, and the public a clear road map for what is required for future detailed development plans, and clearly specifies the range of development that may be authorized and the levels of public improvements necessary to serve that development.

The applicant has granted an extension to the 120-day decision deadline to allow time for review and inclusion of information submitted for the July 11, 2022 hearing. Thus, a continuance is needed to allow for staff time to review the recent information and include it in the staff report. Staff recommends opening the record to hear a brief staff summary and process explanation, applicant presentation, and to take public testimony. A full, detailed staff report and recommendation will be included at the continued hearing.

OPTIONS:

1. Open the hearing, take public testimony, and continue the hearing to a date certain of August 22, 2022
2. Open the hearing, take public testimony, and continue to hearing to another date certain

BUDGET IMPACT: N/A

Pete Walter

From: Cody Street <streetc@aks-eng.com>
Sent: Friday, July 15, 2022 5:49 PM
To: Pete Walter
Cc: Chris Goodell; Stephenson, Garrett H.; Harlan Borow; Monty Hurley
Subject: ICON Park Place PC Hearing Continuance & Extension on 120 day deadline

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pete,

As we discussed, the applicant is agreeable and desires to request the continuance at the 7/25/2022 PC hearing until the 8/22/2022 PC hearing to further support staff/applicant preparation efforts and allow time to resolve a number of items that necessitate further coordination.

Additionally, the applicant will concurrently extend the 120-day decision deadline by 30-days if the continuance is granted.

Please let us know if you have any questions concerns.

Thanks,

Cody Street, EI

**AKS ENGINEERING & FORESTRY, LLC**

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 286 | www.aks-eng.com | streetc@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

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Legislative Update Revisions to Oregon City Municipal Code 17.04 and 17.42 July 25, 2022

GLUA 22-00018/LEG 22- 00002

Flood Overlay Management District Code Amendments

Process

- Legislative Type IV Process
- Public Hearings
 - Planning & City Commissions
 - Number of hearings at discretion of each hearings body
- Disclosures of exparte conversations **is not** require in Legislative process, disclosures of conflict of interest **is** required.
- No public comment receive to date.

Proposal

- Request from the Federal Emergency Management Agency (FEMA) as part of Oregon City's Community Rating System (CRS) Program review.
- These code changes do not further restrict the ability to complete development in the floodplain.
- If the City does not approve and implement these code changes, the City will lose its status as a CRS community, and insurance discounts will no longer be available.



Revisions to Oregon City Municipal Code
17.04 and 17.42

Federal Emergency Management Agency (FEMA)

- Community Rating System (CRS) Program
- City Eligibility October 1, 2003
- Annual Reports
- 5-Year Certifications
- Rating System 1-10.
- Existing City Rating = 8
- Anticipated City Rating = 6



Revisions to Oregon City Municipal Code
17.04 and 17.42

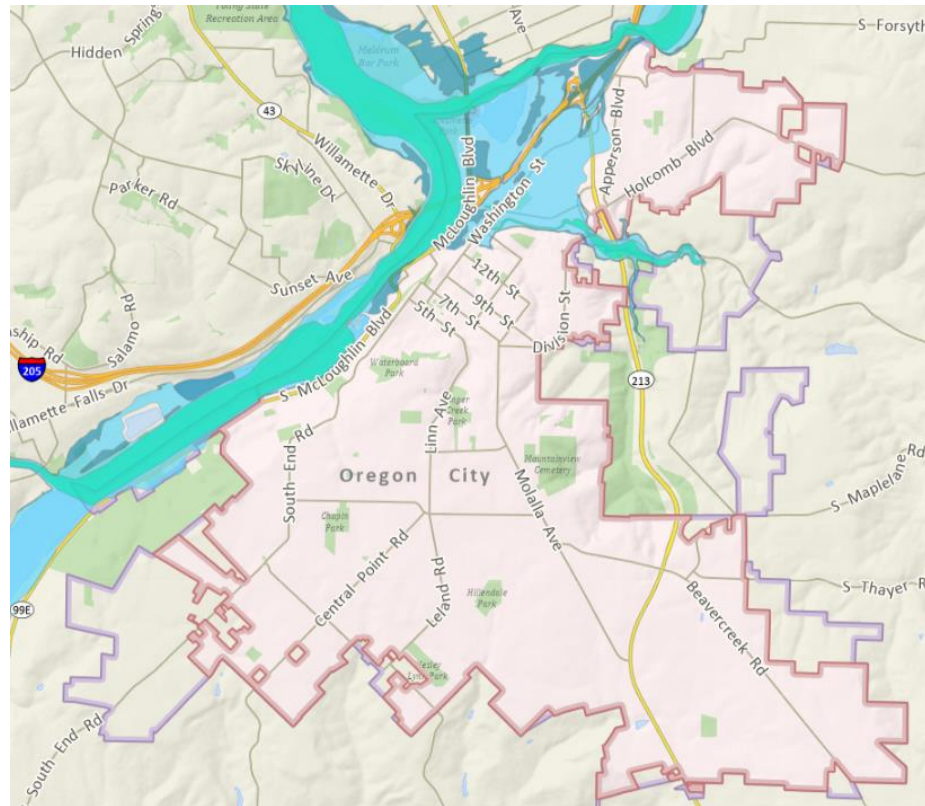
Code Changes

- 17.04 – Definitions
 - Machinery and Equipment
 - 17.42 – Flood Management Overlay District
 - Inclusion of Manufactured Homes
 - Inclusion of Machinery and Equipment
- Last update Ordinance 10-1003
- These changes are by request of FEMA. The City already administers code in this way.



**Revisions to Oregon City Municipal Code
17.04 and 17.42**

Floodplain Overlay Zone



Revisions to Oregon City Municipal Code
17.04 and 17.42



Community Rating System

How much discount property owners in your community can get

Rate Class	Discount for SFHA*	Discount for Non-SFHA**	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.



Revisions to Oregon City Municipal Code 17.04 and 17.42 and the CRS Program

Community Rating System

- Impact

- 215 Parcels located in the 100 year floodplain (Special Flood Hazard Area)
 - 20% insurance discount (10% increase)
- All other Oregon City parcels (Zone X)
 - 10% insurance discount (5% increase)



Revisions to Oregon City Municipal Code
17.04 and 17.42 and the CRS Program

Questions?



Revisions to Oregon City Municipal Code
17.04 and 17.42 and the CRS Program

CONTINUANCE OF GLUA-21-00045 / MAS-21-
00006 / VAR-22-00001 Park Place Crossing
General Development Plan

Public Comments by:

Enoch Huang

Oregon City

Introduction

- We are not opposed to development
- We are not short-sighted
- We are not naïve
- We see problems with the Park Place Crossing General Development Plan
 - Affordable housing vs. maximizing profits

The *Vasa* of Sweden

- Warship built on the orders of the King of Sweden Gustavus Adolphus in 1626
- Swedish Navy
 - small to medium-sized ships
 - a single gundeck
 - normally armed with thirty-six (36) 12-pound and smaller cannon
- The *Vasa* was to be the pride of the fleet...
 - The King changed the design and ordered seventy two (72) 24-pound cannons
 - Required a second row of cannons



The *Vasa* of Sweden

- Heavy wooden sculptures celebrating Sweden and the king were placed on the sterncastle



The maiden voyage

- August 10, 1628
 - Calm weather
 - Mild breeze from the southwest
- Gun ports were opened to fire a salute to the city of Stockholm
- Thousands of citizens and foreign ambassadors were on hand to celebrate the launch



The maiden voyage

- A gust of wind forced her to her port side
- Water rushed into the open gun ports and filled the hold, sinking the ship 20 minutes after launch
 - Sank to a depth of 32 m (105 ft)
 - Only 120 m (390 ft) from shore
- The masts of the ship were still above water in full view of all of the citizens of Stockholm



What went wrong?

- High center of gravity
 - High superstructures
 - Heavy ornamentation
 - Extra weight from more and heavier guns
- Keel width too narrow
 - Stability testing by having 30 sailors run from side to side
 - Vice Admiral Fleming stopped the testing after 3 passes fearing the ship would capsize
 - The King was in Poland fighting the war and pushing for the *Vasa* to be launched



How does this relate to PPC?

- Variations from the Concept Plan may have unintended consequences
- Density *does* matter
 - ICON made it clear in July 11th meeting
 - “We are not building the minimum number of lots”
- Don’t ignore the warning signs
- Don’t let the insistence of the developer make you compromise your common sense
- Don’t let poor planning and execution make PPC stand out in the “harbor” of Oregon City

CONTINUANCE OF GLUA-21-00045 / MAS-21-
00006 / VAR-22-00001 Park Place Crossing
General Development Plan

Public Comments by:

Roya Mansouri

Oregon City

Variances from Park Place Concept Plan

- <https://www.orcity.org/publicworks/park-place-concept-plan>
- Green Edges
- Housing Density
- Importance of green space for children in an urban setting

Green Edges

- (Page 1) The use of green edges to define neighborhoods and buffer developments
- (Page 1-3) Edges around and between residential areas and existing neighborhoods are defined by open spaced (primarily corresponding to natural areas) and larger rear setbacks for new lots that border existing neighborhoods.

Green Edges

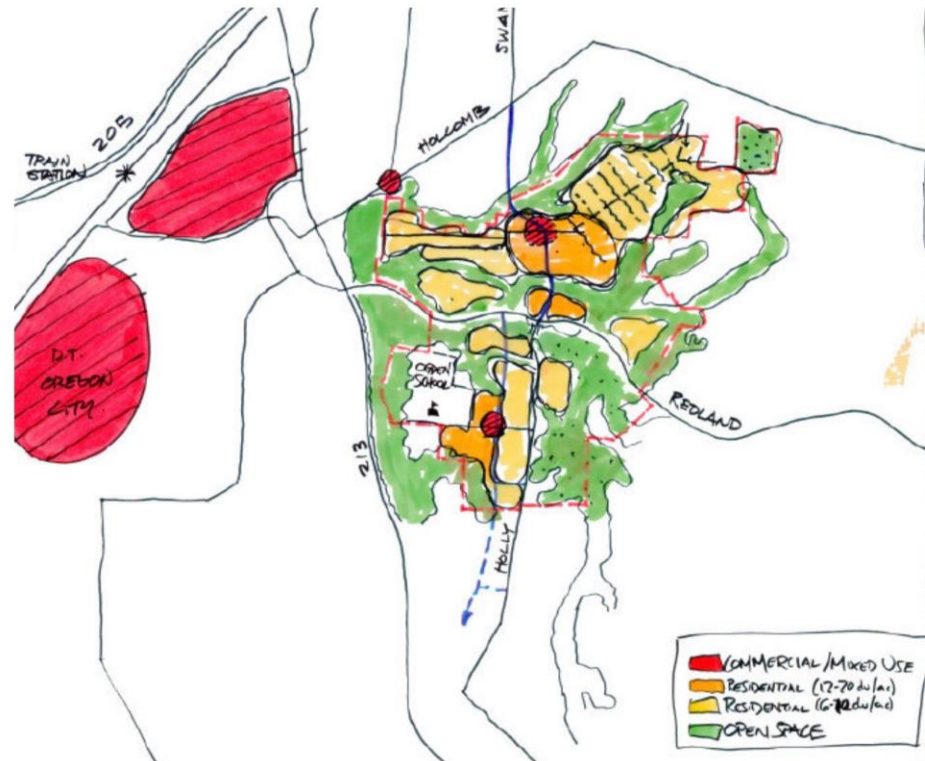


- 9 lots in contact with our lot
- Unclear where there are green edges for buffering
- In this and other past alternate diagrams, buffer zones were visible at other points but not along UGB

Alternative Designs

C. Charrette Process

Charrette Summary/ Alternatives Summary



Holly/Swan Extension

Unique features of the Holly-Swan Extension include:

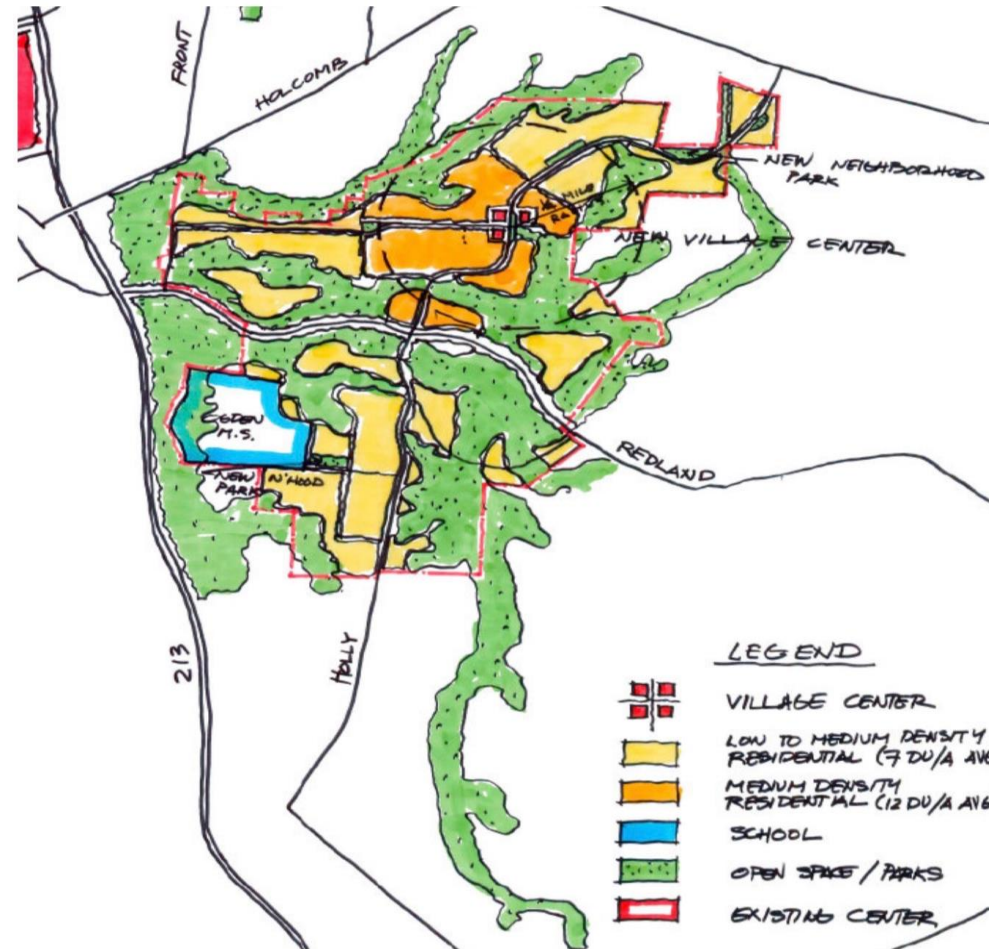
- A new road parallel to the existing Holly Lane that terminates at Redland
- An extension of Holly Lane to Swan Avenue
- An extension of Upper Livesay Road to the existing street network within the Trailview Estates Neighborhood

Alternative Designs

C. Charrette Process

Unique features of the Holly Lane Extension include:

- Extension of Holly Lane north of Redland to Holcomb Avenue, east of Trailview
- Retention of the existing single-family residential pattern, south of Redland
- Incorporation of medium density housing and neighborhood commercial-oriented land uses around a node at Upper Livesay and Holly Lane.

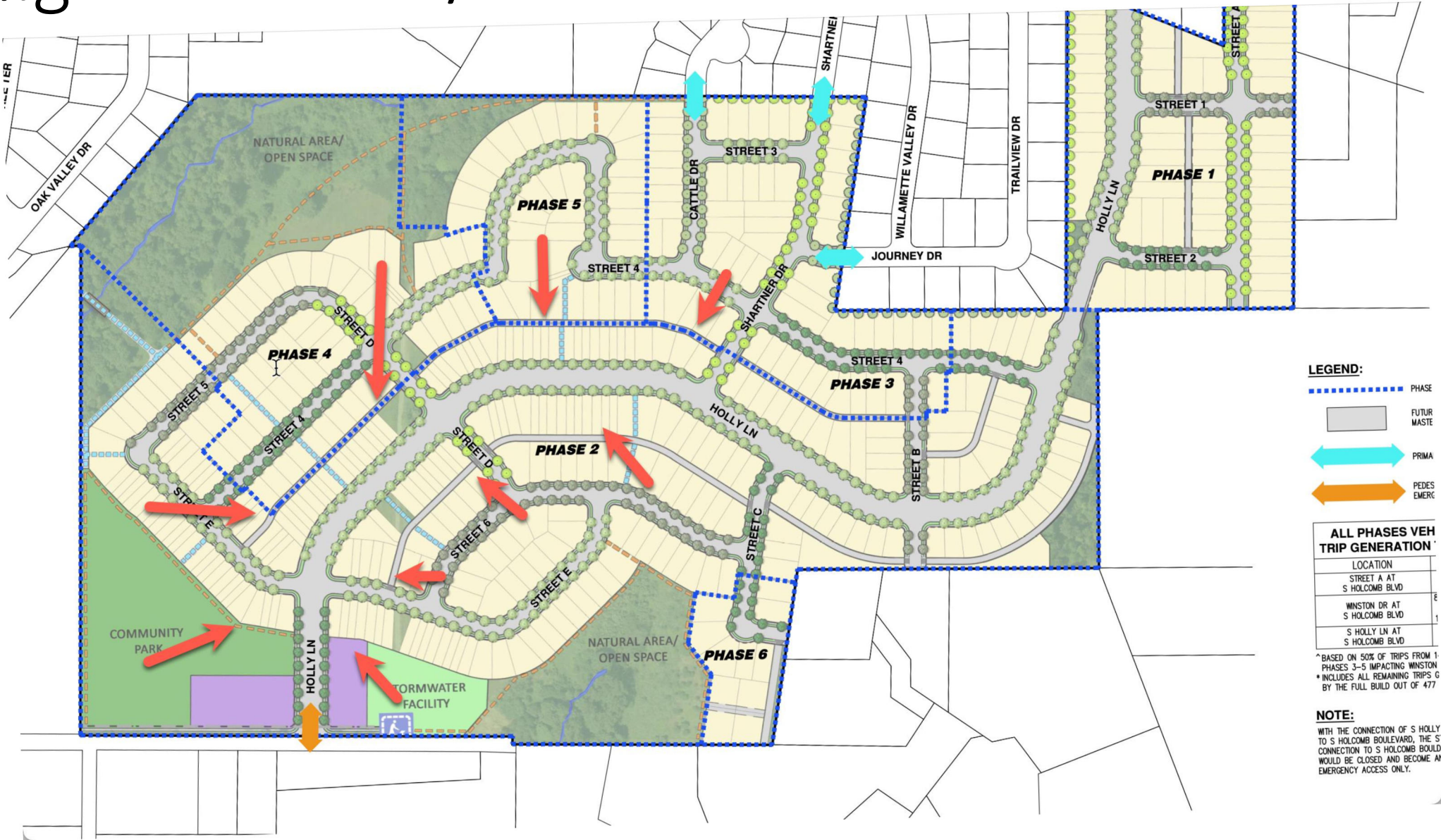


Holly Lane Extension

Housing density

- (Page 3) Existing low-density clusters
 - Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

Highest density lots are along Holly Lane



Impact of Increased Density Housing

- Examples of medium density housing:



Impact of Increased Density Housing

The Planet Camazotz

vs.

Happy Valley



Examples of Increased Density Housing

Can you find the park?



Increased Housing Density – The Dark Side

- Argument is to create increased affordability. However, increasing density does not necessarily make the houses cheaper, just increases how many houses can be sold at a still high premium by keeping square footage but limiting green space .
- The original Park Place Crossing Plan was designed to be a village, not a dystopic neighborhood devoid of green space except in small, not easily accessible designated areas.

The Village Green



A Better Way: The Parks at Broken Top

—as part of a 68 acre plan, [the builders] designed two community parks, and the open space areas. The landscape features include a park shelter with arbors, a pavilion with an interactive water feature, green spaces with native plants, and bicycle trails. This Craftsmen Style neighborhood enlisted Neo-Traditional design elements like alley fed garages that encourages pedestrian friendly streets and sidewalks and bike trails that are heavily used for recreation.



A Better Way



Community Gardening in Germany –

The Schrebergarten

Named after Dr. Moritz Schreber – a 19th century German doctor. He insisted that children in the increasingly industrialised cities needed space to run around, and burn off energy.

Helped lower-income families as well as families living during the World Wars grow their own fruits and vegetables and prevented starvation

Today provide classes and workshops to teach people how to sow, garden, preserve seeds, etc.



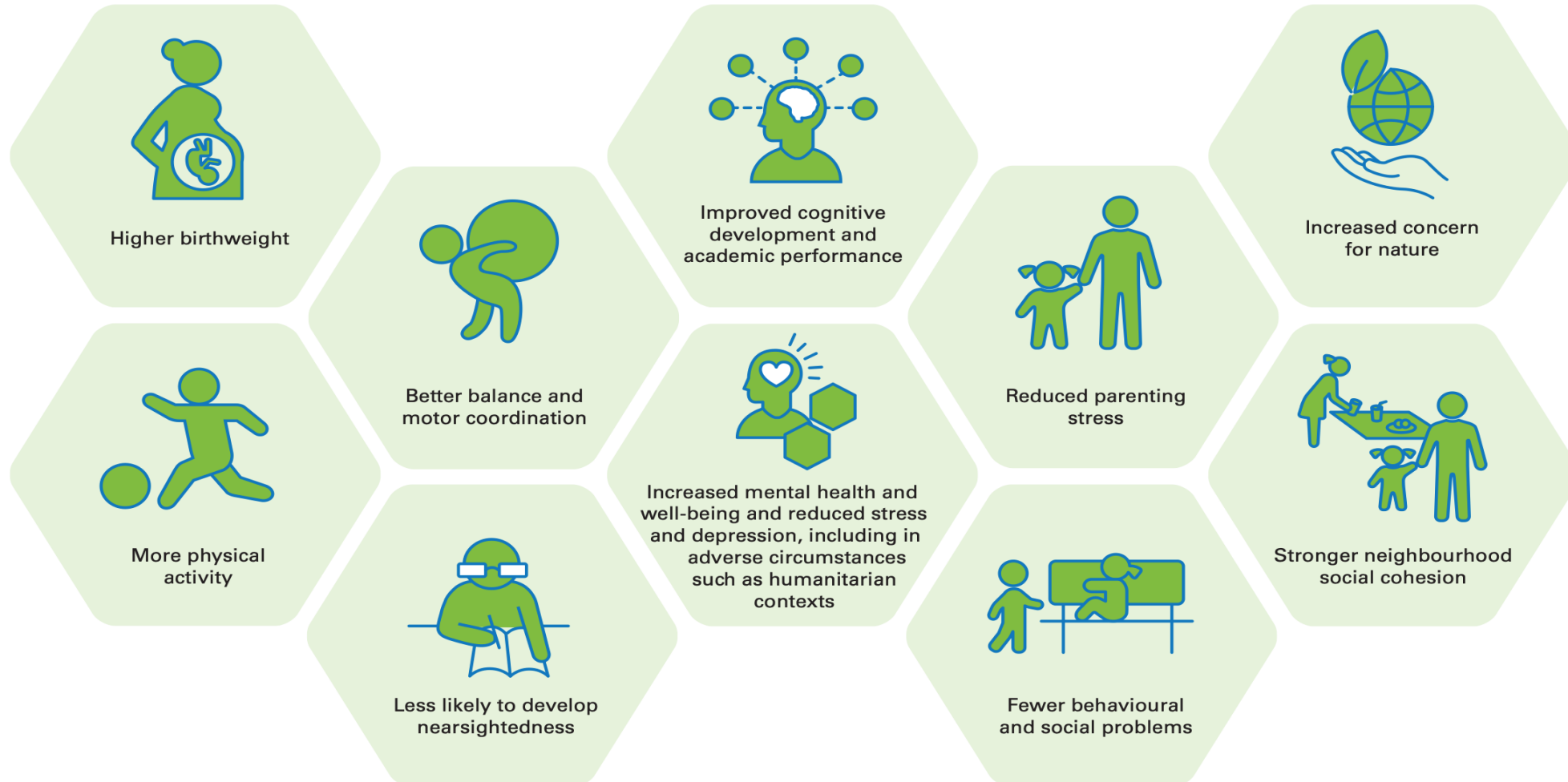
Why is Green Space So Important?

- The Necessity of Urban Green Space for Children's Optimal Development – a discussion paper produced by Unicef
- Examples of green space may include public and private parks, grassy lawns, home and community gardens, playgrounds, agricultural land, overgrown vacant lots, street trees, roadside verges, and green roofs.
- Violence and crime tend to decrease around green spaces, likely a result of increased social cohesion, more people spending time outdoors, and the perception of orderly, maintained spaces.

Benefit of Green Spaces

- In general, the greater diversity of natural elements in the space, the better, as the diversity enables a richer set of experiences for children.
- These elements may include a diversity of perennial plants, edible plants, trees, vines and shrubs, water elements, birds and other wildlife, shaded and sunny spaces
- Where possible, local and indigenous vegetation, adapted to the soil and climate, should be preserved or planted.

Positive Impact from Green Spaces



Community Actions for Increasing Green Space

Recommended Actions for Municipal Governments



Set child-responsive building and infrastructure regulations, land-use standards and plans, including standards for safe and accessible green spaces.

Support real estate developers to meet and exceed regulations on the inclusion of safe and accessible green space by new developments.



Conclusion

- Increased density of housing does not necessarily result in increased affordability, increased health, or increased social cohesion.
- It is important to have significant green space in urban/suburban settings in order to increase social cohesion, decrease anxiety and depression, increase livability and can be a significant sales point for all individuals seeking *healthy* and affordable living.
- The PPC was designed to be more of a village with a village green and increased green space/decreased density would be in keeping with this model

Conclusion

- Oregon City, the City of Trees, has an opportunity to be on the cutting edge of helping to design and create a truly modern, progressive design of urban living that integrates open spaces, sports fields, playgrounds, natural interactive areas, and community gardens for the health and benefits of all Oregonians choosing to live in this space.