

**CITY OF COLUMBIA CITY
STAFF REPORT
LEGISLATIVE TEXT AMENDMENT
TO THE COLUMBIA CITY DEVELOPMENT CODE**

File No. LU 20-05

APPLICANT City of Columbia City

APPLICATION The City is requesting to amend the Columbia City Development Code to clarify where ADUs are permitted and the applicable review process, clarifying the review procedure for new ramps or docks on the river and for modifications to existing ramps or docks, and the full incorporation of the Oregon Model Flood Code.

PUBLIC HEARING: The Columbia City Planning Commission has scheduled a public hearing on Tuesday, October 20, 2020 beginning at or about 6:30 pm. Following the public hearing, the Planning Commission shall make a recommendation to the City Council or may continue the application to the next Planning Commission meeting if additional information is needed to issue their recommendation.

I. APPLICABLE CRITERIA:

- (1) Chapter 7.160 Procedures for Decision Making: Legislative
- (2) Statewide Planning Goals adopted under ORS 197

II. EXECUTIVE SUMMARY

The request proposed the following changes to the Columbia City Development Code (CCDC):

- (1) Accessory Dwelling Units: Modifications are proposed to the Code regarding Accessory Dwelling Units, clarifying where they are permitted and that the ministerial review process applies.
- (2) Docks and Boat Ramps: The Code currently does not have a clear or required review procedure for new ramps or docks on the river or for modifications to existing ramps or docks. Changes are proposed to add a review process and procedure.
- (3) Flood Hazard Overlay: Major changes are proposed to Chapter 7.75 Flood Hazard Overlay as the new Oregon State Model Flood Ordinance was inserted in to this section. The Oregon State Model Flood Code was developed in cooperation with FEMA to help communities achieve compliance with the minimum NFIP and state standards for floodplain management. This Model Code was approved by FEMA in August of 2019. The Model Code contains the minimum requirements, although FEMA and DLCD encourage local governments to adopt higher standards that make sense for each community and their unique flood risk.

The new Model Code is not required to be incorporated at this time; the required changes are triggered whenever a new FEMA map is needed for the area and/or when a FEMA/DLCD audit of the community occurs. While Columbia City is currently in no danger of triggering either of those, the DLCD recommends any code update include the new model code language. Many of the changes must be made verbatim, which resulted in large sections being deleted and the new model code inserted. However, these larger changes did not change the original intent of the Chapter 7.75. Many aspects of the model code exist in Columbia City's Development Code and most of the changes made relate to the approval standards in 7.75.080 where new language has been added regarding specific improvements. Changes are also proposed to the definitions and administration sections of that chapter.

III. LAND USE REFERRALS AND PUBLIC NOTICE

Pursuant to CCDC 7.160.030 notice was given to the DLCD 45 days prior to the first Planning Commission hearing and published in the newspaper of general circulation 7 days prior to the hearing. Staff did not receive any comments from the DLCD on the proposed text amendment.

A Measure 56 Notice was mailed out at least 20 days prior to the Planning Commission hearing to all property owners within the flood hazard overlay and property owners along the river due to the proposed changes to Chapters 7.106040 and 7.75 which added additional procedures and standards for development in the flood hazard overlay or to modification to existing docks and ramps.

IV. REVIEW CRITERIA AND EVALUATION

CCDC 7.160 Procedures for Decision-Making: Legislative

- (1) **7.160.010 Purpose. The purpose of this Chapter is to establish procedures for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances, and maps.**

FINDING: As the changes are to the provisions of the CCDC, it will be reviewed using the legislative review process.

- (2) **7.160.060 Standards for the Decision. The recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:**

1. **Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197.**

Goal 1 Citizen Involvement

STAFF COMMENT: Goal 1 requires cities to ensure opportunities for citizens to be involved in all stages of the planning process. The CCDC includes requirements to ensure that Columbia City residents are properly noticed of an application. The CCDC also requires at least one public hearing by the Planning

Commission and another by the City Council where citizens are given the opportunity to provide testimony. This goal is met.

Goal 2 Land Use Planning

STAFF COMMENT: Goal 2 requires cities to develop and follow a comprehensive land use plan when making decisions. The proposal to change sections of the Development Code is consistent with the Columbia City Comprehensive Plan which is intended to further uphold the statewide planning goals.

Goal 3 Agricultural Lands

STAFF COMMENT: Goal 3 includes provisions to protect identified farmland and does not apply to this request there are no properties within Columbia City limits or the UGB are designated farmland.

Goal 4 Forest Lands

STAFF COMMENT: Goal 4 includes provisions to protect forest land and does not apply to this application as properties within Columbia City limits or the UGB don't contain forest land, commercial timberland operations, or mapped timberland.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

STAFF COMMENT: Goal 5 includes protections for inventoried resources. The incorporation of the Oregon Model Flood Code into Chapter 7.75 is consistent with this goal as the new additions would include additional protections and standards for development in the flood zone that could potentially affect water resources consistent with FEMA and state standards. Changes related to the permitting of ADUs would not conflict with Goal 5 as siting and construction of ADUs would still need to comply with adopted local, regional, and state regulations for natural resources, scenic and historic areas, and open spaces. Changes related to the permitting or modification of boat ramps and docks would not negatively impact these resources as the changes would simply provide a clear pathway for the City to review those types of development.

Goal 6 Air, Water, and Land Resources Quality

STAFF COMMENT: Goal 6 instructs cities to consider protection of air, water, and land resources from pollution and pollutants when developing their comprehensive plans. The text amendment changes related to the flood zone and docks or ramps on the river would further protect impacts to water and land resources by introducing additional permitting standards consistent with FEMA and state standards. The clarifying changes to the permitting of ADUs would not conflict with Goal 6 as the standards related to the siting and construction of ADUs would not be affected.

Goal 7 Areas Subject to Natural Disasters and Hazards

STAFF COMMENT: Goal 7 requires local comprehensive plans to address Oregon’s natural hazards. The text amendment would further uphold the intent of Goal 7 through the incorporation of the Oregon Model Flood Code which is intended to protect people and property from floods and flood destruction.

Goal 8 Recreational Needs

STAFF COMMENT: Goal 8 applies to meeting community needs for recreational resources. Although docks and boat ramps provide recreational opportunities for residents the text amendments would not restrict the ability of property owners to construct boat ramps and docks so long as other applicable local, state, and federal regulations pertaining to their construction were met

Goal 9 Economic Development

STAFF COMMENT: Goal 9 intends to ensure that cities have enough land available to realize economic growth and development opportunities. The goal does not directly apply to the text amendments because it does not affect the land availability, zoning, or development opportunities that would restrict economic development activities within the City.

Goal 10 Housing

STAFF COMMENT: Goal 10 requires cities to provide an adequate housing supply. The text amendment would clarify and simplify the process for the permitting of ADUs which would provide additional housing stock in the City. Goal 10 does not apply to the text amendments related to boat ramps, docks, and the flood zone.

Goal 11 Public Facilities and Services

STAFF COMMENT: Goal 11 applies to the provision of public services/facilities and does not directly apply to the text amendments as no changes to the provision or standards of public services and facilities are included in the changes.

Goal 12 Transportation

STAFF COMMENT: Goal 12 aims for cities to provide and encourage a safe, convenient, and economic transportation system. The text amendments would not affect the existing transportation system. The text amendments would add further detail on the ADU process but should not result in additional ADU development that would negatively impact the transportation system.

Goal 13 Energy Conservation

STAFF COMMENT: Goal 13 requires cities to consider the effects of a comprehensive planning decision on energy consumption. The text amendments would not directly affect energy consumption within the City.

Goal 14 Urbanization

STAFF COMMENT: Goal 14 pertains to urban growth boundaries and planning for efficient and orderly growth. The text amendments would be consistent with the established UGB or buildable housing lands as the text amendments would clarify the permitting process for ADUs and would not add additional density within the City that was not previously allowed. Other changes to the Development Code would not affect urbanization.

Goal 15 Willamette River Greenway

STAFF COMMENT: Goal 15 does not apply to the text amendments as all properties within Columbia City limits and the UGB are over 20 miles from the Willamette River.

Goal 16: Estuarine Resources & Goal 17: Coastal Shorelands

STAFF COMMENT: While the text amendments would include changes to the standards for the flood hazard overlay, these standards are consistent with FEMA and State requirements for protection of estuarine resources and coastal shorelands.

Goal 18: Beaches and Dunes & Goal 19: Ocean Resources

STAFF COMMENT: The above goals do not apply to the text amendments as they will not impact beaches, dunes, or ocean resources.

FINDING: As discussed above, the proposed text amendments do not conflict with any applicable statewide planning goals.

2. Any federal or state statutes or rules found applicable.

FINDING: Both ADUs and the flood zone have applicable federal and state statutes. The proposed changes are consistent with these statutes as they do not include limitations on ADUs that violate state standards and the incorporation of the Model Flood Code is consistent with state and FEMA goals and regulations.

3. The applicable Comprehensive Plan policies and map; and

FINDING: The proposed text amendments do not conflict with any policies contained in the Columbia City Comprehensive Plan. The text amendments would provide additional standards intended to reduce impacts to people and property

during flood events and would clarify the permitting and review processes for ADUs and existing docks and ramps. The proposed changes to the review and permitting of ADUs are consistent with the City's housing goals and policies as well as the purposes of the R-1 and R-2 zones. The changes to boat ramps and dock review provide a clear pathway for these types of development to be reviewed consistent with applicable policies and standards that protect water and land resources as well as areas subject to natural disasters and hazards. The Comprehensive Plan also requires compliance with FEMA flood plain construction requirements, all of which are proposed to be added to the code to be consistent with the Model Flood Code developed by the state in collaboration with FEMA.

4. The applicable provisions of the implementing ordinances.

FINDING: The text amendment does not conflict with the CCDC. The requested text amendments were reviewed consistent with the CCDC and propose changes that are compatible with the overall purpose and intent of the CCDC.

V. RECOMMENDATION

Based upon the findings contained in this staff report staff recommends the Planning Commission adopt a motion to recommend approval of the legislative text amendment to the City Council.

Attachment: Columbia City Development Code Text Changes Only