



450 E. Main Street  
John Day, OR 97845  
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## ORDINANCE NO. 19-178-02

### **An Ordinance *AMENDING THE JOHN DAY DEVELOPMENT CODE TO COMPLY WITH FEDERAL FLOOD PLAIN MANAGEMENT REGULATIONS RELATING TO CITY PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM (TYPE IV PROCEDURE) – AMD-19-02***

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The John Day City Council adopts the following findings:

**WHEREAS**, the Federal Emergency Management Agency (FEMA) maintains maps of areas around the country that are prone to flooding; and

**WHEREAS**, the City is committed to have flood-hazard regulations that apply within the areas mapped by FEMA, allowing community members in those areas to be eligible to participate in the National Flood Insurance Program (NFIP); and

**WHEREAS**, FEMA updates these maps periodically, including the most recent Letter of Map Revision (LOMR) dated May 28, 2019 (Case No. 19-10-0438P), which updated FIRM Panels 4100770001 and 4100770001C effective October 17, 2019; and

**WHEREAS**, the City is required to amend the John Day Development Code to include a flood damage prevention ordinance that is compliant with the current Code of Federal Regulations; and

**WHEREAS**, City staff provided Notice to as required by the John Day Development Code; and

**WHEREAS**, The City Council and Planning Commission have reviewed all evidence and testimony submitted on the matter;

**FINDINGS**, The City of John Day finds that the Staff Report AMD-19-02 (Exhibit A) and the Flood Plain Overlay District (Exhibit B); prove consistent with the applicable requirements for the proposed amendments found in all exhibits attached hereto and incorporated by this reference.

**NOW THEREFORE**, based on the foregoing Findings, the John Day City Council Ordains that:

- (1) The findings in the Staff Report AMD-19-02 are hereby adopted;
- (2) This Ordinance No. 19-178-02, excluding the accompanying staff report, shall be referred to by the short name "John Day Floodplain Development Ordinance;"
- (3) All prior ordinances related to floodplain development are hereby repealed.

APPROVED AND ADOPTED by the City Council of City of John Day and signed by the mayor this \_\_\_\_th day of \_\_\_\_\_, 2019.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager



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Exhibit A

**STAFF REPORT**

**Date Submitted:** October 31, 2019  
**Agenda Date Requested:** November 12, 2019  
**To:** John Day Planning Commission  
John Day City Council  
**From:** Stacey Goldstein, Siegel Planning Services  
Contract City Planner  
**Subject:** Adoption of a new Flood Plain Overlay District  
**Location:** Citywide

**Type of Action Requested**

Resolution                       Ordinance  
 Formal Action                       Report Only

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**1. BACKGROUND**

The Federal Emergency Management Agency (FEMA) maintains maps of areas around the country that are prone to flooding. When communities have flood-hazard regulations that apply within the areas mapped by FEMA, community members in those areas are eligible to participate in the National Flood Insurance Program (NFIP). The regulations limit the kinds of development allowed in the areas likely to flood, and specify building regulations that limit damage when there is a flood. The NFIP makes flood insurance available to homeowners, renters and business owners at a lower rate than private insurance companies would be able to provide.

The purpose of the ordinance is to promote public health, safety and general welfare and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a special flood hazard area;
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

## **2. APPLICABLE CRITERIA**

This request is a legislative amendment to amend the John Day Development Code. The approval criteria in section 5-4.1.050.G apply.

## **3. PLANNING COMMISSION AND CITY COUNCIL CONSIDERATIONS**

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for a Type IV Legislative Amendment under section 5-4.7.020. The Planning Commission should recommend the City Council approve the request if it conforms to the approval criteria.

## **4. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission make a recommendation to the City Council to adopt the attached ordinance and findings in this report. Staff recommends the City Council **adopt Ordinance 19-178-02, as presented.**

## 5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners and published notice in the Blue Mountain Eagles required by the Development Code.

## 6. ADOPTION PROCEDURE AND FINDINGS

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Code Section 5-4.1.050.G.

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***Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:***

- 1. Approval of the request is consistent with the Statewide Planning Goals;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***
- 3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.***

**Finding:** Statewide Planning Goals and the City of John Day Comprehensive Plan mirror one another. Therefore compliance with one document means compliance with the other. The third criterion concerning adequate public facilities and services does not apply in this request.

This request is consistent with the John Day Comprehensive Plan and Statewide Planning Goals. The John Day Comprehensive Plan follows the Statewide Planning Goals. The only Statewide Planning Goals and Comprehensive Plan Goals that are directly impacted by this request are: Goal 1, Citizen Involvement; Goal 2, Land Use Planning, and; Goal 7, Areas Subject to Natural Disasters and Hazards.

This request is consistent with Goal 1. Adequate public notice was provided of the proposed change through the Legislative Amendments public notice process. The Department of Land Conservation and Development was notified of the intended adoption and did not express any concerns regarding the changes (reference John Day DLCDC File #: 003-19).

This request is also consistent with Goal 2. The City has an established land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change follows the process established in the City's Comprehensive Plan. These amendments assure an adequate factual base for decisions and actions associated

with flood hazards in the City of John Day, which is in accordance with the requirements of Goal 2.

Goal 7 is also met. This goal requires local jurisdictions to adopt comprehensive plans including inventories, policies and implementing measures to reduce risk to people and property from natural hazards. Jurisdictions are required to adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measure consistent with avoiding development in hazard areas. Local governments are deemed to comply with Goal 7 by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

Proposed regulations are based upon the most recent Oregon Model Flood Damage Prevention Ordinance. It brings the John Day Development Code into compliance with current Code of Federal Regulations, Oregon Statutes and Executive Order 11988.

Staff finds that among the primary goals for community development in the City's Comprehensive Plan is to protect against inappropriate and hazardous development and to improve and protect the quality of our water resources. The proposed Flood Prevention code implements these Comprehensive Plan goals. The purpose of this chapter is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

This section is met.

## **7. PLANNING COMMISSION MOTION**

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to recommend City Council approve AMD-19-02 based on the findings contained in the staff report [with conditions, if any].”

*The staff report may be amended during the course of the hearing.*

## **8. CITY COUNCIL OPTIONS**

After hearing the staff presentation, Planning Commission recommendation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The City Council has three options:

1. Adopt Ordinance 19-178-02, as presented.
2. Amend Ordinance 19-178-02 and adopt as amended.
3. Adopt findings demonstrating that the ordinance does not comply with the John Day Comprehensive Plan and do not adopt Ordinance 19-178-02.

*The staff report may be amended during the course of the hearing.*

Respectfully submitted this 7<sup>th</sup> day of November 2019,



Nicholas Green  
City Manager / City Planning Official  
City of John Day

Enclosures

Exhibit B

John Day Floodplain Development Ordinance No. 19-178-02

[enclosed]