



CITY OF KLAMATH FALLS DEVELOPMENT SERVICES DEPARTMENT

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Planning Commission Staff Report – Text Amendment Adoption of FIRMs and Floodplain Management Measures

File No.: 1-TA-24

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I. Topic

Proposed text amendment to change Community Development Ordinance (CDO) Chapter 12, Article 17, and deletion of Chapter 14, Article 7, for the purposes of adopting revised Federal Emergency Management (FEMA) Flood Insurance Rate Maps (FIRMs) based on a new FEMA Flood Insurance Study (FIS), and updated floodplain management measures.

II. Summary and Background

In order to participate and remain in the National Flood Insurance Program (NFIP), the City of Klamath Falls (the City) is required to adopt the most recent FIRMs produced by FEMA, in addition to ensuring that its floodplain management measures meet or exceed the minimum requirements of the NFIP. The most recent local adoption of a FIS and associated FIRMs occurred in 1984, while the rules and regulations within the CDO have been in place for decades.

In May of 2024, the Planning Division received notification from FEMA that new FIS, FIRMs, and updated CDO language must be adopted by November. Since that time, Staff has coordinated with FEMA and the Oregon Department of Land Conservation and Development (DLCD) to review City regulations and determine the updates necessary to bring the CDO into compliance with federal standards to remain in the NFIP, in addition to ensuring the continued safety and welfare of the community.

III. Policies and Findings

As Text Amendments to the CDO are legislative in nature, neither the Klamath Falls Urban Area Comprehensive Plan (Comprehensive Plan) nor the CDO have specific criteria for review as with other types of Land Use Actions. Instead, Text Amendments must be reviewed against the State of Oregon's Statewide Land Use Planning Goals (State Goals). In order to comply with State Goals, the City incorporated within the Comprehensive Plan (specifically required by State Goal 2: Land Use Planning and acknowledged by the DLCD) a series of objectives, policies, and implementation measures specific to each State Goal. Additionally, the City incorporated within the CDO, as the implementing ordinance of the Comprehensive Plan, a statement of purpose and scope.

Thus, the following findings will address State Goal 1: Citizen Involvement, State Goal 7: Natural Hazards, as they are the goals applicable to the proposed Text Amendment, and the statement of purpose and scope within the CDO. Text from the Comprehensive Plan and CDO below appear in *italics*, with subsequent labeled findings in Roman type.

State Goal 1 – Citizen Involvement

Citizen Involvement Objectives and Policies The following objectives and policies have been adapted from city and county comprehensive plans and shall apply to citizen involvement efforts within the Klamath Falls Urban Area. Objectives are presented in UPPERCASE and related policies are listed in numbered lists below each objective (or group of objectives).

A. TO ENCOURAGE AN EFFECTIVE CITIZEN PARTICIPATION PROCESS THAT WILL MEANINGFULLY INVOLVE CITIZENS IN ALL PHASES OF THE COMPREHENSIVE PLANNING PROCESS.

1. *The City and County Planning Commissions, acting in their roles as Committees for Citizen Involvement (CCI) shall, within their respective jurisdictions:*
 - a. *Review the Citizen Involvement Program adopted by the Board of Commissioners or City Council, as appropriate, and recommend any revisions or amendments*
 - b. *The CCI shall be the focus of citizen participation in Klamath County and the City of Klamath Falls within the Urban Area.*
 - c. *Evaluate the success of the program.*
 - d. *Promote the Citizen Involvement Program.*
 - e. *There will be a regular evaluation based in part on the report of each official area committee. The evaluation report will be submitted to the Board of Commissioners or City Council, as appropriate.*
 - f. *Function as a coordination body and liaison between the people of each area and the city and county governments on planning issues within the Urban Area.*

B. PROVIDE OPPORTUNITIES FOR THE GENERAL PUBLIC TO REVIEW, COMMENT, AND MAKE RECOMMENDATIONS ON ALL PLANNING PROPOSALS AND PRELIMINARY PLANS.

1. *Provide for continuing citizen involvement after plan acknowledgment.*

C. KEEP CITIZENS INFORMED ABOUT THE STATUS OF THE [CITY/]COUNTY PLANNING PROGRAM BY MAKING TECHNICAL INFORMATION AND REPORTS AVAILABLE.

1. *Continue involvement of citizens from geographic areas and interest groups in the entire planning process.*
2. *Provide notice on all comprehensive planning and land use matters as required by the LDC and CDO.*
3. *Technical information on land use and comprehensive planning related matters shall be available to the public upon request.*

4. *Citizen input on land use and planning related matters will be adequately considered by planning officials.*
 5. *Adequate human and financial resources shall be allocated to the Citizen Involvement Program to meet city and county notice requirements.*
 6. *Identify and utilize mechanisms by which the general public will have the opportunity to be involved in goal and policy setting for the data collection and analysis, plan preparation, and adoption, implementation, and amendments.*
- D. ENCOURAGE TWO-WAY COMMUNICATION BETWEEN THE GENERAL PUBLIC AND [CITY/]COUNTY OFFICIALS THROUGH THE USE OF COMMUNITY FORUMS, PANEL DISCUSSIONS, AND NEWS MEDIA.**
- E. FEDERAL, STATE, AND REGIONAL AGENCIES AND SPECIAL PURPOSE DISTRICTS SHALL COORDINATE THEIR PLANNING EFFORTS WITH THE AFFECTED GOVERNING BODIES AND MAKE USE OF EXISTING LOCAL CITIZEN INVOLVEMENT PROGRAMS ESTABLISHED BY COUNTIES AND CITIES.**

Implementation

Goal 1 implementation measures include city and county land use regulations found [in] Volume IV of the Urban Area Plan and the Urban Growth Management Agreement found in Volume IV of the Urban Area Plan. The following non-binding implementation measures have been adapted and brought forward from City and County Comprehensive Plans.

- *Cooperate with all media to ensure that planning meetings will be advertised.*
- *Continue to follow City and County Citizen Involvement Programs.*
- *Compliance with Klamath County LDC and Klamath Falls CDO public hearing and notification requirements will ensure that Goal 1 is met for “quasi-judicial” land use applications such as zone changes, conditional use permits, variances and land division approvals.*
- *For legislative amendments to the Urban Area Plan, the city and county planning commissions, in their roles as committees for public Involvement, should make recommendations to elected officials to ensure that citizens, interest groups and affected state and federal agencies are involved in all phases of the planning process*

Findings:

- To meet State Goal 1, the City Council created the Planning Commission as part of its Citizen Involvement Program to ensure involvement related to Land Use Planning.
- A Planning Commission hearing is scheduled to be held on October 28, 2024, to consider public input and to make a recommendation as part of the legislative amendment process.
- Notice of the Planning Commission hearing with background information for FIRM changes was posted on the City’s website on October 8, 2024.
- Measure 56 notice with Planning Commission hearing notice was mailed to all property owners in both the updated 100-year and 500-year flood hazard areas on October 8, 2024.

- Notice of the Planning Commission hearing with text amendment material was posted to the DLCDC post-acknowledgement plan amendment (PAPA) website on September 23, 2024.
- Notice of the Planning Commission hearing was sent to media contacts on October 21, 2024.

State Goal 7 – Natural Hazards

Natural Hazard Mitigation Objectives and Policies The following objectives and policies have been adapted and brought forward from city and county comprehensive plans. These objectives and policies shall apply to natural hazard planning efforts within the Klamath Falls Urban Area. Objectives are presented in UPPERCASE and related policies are listed in numbered lists below each objective (or group of objectives).

- A. *TO PROTECT LIFE AND PROPERTY FROM WATER-RELATED NATURAL DISASTERS AND HAZARDS.*
- B. *IDENTIFY AREAS PRONE TO FLOODING AND DELINEATE THEM ON APPROPRIATE TOPOGRAPHIC MAPS.*
- C. *PREVENT DEVELOPMENT THAT RESULTS IN ENCROACHMENT OF WATER CHANNELS.*
 - 1. *Water-related hazards such as flooding will not necessitate disapproval of development, but higher development costs can be expected in order to minimize hazards.*
 - 2. *All lands designated as areas of floodplain will be urbanized only in accordance with an adopted floodplain management program.*
 - 3. *Restrict filling or construction in floodways. Uses such as sand extraction, recreational activities, industrial and agricultural pursuits may be exceptions to this policy.*
- D. *IDENTIFY AREAS SUBJECT TO NATURAL DISASTERS/HAZARDS AND AVOID SITUATING INCOMPATIBLE FUTURE LAND USES IN THESE AREAS.*
 - 1. *Consider site constraints in evaluating land use in fire hazard areas. Within designated areas where population or building densities may be inappropriate to the hazards present, measures will be developed to mitigate risk to life and property loss.*
- E. *CONSIDER ALTERNATIVE USES IN FLOODPLAIN AREAS SUCH AS PARKS AND/OR OTHER LOW DAMAGE DEVELOPMENTS.*

Implementation

Goal 7 implementation measures include public facility master plans found in Volume III and city and county land use regulations found [in] Volume IV of the Urban Area Plan. City and county engineering standards also help to implemented Goal 7 objectives and policies. The following non-binding implementation measures have been adapted and brought forward from city and county comprehensive plans.

- *Continue to participate in the Flood Insurance Program as administered by the Federal Insurance Administration.*
- *Floodplain management regulations will be developed and included within the Community Development Ordinance and the Land Development Code.*
- *Evaluate and adopt the wildfire hazards map prepared by Oregon State Forestry Department and shall develop a wildfire hazard rating system. Mitigating measure for wildfire hazards shall be included in development proposals for areas with designations of moderate, high, or extreme on the Wildfire Hazards Rating Map.*
- *New development shall be kept off slopes greater than 25 percent, unless engineering plans are approved by the relevant Department of Public Works.*

Findings:

- The City must adopt the new FIRMs created by a new FEMA FIS in order to participate and remain in the NFIP. Participation in the NFIP helps to ensure that property is protected from water-related natural disasters by mitigating total, unrecoverable financial loss as a result of flooding. The new FIRMs identify and delineate areas prone to flooding.
- Adopting the new model floodplain management measures into the CDO satisfies the implementation measure for development, in addition to preventing development that encroaches on water channels and restricting filling and construction in floodways, while not necessitating complete disapproval of development due to flood risk.
- There are no proposed changes to non-flood hazard regulations.

10.000 [CDO] Purpose and scope.

- A. *Purpose. In accordance with the provisions of Oregon Revised Statutes Chapters 92, 197, 227, and 696, Chapters 10 to 14 set forth the standards and procedures governing the development and use of land. Furthermore, the purpose of these chapters shall also be to protect the environment of the City and promote the general health, safety and welfare of the public, by providing for:*
1. *A precise guide for the physical development of the City;*
 2. *Adequate opportunity for citizen involvement in the community development process;*
 3. *Protection of environmentally sensitive areas;*
 4. *Protection of life and property from natural disasters and hazards when and where possible;*
 5. *Orderly and efficient provision of public facilities and services;*
 6. *Satisfaction of recreational needs of the City and its visitors;*
 7. *Provision of adequate numbers of housing units at price ranges and rent levels commensurate with broad range of financial capabilities;*
 8. *Flexibility of housing location, type and density;*
 9. *Resource sustainability;*
 10. *A safe, convenient and economic transportation system;*
 11. *An orderly and efficient transition from rural to urban land use;*

12. *An efficient system of administering the procedures of these chapters;*
13. *An understandable and usable document with a complete set of definitions;*
14. *Appropriate development of sites compatible with the neighborhood;*
15. *A healthful, stable, efficient and pleasant environment.*

A precise guide for the physical development of the City

Findings: The text amendment modifies existing CDO language in specific ways based on model code to ensure residential and commercial developers, business owners, and homeowners understand exactly what is required of them with relation to building and living in areas of special flood hazard while requiring the City Floodplain Administrator, or their designee, to review all land use applications to ensure they meet the requirements of the proposed ordinance, which ensures precision on development.

Adequate opportunity for citizen involvement in the community development process

Findings:

Staff provided DLCD formal notice of the Planning Commission hearing and uploaded text amendment material to the DLCD post-acknowledgement plan amendment (PAPA) website on September 23, 2024, 35 days before the proposed initial hearing date. Official public notice regarding the hearing was mailed to all property owners within the updated 100-year and 500-year flood hazard areas and posted on the City’s website on October 8, 2023, 20 days before the proposed hearing date. Additional background material related to local FIRM changes was placed on the City website homepage. Further notice will be mailed prior to the first City Council meeting. This meets the requirement for citizen involvement.

Protection of environmentally sensitive areas

Findings: The proposed text amendment will have no effect on the City’s ability to protect environmentally sensitive areas as no changes to existing protections are being proposed. There is some overlap however between environmentally sensitive areas, such as designated wetlands, and special flood hazard areas under floodplain management measures.

Protection of life and property from natural disasters and hazards when and where possible

Findings: The purpose of the text amendment is to protect human life and health while guiding development to ensure property is less at risk of inundation within special flood hazard areas.

Orderly and efficient provision of public facilities and services

Findings: The proposed text amendment ensures that critical public facilities and services will be located outside special flood hazard areas when possible.

Satisfaction of recreational needs of the City and its visitors

Findings: While the proposed text amendment is not directly related to the satisfaction of recreational needs, the amendment contains provisions to ensure that recreational vehicles are protected from flood hazard.

Provision of adequate numbers of housing units at price ranges and rent levels commensurate with broad range of financial capabilities AND flexibility of housing location, type and density;

Findings: While the proposed text amendment is not directly related to the provision of housing, adopting the amendment will ensure that the City can participate in the NFIP, which allows homeowners to acquire flood insurance and meet mortgagor requirements. Flood insurance allows homeowners to recover more quickly after a catastrophic flood, can help homeowners get loans for homes in locations they might not otherwise be able to, and can mitigate unexpected costs related to inundation.

Resource sustainability

Findings: The proposed text amendment will have no effect on the City's ability to sustain natural resources.

A safe, convenient and economic transportation system

Findings: The proposed text amendment will have no effect on the City's ability to maintain a safe, convenient, and economic transportation system.

An orderly and efficient transition from rural to urban land use

Findings: The proposed text amendment will not change or diminish requirements along the urban periphery.

An efficient system of administering the procedures of these chapters AND an understandable and usable document with a complete set of definitions

Findings: The proposed text amendment introduces new definitions and rules related to areas of special flood hazard, clearly identifying concepts and requirements without extraneous and inefficient language.

Appropriate development of sites compatible with the neighborhood

Findings: The proposed text amendments will not change or diminish neighborhood compatibility, as the changes are primarily focused on mitigating physical disasters related to the land itself.

A healthful, stable, efficient and pleasant environment.

Findings: The FIRMs and proposed regulations exist to minimize negative impacts on health, safety, and stability in areas prone to flooding while providing the City an efficient means to determine compatibility with building. A City protected from the devastation caused by flooding and inability to rebuild due to financial loss is necessarily more pleasant than one that is not.

IV. Attachments

Exhibit A – CDO Update – Areas of Special Flood Hazard

Exhibit B – Current CDO Chapter 12 – Article 17 – Flood Hazard Overlay Zone

Exhibit C – Current CDO Chapter 14 – Article 7 – Floodplain Management

Exhibit D – Effects of Non-Participation in the NFIP

Exhibit E – Updated FIRM Maps

Exhibit F – Flood Insurance Study for Klamath County and Incorporated Areas Volume 1

Exhibit G – Flood Insurance Study for Klamath County and Incorporated Areas Volume 2

V. Recommended Actions and Motions

Actions

Hold a public hearing and take testimony

Motions

A. Motion to initiate the text amendment

1. “I move to initiate Text Amendment 1-TA-24.”

B. Motion to accept or modify the proposed findings

1. Acceptance

a. “I move that the Planning Commission accept staff’s findings for Text Amendment 1-TA-24.”

2. Modification

a. For each finding the Commission wishes to modify, the Chair should clearly state

i. The name of the section for the finding the Commission wishes to modify, and

(a) Exactly what the Commission wishes to change about staff’s finding, or

(b) The new finding in its entirety if it wishes to completely replace staff’s finding.

b. “I move to accept staff’s findings for Text Amendment 1-TA-24 as modified.”

C. Motion to recommend approval or denial

1. “I move to recommend approval of 1-TA-24 based on the accepted findings.”

2. “I move to recommend denial of 1-TA-24 based on the accepted findings.”

VI. Notice Sent to and Published On

Oregon Department of Land Conservation and Development (DLCD)

Property owners as required under Measure 56

Media contacts

City website