

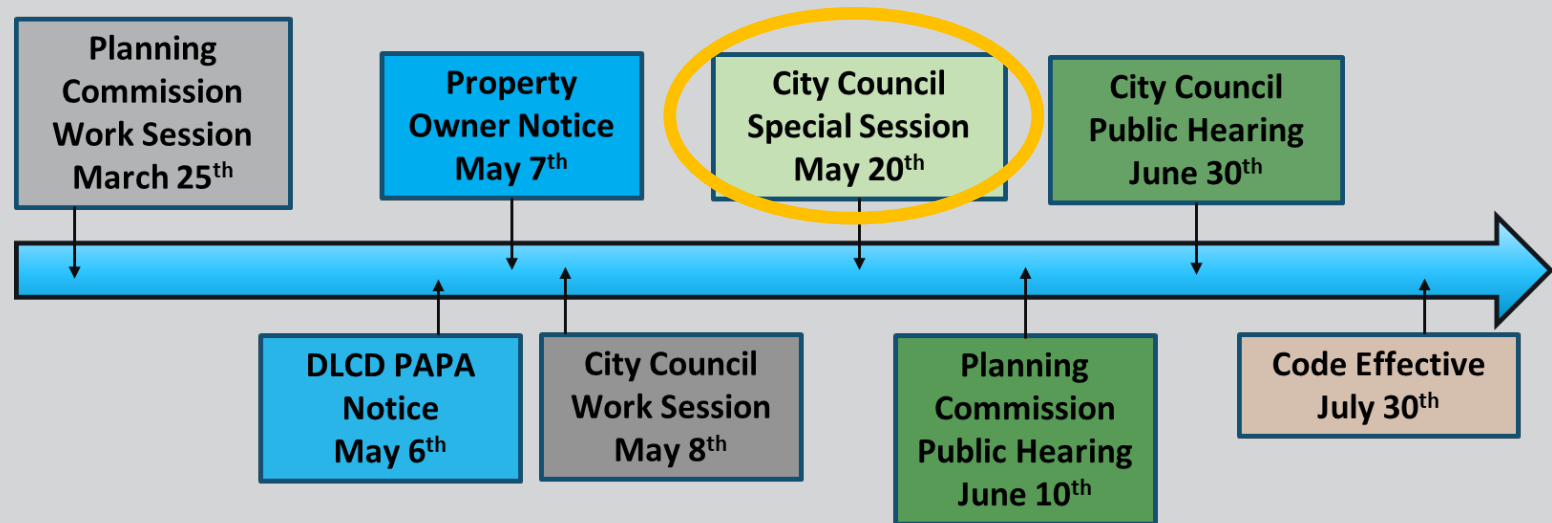
Florence City Code Title 4 Chapter 4 Flood Damage Prevention Code Amendments

FLORENCE CITY COUNCIL — SPECIAL SESSION
MAY 20, 2025



Presentation Overview

- City Council Invitation Special Session
- Staff Presentation – Council and Public Questions – Attempted Answers
- Not a public hearing –



Presentation Overview

- **Why is this project happening?**
- **Where / Who does it impact?**
- **What is proposed?**
- **Project Process and Next Steps**





Why is the Project Happening?



Background-FEMA

- **2009** FEMA sued by Portland Audubon Society and Oregon environmental groups
- **2010** FEMA settled; agreed to consult on National Flood Implementation Program's (NFIP) impacts to Threatened and Endangered (T&E) species and designated critical habitat
- **2016** NMFS (NOAA) issued the Oregon NFIP Biological Opinion (BiOp)
 - Concluded Oregon NFIP jeopardizes T&E and adversely modifies critical habitat. Provided a roadmap to avoid violating Endangered Species Act.



FEMA



NOAA
FISHERIES



EPA

United States
Environmental Protection
Agency



Background FEMA-Continued

- **2021** FEMA completed and issued Draft Implementation Plan
- **2023** FEMA began National Environmental Policy Act (NEPA) Review
- **2023** FEMA sued for delaying implementation
- **2024** FEMA responds with PICM (one of the “reasonable and prudent alternatives” identified in the BiOp to reduce harm to T&E species)



Background FEMA-Continued

- **2025** FEMA *again* sued by Oregonians for Floodplain Protection
 - Implementation of PICM – No statutory authority
 - Failure to follow rulemaking
 - Injunction Hearing May 29





Background-City Action

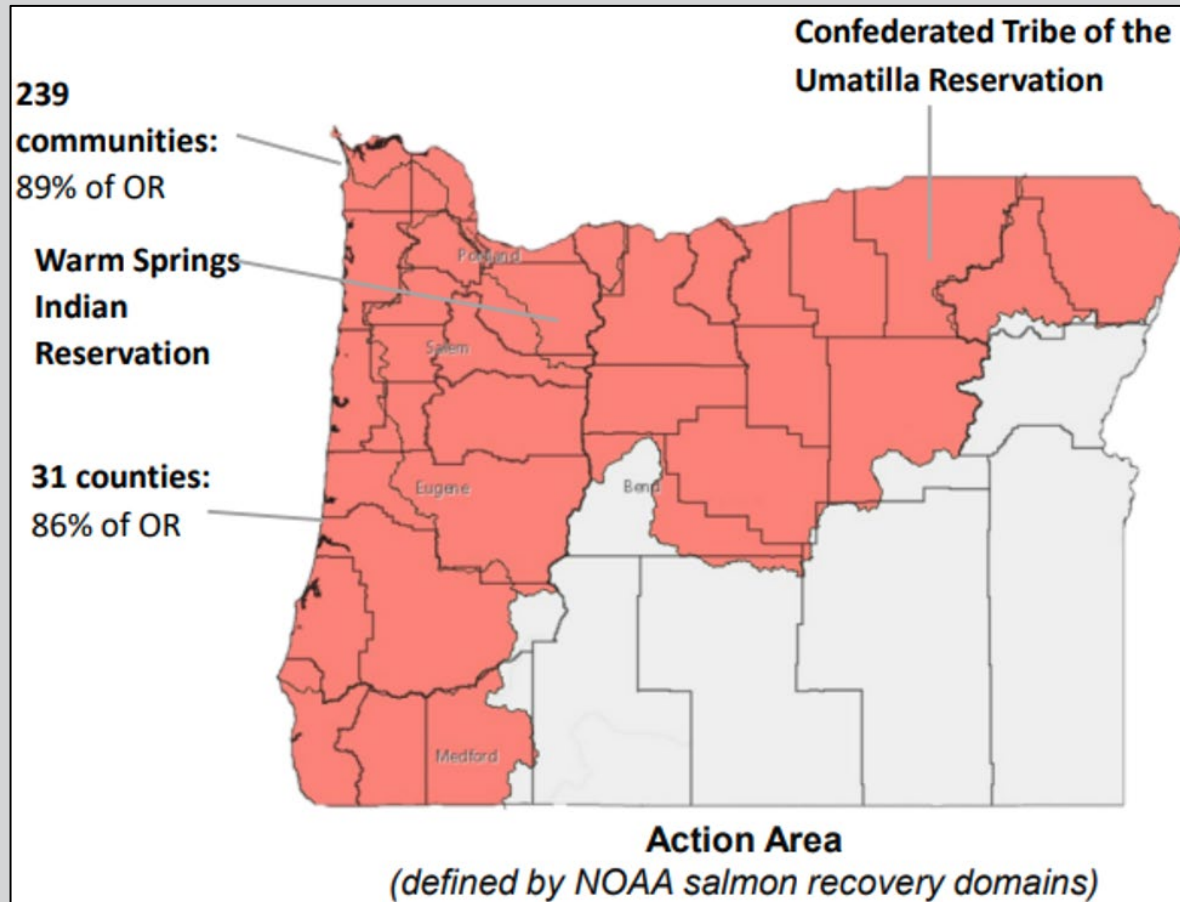
- November 18, 2024 City Council selected a pre-implementation compliance measure (PICM) by Dec. 1, 2024 deadline
 1. Chose a habitat assessment and mitigation plan on a permit-by-permit basis
 2. Adopt model ordinance that requires mitigation to a no net loss standard
- Proposed Amendments to *Florence City Code Title 4 Chapter 4 Flood Damage Prevention* to comply with the PICM required by the NFIP.



Who / Where Does it Impact?

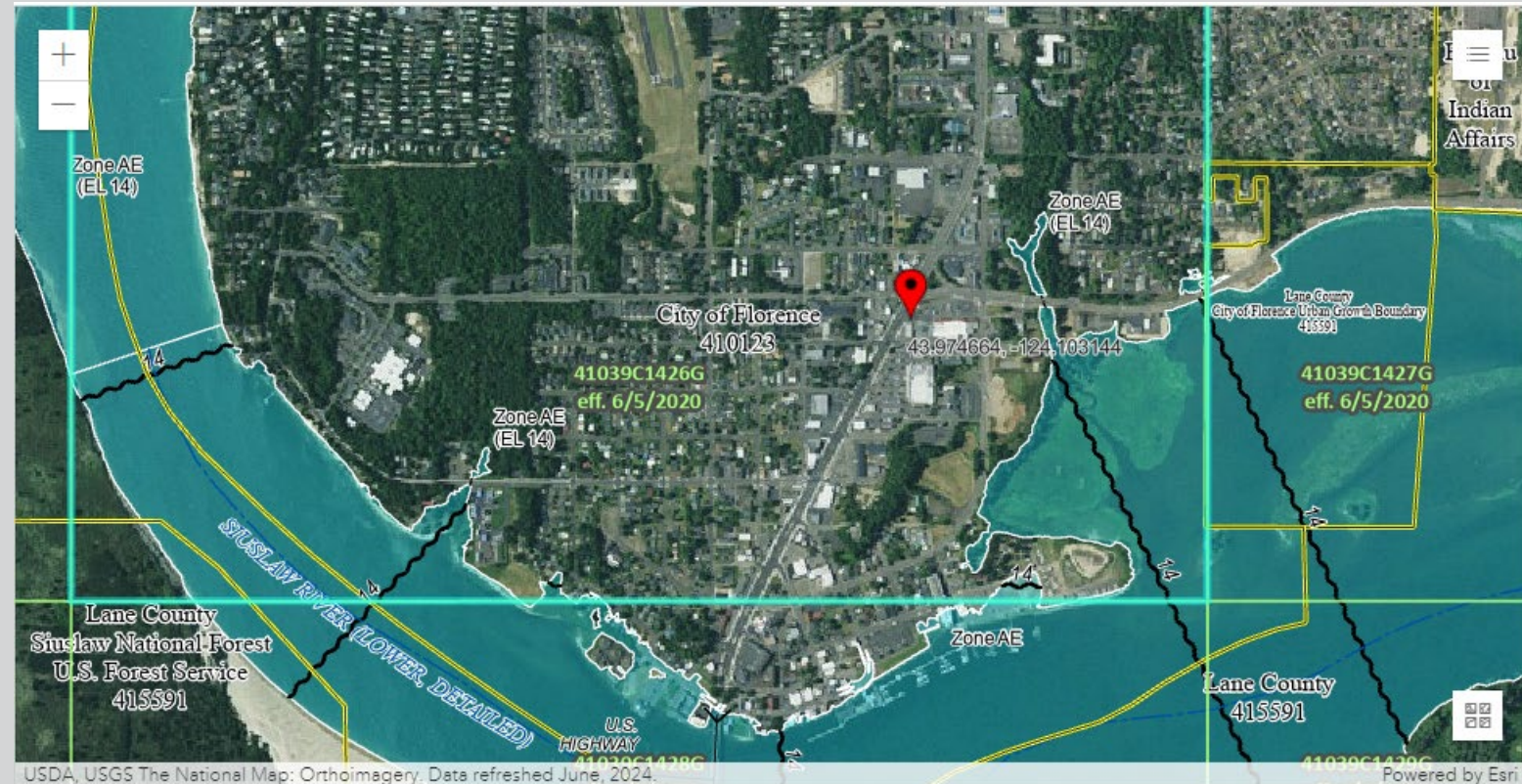


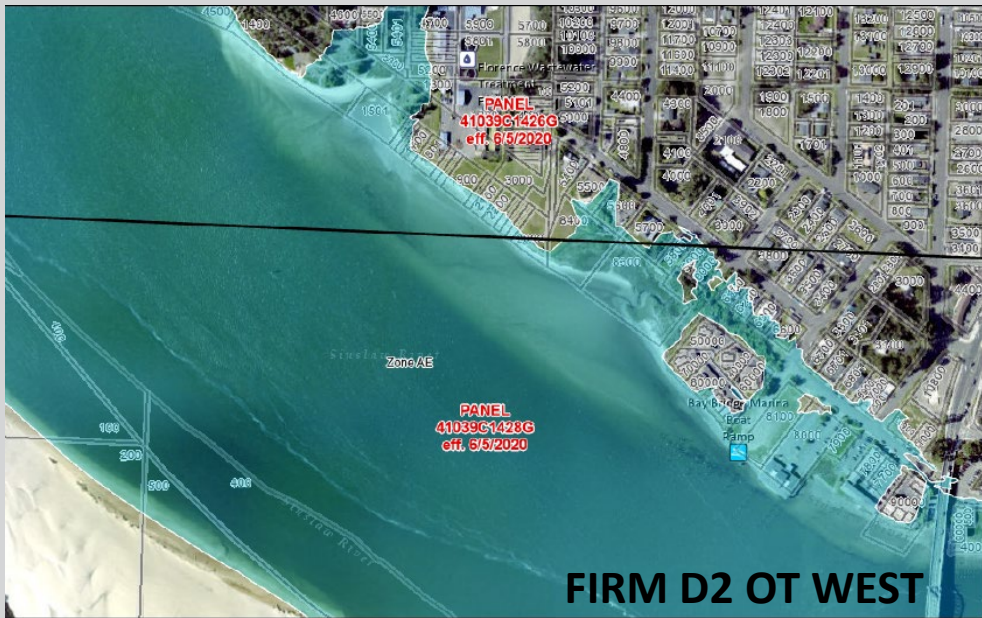
Oregon Implementation Plan NFIP PICM Area

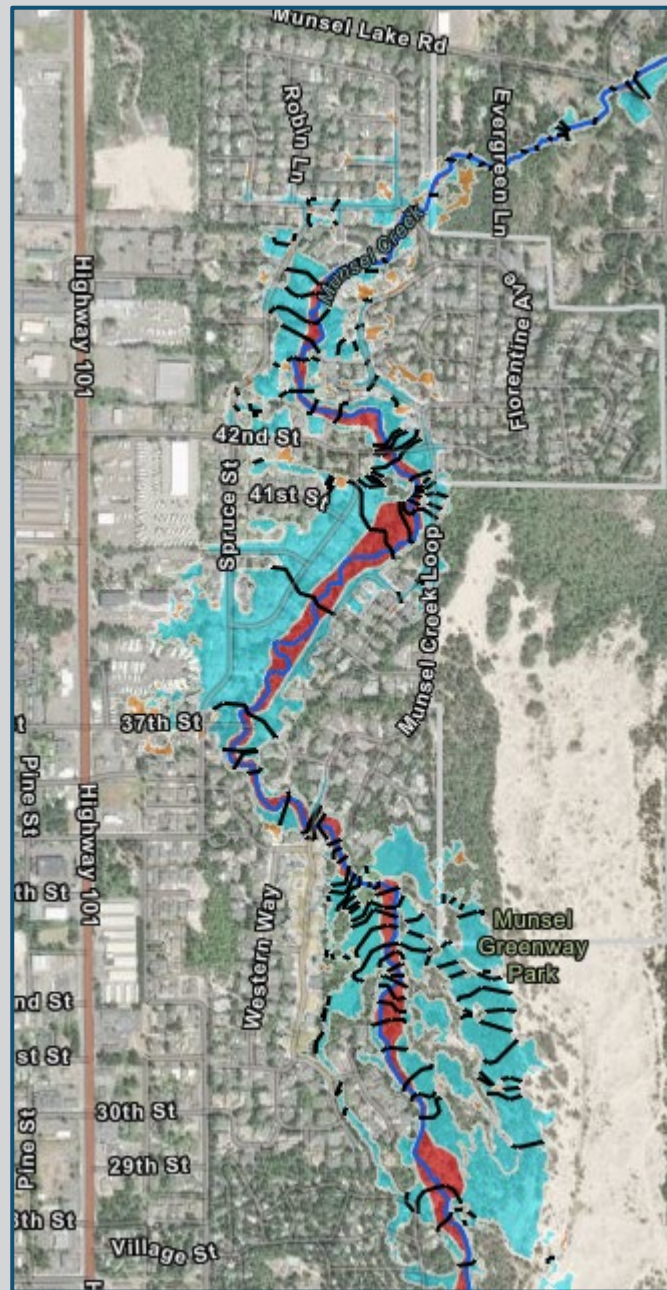
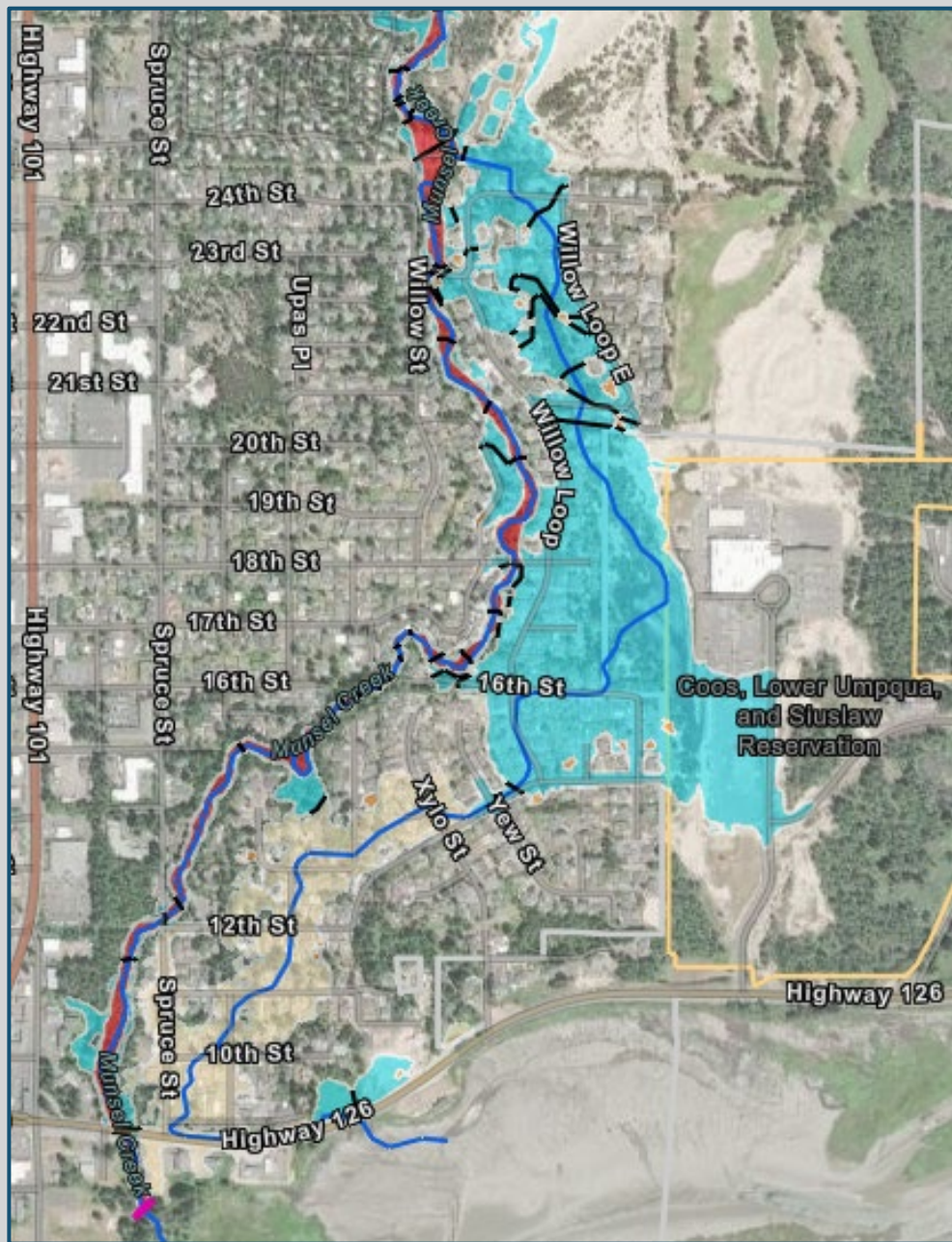


Florence Floodplain – June 5, 2020

FEMA Flood Map Service Center: <https://msc.fema.gov/portal/home>



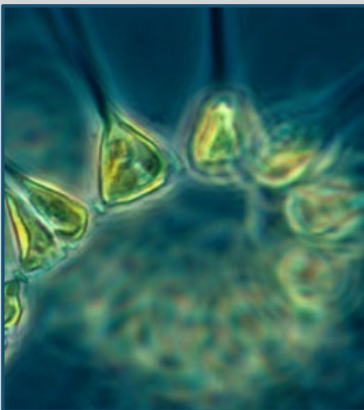
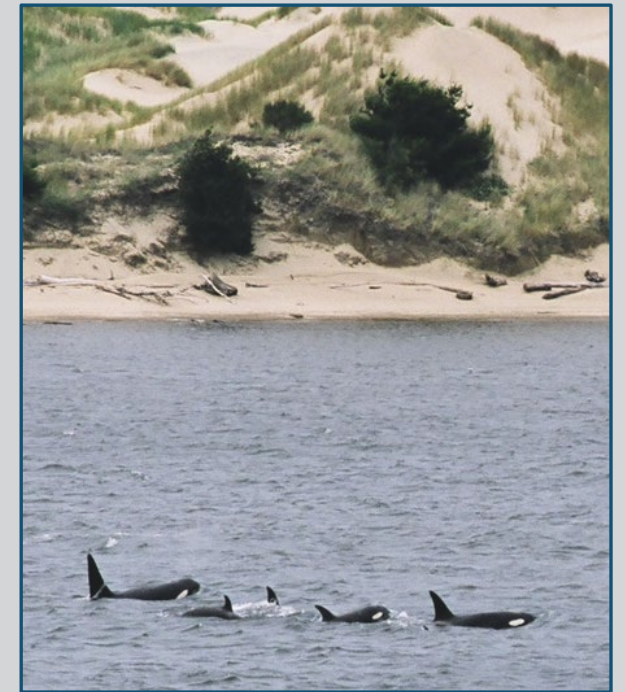




Florence Floodplain Proposed Additions Munsel Creek Summer 2027

<https://www.ci.florence.or.us/planning/siuslaw-watershed-fema-floodplain-mapping-project>

Siuslaw Watershed





What is Proposed?

Update Florence City Code

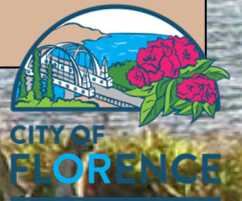
Title 4 Chapter 4 in order to:

- Continue to provide Florence community members access to federally backed flood insurance for federally backed mortgages
- Comply with National Flood Insurance Program required measures prompted by the Federal Emergency Management Agency's (FEMA) support of the Endangered Species Act

Flood Plain Development Goal:

Achieve “no net loss” to beneficial floodplain functions by avoiding, minimizing, and mitigating:

- Fill
- Impervious surfaces
- Loss of trees



Model Floodplain Management Code



No net loss – “A standard where adverse impacts must be avoided or offset through adherence to certain requirements to that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of **floodplain storage, water quality, and vegetation** must be maintained.”



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area

November 2024



FEMA

Federal Emergency Management Agency
Region X
Department of Homeland Security

PICM Implementation



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the Implementation Plan Area

November 2024



FEMA

National Emergency Management Agency
in the
Department of Homeland Security

1

TITLE 4 CHAPTER 4

FLOOD DAMAGE PREVENTION

2

City of Florence PICM Floodplain Development Permit

Prepared by FEMA, Dated: 1/17/2025

Permit
No. _____



CITY OF FLORENCE

3

Proposed Code Elements

- Purpose statement and definition additions
- Existing chapter sections supplemented with protection section reference
- New Protection section
 - Fill (undeveloped space)
 - Impervious
 - Trees
 - Exemptions
 - **Mitigation**
 - **Beneficial Gain**



Model Code - Exceptions

- Maintenance, such as re-roofing and replacing siding
- Street, sidewalk, and road maintenance
- Routine maintenance of landscaping
- Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning
- Routine harvesting of trees
- Removal of noxious weeds and cutting of hazard trees
- Habitat restoration activities



Model Code – Fill / Undeveloped Space



Water Storage → **Flood Reduction**

Avoid impacts at or below the base flood elevation.

Why?: Development like buildings, storage tanks, roads and other structures reduce area where floodwaters can spread and fish have access to shelter and food during a flood.

Model Code: Impervious Surfaces



Reduce the amount of new impervious surface, **include** stormwater treatment facilities within parking lots, and **remove** existing impervious surfaces where possible.

Why?: Reduces biodiversity eliminating food and nesting, feeding, shelter, and nursery areas for the native assemblage of fish and wildlife species. Also reduces the area where floodwaters can infiltrate during a flood.



Model Code - Trees



Retention of phosphorous &
nitrogen

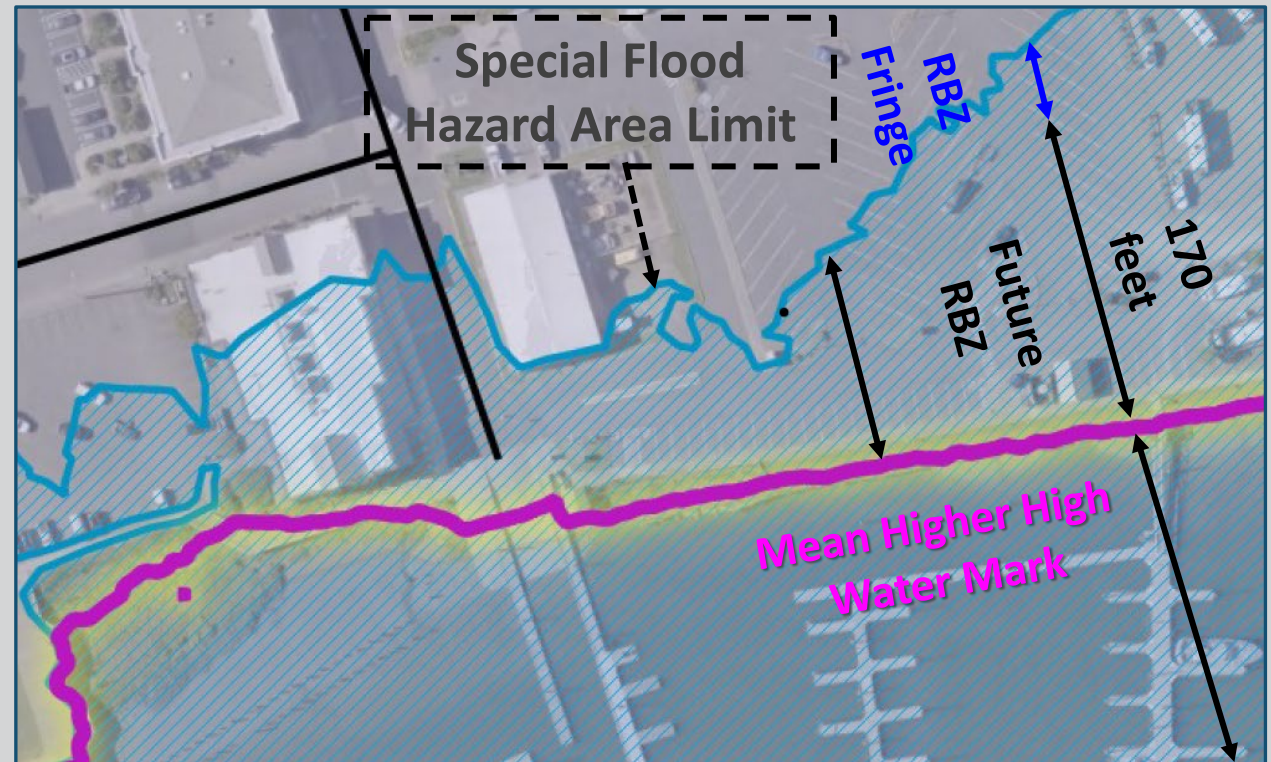
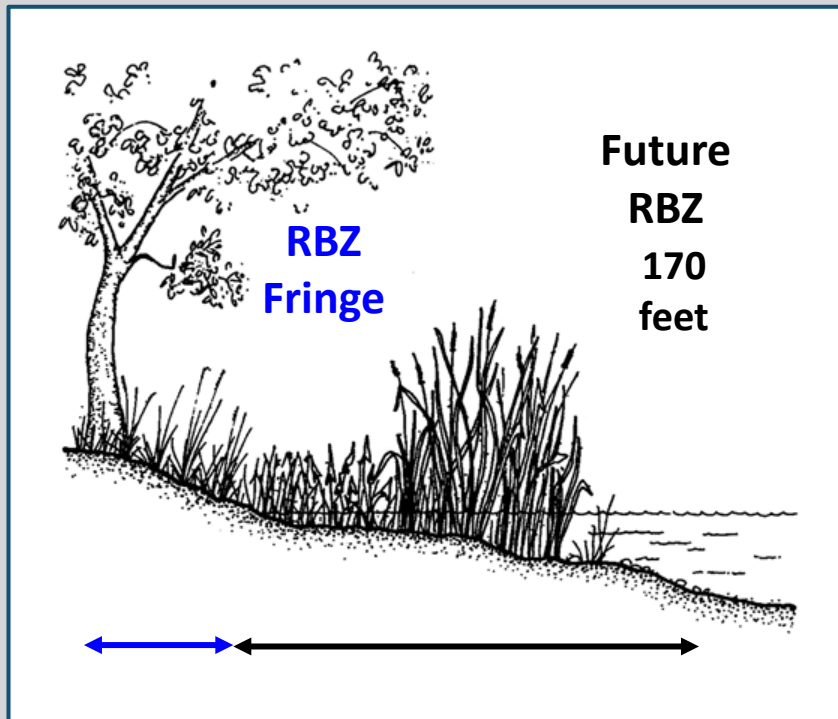


Clean Water

Avoid removal, **reduce** the number of that are removed, and **replace** any six inches dbh or larger that are removed per the mitigation ratios in the Model Ordinance with native species.

Why?: Lower water temperature, stabilize banks, provide habitat and are a source of food supporting the food chain.

Floodway, SFHA, Riparian Buffer Zone and Fringe



Model Code – Mitigation Ratios

<u>Basic Mitigate Ratios</u>	Undeveloped Space (ft³)	Impervious Surface (ft²)	Trees (6" < dbh ≤ 20")	Trees (20" < dbh ≤ 39")	Trees (39" < dbh)
RBZ and Floodway	2:1	1:1	3:1	5:1	6:1
RBZ-Fringe	1.5:1	1:1	2:1	4:1	5:1
<u>Mitigation multipliers</u>					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5th field)	200%	200%	200%	200%	200%

Model Code

■ **Timing:**

- Mitigation happens prior to or concurrent to development
- 25% penalty for delayed mitigation every year

■ **Location:**

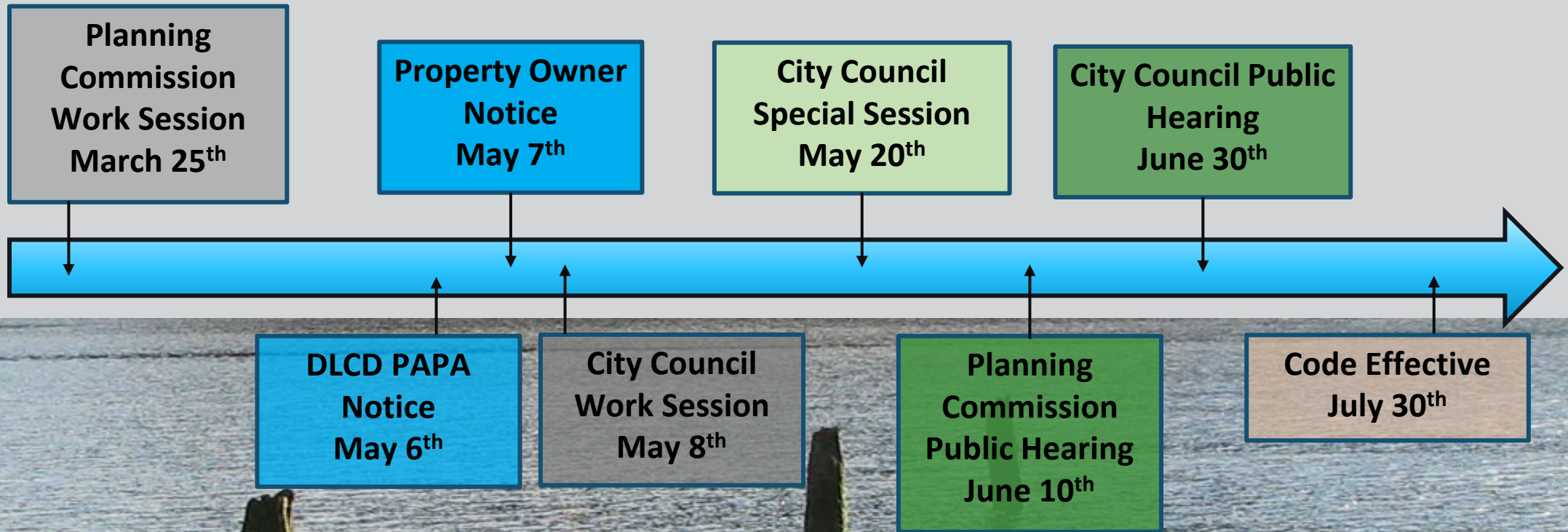
- On the same lot or parcel
- Within the same reach of the waterbody
- Within the same hydrologically connected area (watershed)



Project Process and Next Steps



Process Timeline





Website Links

- FCC 4-4: Flood Damage Prevention:
https://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/818/chapter_4_-_flood_damage_prevention.pdf
- City PICM Website: <https://www.ci.florence.or.us/planning/fema-pre-implementation-compliance-measure-picm>
- City Council Special Meeting: <https://www.ci.florence.or.us/council/city-council-special-meeting-fema-flood-plane-code-amendments>
- DLCD PICM Webpage: <https://www.oregon.gov/lcd/nh/pages/nfip.aspx>
- FEMA's Implementation of the Bi-Op:
<https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>

Questions

