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**AGENDA ITEM SUMMARY / STAFF REPORT**  
**FLORENCE PLANNING COMMISSION**

**ITEM NO:** 6  
**Meeting Date:** July 8, 2025

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**ITEM TITLE:** Florence City Code Title 4, Chapter 4 Flood Damage Prevention - PC 25 08 TA 02

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**OVERVIEW:**

**Summary Introduction:** The City of Florence is proposing amendments to Florence City Code Title 4 Chapter 4 Flood Damage Prevention to implement Pre-Implementation Compliance Measures (PICM), short-term rules to comply with the Endangered Species Act. The PICM were developed by the Federal Emergency Management Agency (FEMA) for jurisdictions participating in the National Flood Insurance Program (NFIP). The proposed code amendments are directed by FEMA to protect habitat and achieve no net loss measures that will avoid, minimize, and mitigate impacts to the endangered species and their habitat in the floodplain areas. The goal is for floodplain development in Florence to achieve “no net loss” to beneficial floodplain functions which would look like no net increase in fill, no net increase in impervious surfaces, and no net loss of trees.

**City Action Timeline:** The City Council held their first meeting on this topic [November 18, 2024](#), where they made an initial Pre-Implementation Compliance Measure selection and in effect initiated the land use code amendments. Planning Commission held a work session that included this topic on [March 25, 2025](#). City Council held their work session on the proposed code on [May 8, 2025](#). And, a Council Special Session was held [May 20, 2025](#) at the Florence Events Center where the public could ask questions and received a presentation of the draft code edits.

After the special meeting staff edited the code presented incorporating input received from the Council, staff and the public. This final proposed version was placed in the Planning Commission hearing material packet of [June 10, 2025](#). After opening the hearing, receiving feedback from the public and discussing the proposed code sections they voted to continue the hearing to a date certain of [July 8, 2025](#). PC requested changes to the proposed code to ensure they are clear and objective for housing development and consistent with existing code and policies, meaning not less restrictive. Therefore, the Council hearing scheduled for June 30<sup>th</sup> was postponed until the PC concluded their hearing, deliberations and vote. The Council hearing has been re-noticed in the Siuslaw News for [July 21, 2025](#) as Ordinance No. 8, Series 2025.

If Council had opened the 2<sup>nd</sup> hearing on June 30<sup>th</sup> staff would have recommended a continuance to a date certain or a postponement. This is due to an update provided by the city’s legal counsel on the status of the litigation on FEMA’s PICM model code requirement. On May 21, 2025, a judge granted the plaintiffs’ (Oregonians for Floodplain Protection) and the defendants’ (FEMA, et al.) joint motion for a stay of their litigation proceedings. The parties’ joint motion for stay stated that additional time was needed for them to discuss options to resolve the issue without further litigation. The granting of the stay does not halt, pause, or reverse PICM compliance – rather it pauses the case until a future date set for July 29, 2025. Staff expects additional guidance from legal counsel as the situation develops. The Council hearing scheduled for July 21<sup>st</sup>

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will likely be continued to a date certain, as the city would not necessarily want to revise city code that is under litigation.

**Process and Review:** Zoning text amendments require two public hearings: one with the Planning Commission (PC), who makes a recommendation to the City Council, and another public hearing with City Council, who will make the final decision. Planning Commission opened the public hearing on [June 10, 2025](#) and continued to a date certain of July 8, 2025. The requirements for providing noticing to property owners (ORS 227.186 & FCC 10-1-1-6-4-D-2), a newspaper, and to the Department of Land and Conservation and Development (DLCD) have been met.

The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, state statutes, and administrative rules believed to apply may be considered in the decision-making process. Meeting materials, public testimony, agency referrals, and research that speak to the criteria may also be considered. The findings, attached, include a review of the proposed code change language against the applicable criteria.

The code presented June 10<sup>th</sup> has been revised and is included as Exhibit A. Revisions to the original code in place presently are annotated with a ~~strikeout~~ for language removed and underline for language added. The code proposal includes definition additions, incorporation of no-net-loss language throughout the existing code referring to standards added in a new section 7 at the end of the chapter.

**Testimony/Agency Referrals:** No written testimony was received as of the writing of the date of this agenda packet publication.

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## ISSUES/DECISION POINTS:

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### ALTERNATIVES:

1. Recommend City Council approve Resolution PC 25 08 TA 02; as modified by PC with additional amendments added prior to adoption related to clarity, codification and litigation outcomes; or
2. Recommend City Council approve Resolution PC 25 08 TA 02; or
3. Recommend City Council deny Resolution PC 25 08 TA 02; or
4. Continue the public hearing to a date certain, or
5. Close the public hearing and leave the written record open for 7 days

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### RECOMMENDATION:

Staff expects the code will continue to be modified for clarity and codification purposes until its adoption. Additionally, the litigation outcome will likely result in amendments to FEMA’s PICM model code. Therefore, staff’s recommendation is to approve Exhibit A as modified

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by PC at their July 8<sup>th</sup> hearing with additional amendments added prior to adoption related to clarity, codification and litigation outcomes. – Alternative 1

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**AIS PREPARED BY:** Wendy Farley Campbell, Community Development Director

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**ATTACHMENTS:**

Resolution	PC 25 08 TA 02
Exhibit A	FCC 4 Chapter 4 Flood Damage Prevention-PROPOSED
Exhibit B	Findings of Fact
Exhibit C	Flood Insurance Rate Maps, June 5, 2020