



PLANNING COMMISSION



PLANNING COMMISSION MEETING
MARCH 25, 2025



PLANNING COMMISSION



CITIZENS WISHING TO EXPRESS THEIR VIEWS MAY SUBMIT COMMENTS IN WRITING.

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OR EMAIL PLANNINGDEPARTMENT@CI.FLORENCE.OR.US



PLANNING COMMISSION



ROLL CALL

A photograph of the City of Florence City Hall, a modern building with a curved facade and a stone base. In the foreground, a tall flagpole stands on a grassy area, flying the United States flag, the State of Oregon flag (featuring the text "STATE OF OREGON" and "1859"), and a smaller white flag with a green seal. A stone sign in the foreground reads "CITY OF FLORENCE", "CITY HALL", and "250 HWY 101". The sky is filled with large, white clouds.

PLEDGE OF ALLEGIANCE



Planning Commission Work Session

MARCH 25, 2025

WENDY FARLEY CAMPBELL, CD DIRECTOR



Packet Overview

Memorandum—Work Session Overview Memo

Attachments:

- 1: FEMA Natl' Flood Insurance Program Model Floodplain Management Code Packet
- 2: Child Care Code Updates Discussion Packet
- 3: Vegetation Preservation Code Updates Discussion Packet



Topic # 1

Vegetation Preservation Code Updates Discussion



Attachment Overview

- Goals summary list
- Existing FCC 4-6 code
- PC meeting materials:
 - 1-24-2023
 - 12-13- 2022
 - 11-22-2022
 - 6-28-2022



Objective & Work

- Work Plan 20021-2023:
 - Identify and create vegetation preservation opportunities such as greenbelts and setbacks
 - Update vegetation preservation city code to eliminate inconsistencies and reflect current community quality of life goals
- Code: Current Code = 6 sections and 3 pages; Proposal = 9 sections 11 pages
- Changes:
 - Definitions—throughout and revised native and new significant
 - When a permit is required
 - Procedure
 - Revised Current Sections: When Required and permit types—providing an over the counter option—surveying, homeless camping etc.



Next Steps

- Sub-Committee to form and pick work back up
- Review legal counsel's concerns and address
- Provide updated version for PC/EMAC reviews—work sessions
- Initiate code updates with PC
- Public hearings process



Topic # 2

Child Care Code Updates Discussion



Attachment Overview

Staff Memo, January 9, 2024

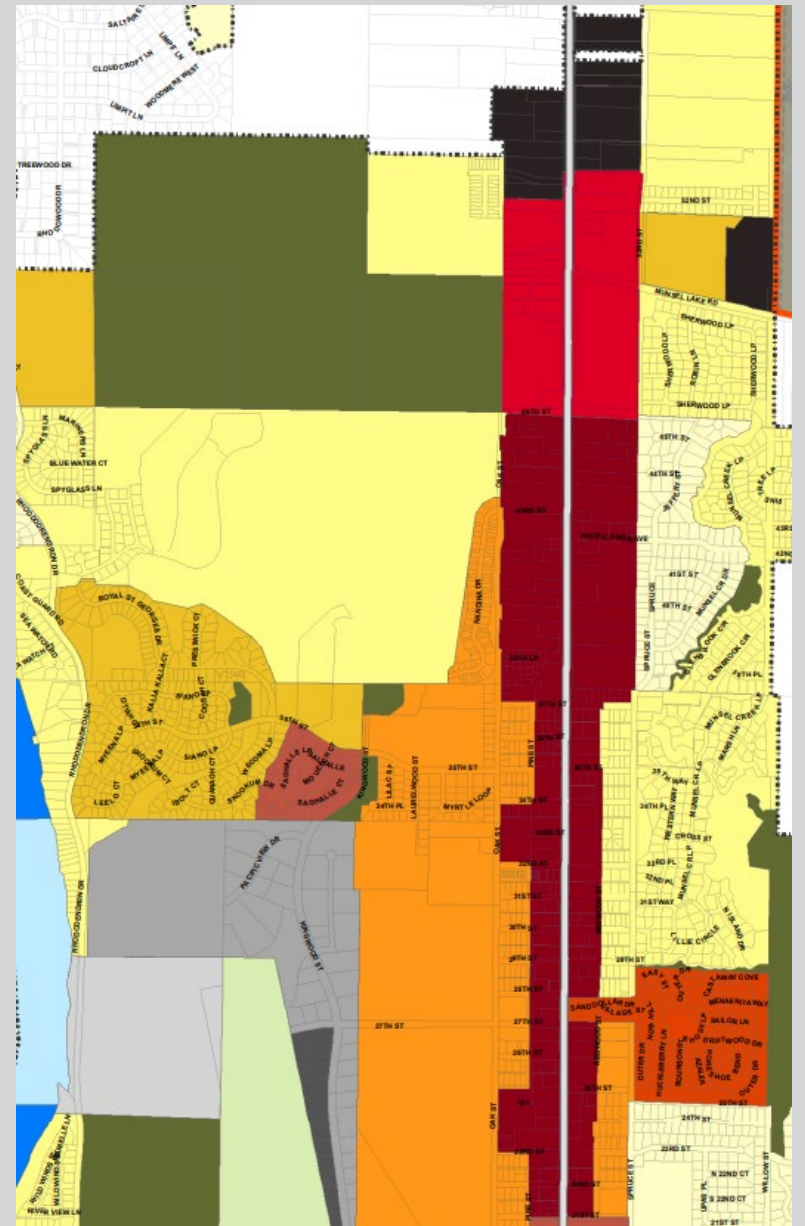
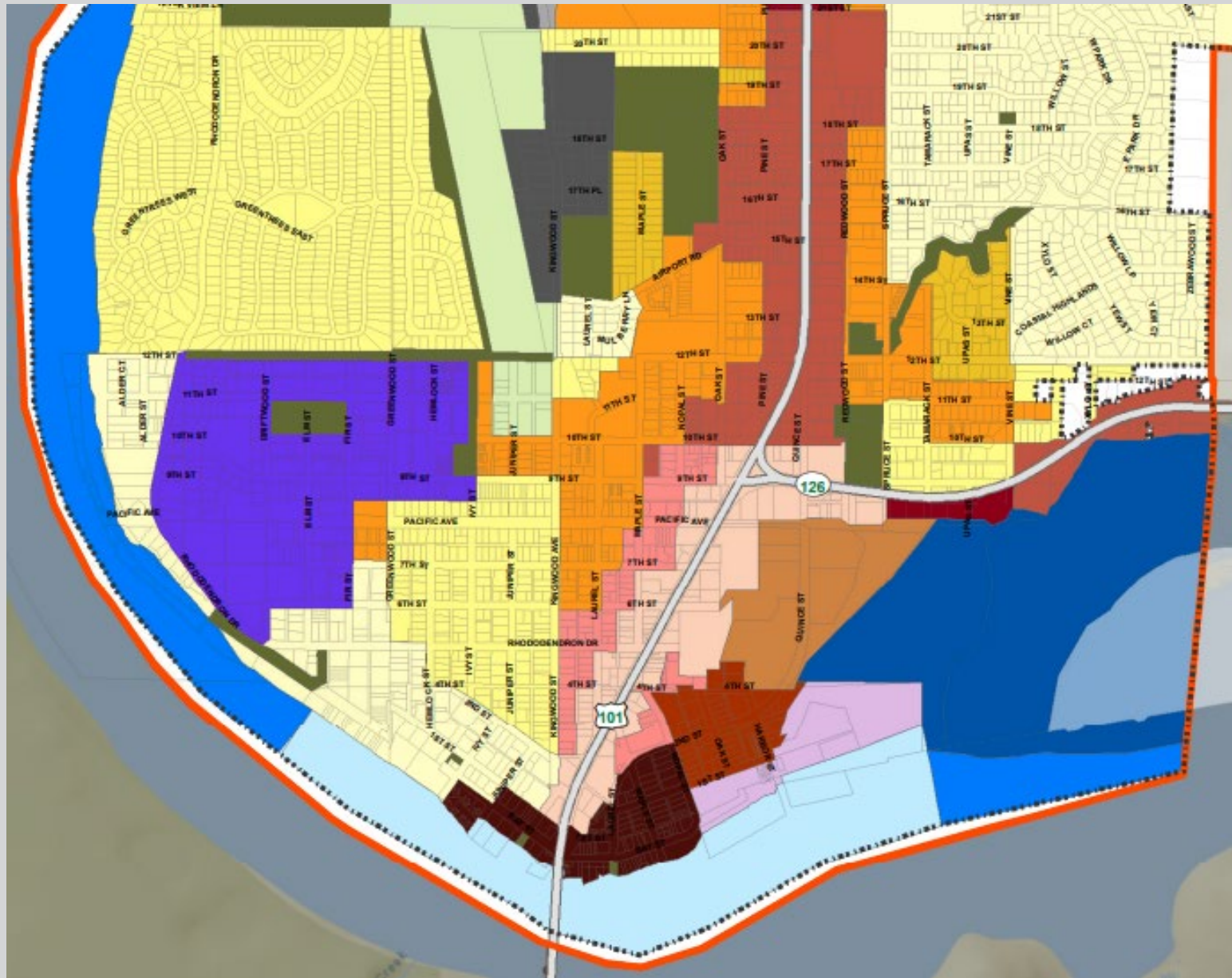
- Attachment: House Bill 3109



Child Care Code Updates

HB 3109: Childcare Facility Siting:

- Establishes that childcare facilities are permitted in all commercial or industrial zoned areas, except for heavy industrial zones
- Became Effective January 1, 2022
- Amended Oregon Revised Statutes: 329A.030, 329A.250, 329A.280, and 329.440





Applicable Criteria

(4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use.

Commercial: All--Permitted

Mixed Use: Old Town, Prof. Off,. WF Marine--Move from Conditional to Permitted

Industrial: Either move from Conditional to Permitted or Add (& Comp Plan amendment)

(b) A local government may not impose land use regulations, special fees or conditions on the establishment...of a child care center in an area zoned for commercial or industrial use that are more restrictive than those imposed for other uses in the same zone.

Commercial: Not regulated more than other uses in the same district

Mixed Use: Not regulated more than other uses in the same district

Industrial: Pacific View—serving employees only



Applicable Criteria

(5) Notwithstanding subsection (4) of this section, a local government may impose reasonable conditions upon the establishment or maintenance of a child care center in an area zoned for industrial uses.

(6) As used in this section, “reasonable conditions” includes, but is not limited to, siting restrictions for properties designated on the Department of Environmental Quality’s statewide list of contaminated properties as having known or suspected releases of hazardous substances.

Any Reasonable Conditions Planning Commission would like to consider for Industrial Districts?



Next Steps

- Initiate code updates with PC
- Council work session (maybe)
- Public hearings process with PC and CC



Topic # 3

FEMA National Insurance Program Model Floodplain Code Discussion



Attachment Overview

- FEMA Guidance for Communities, Fall 2024
- City Council Agenda Packet, November 18, 2025
 - Agenda Item Summary
 - Slide presentation
 - Flood Insurance Rate Map
 - Department of Land Conservation and Development, PICM FAQ
 - National Flood Insurance Program PICM Fact Sheet
- NFIP Model Floodplain Management Ordinance, Nov. 2024



Topic Explanation

City participates in the National Flood Insurance Program (NFIP), providing community access to access federally backed flood insurance on federally backed mortgages.

Florence City Code amendments are needed to comply with the Pre-Implementation Compliance Measures (PICM) required by the NFIP prompted by FEMA in order to comply with the Endangered Species Act.

Background

- 2009, FEMA sued by Portland Audubon Society and Oregon environmental groups
- 2010, FEMA settled; agreed to consult on National Flood Implementation Program's effects on Threatened and Endangered (T&E) species and designated critical habitat
- April 2016, NMFS (NOAA) issued the Oregon NFIP Biological Opinion (BiOp)
 - BiOp concluded Oregon NFIP implementation jeopardizes continued existence of T&E species and adversely modifies designated critical habitat



FEMA



NOAA
FISHERIES



EPA

United States
Environmental Protection
Agency



Background (cont')

- Bi-Op included implementation roadmap to avoid violating Endangered Species Act
- 2021 FEMA completed and issued Draft Implementation Plan (3 functions)
 - Flood storage: limit new fill or require compensatory flood storage to offset new fill
 - Water Quality: limit new impervious surface and heightened stormwater requirements
 - Riparian Vegetation: restrict removal within 170-feet of a water feature
- 2023 FEMA began National Environmental Policy Act (NEPA) Review (assess environmental impacts to their proposed plan)



Background (Cont')

- FEMA abandoning commitment to complete EIS review prior to implementation
- Oregon NFIP participating communities were to select a PICM by Dec. 1, 2024.
 1. Prohibit floodplain development in the Special Flood Hazard Area
 2. Choose a habitat assessment and mitigation plan on a permit-by-permit basis
 3. Adopt model ordinance that requires mitigation to a no net loss standard
- November 18, 2024, Florence City Council selected the #3 Model Code
- Communities declining to adopt new standards removed from the NFIP

City of Florence 410123

Lane County 415591

Siuslaw National Forest U.S. Forest Service 415591

Zone AE (EL 14)

Siuslaw River (Lower, Detailed)

U.S. Highway 4102061438G

43.974664, -124.103144

41039C1426G eff. 6/5/2020

41039C1427G eff. 6/5/2020

41039C1458G

USDA, USGS The National Map: Orthoimagery. Data refreshed June, 2024.

Powered by Esri

Model 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.”

Achieve “no net loss” to floodplain functions by:

- avoiding negative effects;
- then minimizing remaining effects;
- then replacing or compensating for residual adverse effects.



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



Model Code - Exceptions

- Normal structure maintenance, such as re-roofing and replacing siding
- Normal 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 hazard trees
- Habitat restoration activities
- Etc



Model Code

■ **Timing:**

- Undeveloped space and impervious surface 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)

Model Code – Mitigation Ratios

Table 1 No Net Loss Standards

Basic Mitigate Ratios	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%

If these standards cannot be met, an allowance is given for off-site mitigation, either within the same reach of the waterbody or a different reach within the same watershed.



Permit by Permit

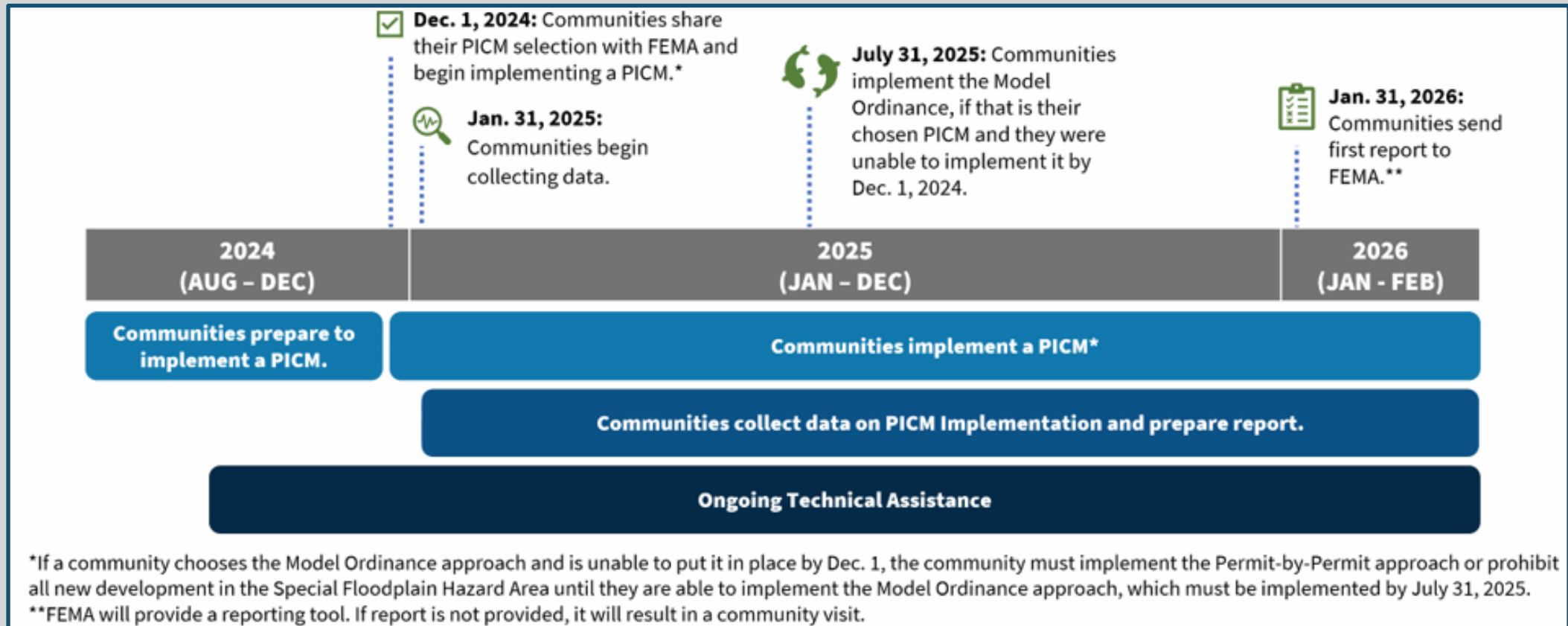
- All floodplain development permits must include a **habitat assessment** and **mitigation plan**
- Habitat assessment must demonstrate **no net loss** of habitat functions
- Adverse effects = the assessment needs to include a mitigation plan
- Exemptions are same as those outlined in the model code
- Necessitates local code amendments to implement
 - Utilizing a Review Waiver where the property owner will need to select a path they choose to proceed and hold the city harmless



PICM Timeline & Next Steps

- July 15, 2024 – FEMA notice to NFIP communities of pre-implementation compliance measures
- August 14, 2024 – Model Ordinance/Habitat Assessment guidance published
- Oct. to Nov. 2024 – FEMA workshops on specific PICMs
- December 1, 2024 – Communities must select and implement a PICM
- January 31, 2025 – Communities starts reporting on PICM implementation
- Now to July 31st – Work Sessions, Town Hall, Initiation, Public Hearings
- July 31, 2025 – Communities fully implement PICM
- 2027 – FEMA achieves full implementation

FEMA Timeline



Questions





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THANK YOU!