



CITY COUNCIL MEETING

Tuesday, May 27, 2025
Community Auditorium, 1915 Main Street

Malynda Wenzl, Mayor

Mariana Valenzuela, Council President
Angel Falconer, Councilor
Donna Gustafson, Councilor

Michael Marshall, Councilor
Karen Martinez, Councilor
Brian Schimmel, Councilor

[TVCTV Livestream](#)

[Zoom Webinar](#) Meeting ID: 850 7572 2488 Passcode: 97116

Americans with Disabilities Act (ADA) Notice: The City is committed to providing equal access to public meetings. Requests for accommodation can be submitted to the City Recorder at least 48 hours before the meeting at: mwoods@forestgrove-or.gov or 503-992-3235

EXECUTIVE SESSION

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. No formal decisions or actions will be taken. Representatives of the news media may attend, but may not disclose any information discussed. News media representatives can request a link to attend via Zoom by emailing the City Recorder's Office at: mwoods@forestgrove-or.gov

5:30 The Council will convene to hold an executive session: ORS 192.660(2)(i) to review and evaluate the employment-related performance of the City Manager.

CITY COUNCIL WORK SESSION

No public comment will be taken. The Council will take no formal action.

6:30 Civics Academy

Staff: Stephanie Fleischer, Communications and Programs Manager

CITY COUNCIL MEETING

A. 7:00 Call to Order

1. Roll Call
2. Land Acknowledgement
3. Pledge of Allegiance
4. Proclamation: 250th Birthday of the United States Army

B. Public Comment: Time provided for anyone wishing to speak to City Council on an item not on the agenda or on the agenda but not scheduled for a public hearing. Comments are limited to 2 minutes unless additional time is granted by the Presiding Officer. The public comment period shall not exceed 30 minutes unless a majority of Councilors present vote to extend the time. Zoom attendees may use the “Raise Hand” option to be called on.

1. Written Public Comment

C. Consent Agenda: Items under the Consent Agenda are considered routine and will all be adopted with a single motion, without separate discussion. Councilors who wish to remove an item from the Consent Agenda may do so prior to the motion. Any item(s) removed will be discussed and acted upon following the approval of the remaining item(s).

D. Additions/Deletions

1. City Manager
2. Proposed by Councilors

E. Presentations: The Council will hold questions until the end of each presentation. A two-minute reminder will be given to the presenter to conclude remarks.

1. 7:15 **Ride Connection**

Ride Connection: Andy Nelson, CEO; John Mira, Planning Supervisor
Washington County: Reza Farhoodi, Senior Planner

F. Public Hearings, Ordinances, and Resolutions

1. 7:30 **ORDINANCE 2025-02 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 8 AND 12 TO ADOPT REVISED FLOODPLAIN MANAGEMENT REGULATIONS AND DEFINITIONS IN COMPLIANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY 2024 FLOOD HAZARD MANAGEMENT MODEL ORDINANCE; FILE NO. 311-25-000005-PLNG**
Staff: Daniel Riordan, Senior Planner
2. 7:40 **RESOLUTION 2025-19 AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR THE MAYOR, WITH CHANGES EFFECTIVE JULY 1, 2025**
Staff: Paul Downey, Assistant City Manager/Finance Director
3. 7:45 **RESOLUTION 2025-20 AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR COUNCILORS ELECTED IN NOVEMBER 2022, WITH CHANGES EFFECTIVE JULY 1, 2025**
Staff: Paul Downey, Assistant City Manager/Finance Director
4. 7:50 **RESOLUTION 2025-21 AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR COUNCILORS ELECTED IN NOVEMBER 2024, WITH CHANGES EFFECTIVE JULY 1, 2025**
Staff: Paul Downey, Assistant City Manager/Finance Director

5. 7:55 **RESOLUTION 2025-22 APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE FOREST GROVE SCHOOL DISTRICT AND THE CITY OF FOREST GROVE FOR A SCHOOL RESOURCE OFFICER (SRO) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**
Staff: Henry Reimann, Police Chief

G. 8:05 Council Communications:

1. Councilor Reports
 - a. Mariana Valenzuela (LC, CDBGPAB)
 - b. Angel Falconer (HLB, JWC, CCESC)
 - c. Donna Gustafson (PAC, RWPCB, WCCCA)
 - d. Michael Marshall (CFC, P&R)
 - e. Karen Martinez (FGRFPD, SCC, FGSCC)
 - f. Brian Schimmel (CCE, EDC, TVHSC, Chamber of Commerce)
2. City Manager's Report
3. Mayor's Report (WCCC, R1ACT, MMC, WCC&MG, WCMG, MYAC)

H. 8:30 Adjournment

CITY COUNCIL WORK SESSION

No public comment will be taken. The Council will take no formal action.

8:30 City Manager Performance Evaluation Form and Process Review

Staff: Brenda Camilli, Human Resources Director



City Council Work Session

May 27, 2025

Stephanie Fleischer

THANK YOU!

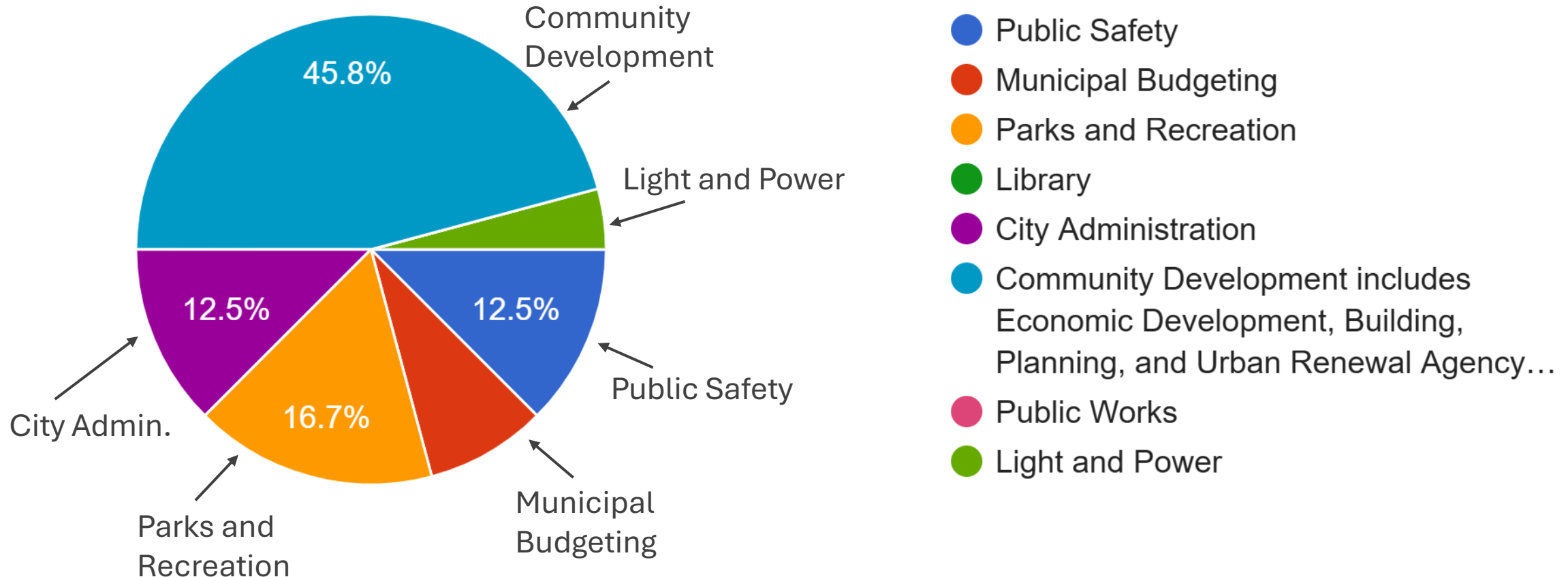
Joyce Phillips and Bob Abbey

Where it Started

- Council Goal 2.4
- Survey; closes June 20
- Partnered with the Library
- Two Brainstorming Sessions

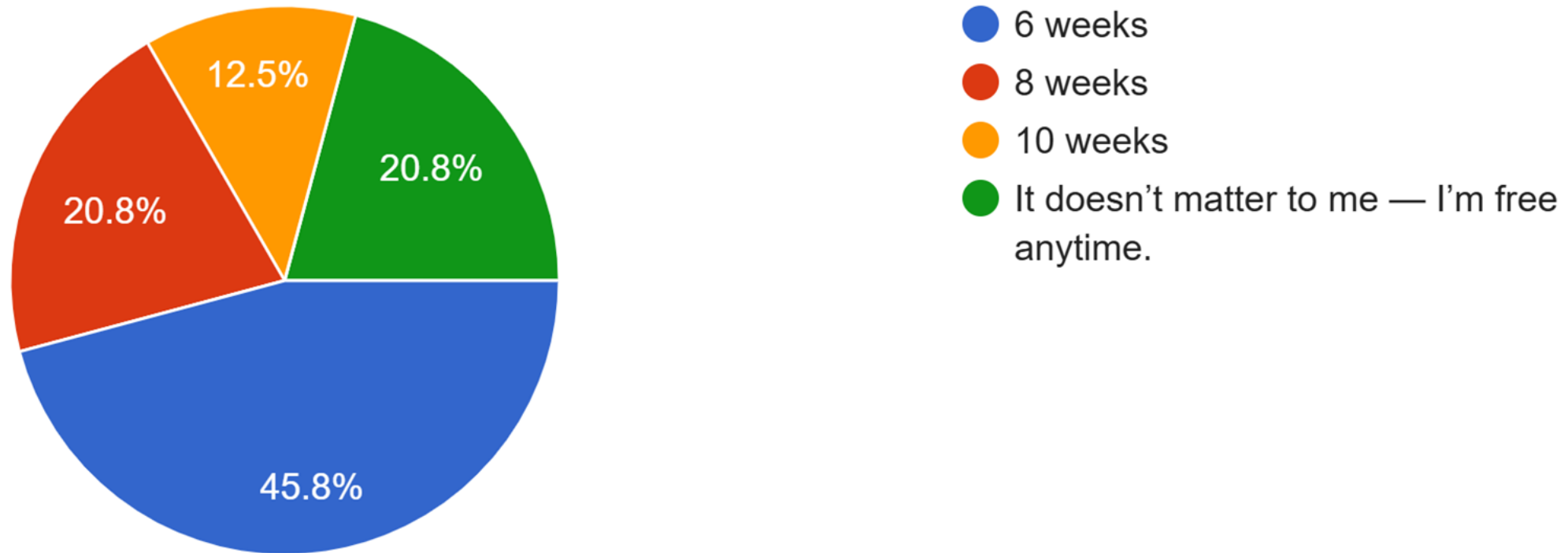
Survey

What subject are you most interested in?



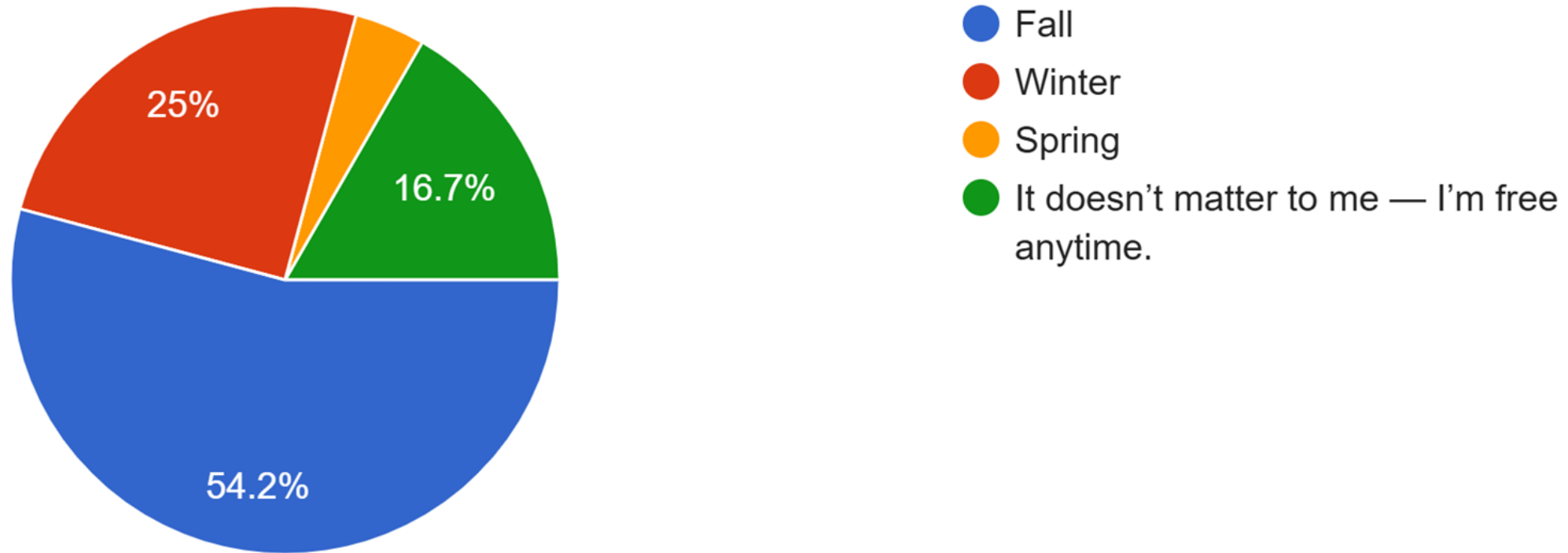
Survey

If interested, how much time can you commit to Civics Academy?



Survey

If interested, preferred time of year to attend Civics Academy?



Survey

ADDITIONAL SURVEY QUESTIONS

- Is there anything specific about the above topic areas you'd like to learn?
- Is there any topic you'd like to learn about that **IS NOT** listed?
- Interested in participating?

Brainstorming Sessions

WHAT WE DISCUSSED

- Application process
- Takeaways from each session
- Scheduling
- Location/s

Types of Academies

1

CIVIC LEADERSHIP ACADEMY

- Cornelius
- Hillsboro
- Partnership with Portland State University's Hatfield School of Government.

2

COMMUNITY ACADEMY

- Hillsboro, WCSO, Beaverton, Tigard, Forest Grove
- Closely associated with law enforcement.

3

CIVICS ACADEMY

- Wilsonville
- Closest to the format we are recommending.

Consensus Items

- Civics Academy type model.
- Must be a resident of Forest Grove- if space is available, open to local business owners.
 - Maximum is 20 and minimum 12
- Complete the application process and agree to a waiver.
- Wednesdays in the fall from 5:30-7 pm
 - September 10- October 15
- Hosted at different locations
- City Council Recognition Ceremony TBT

Questions and Discussion



PROCLAMATION

WHEREAS, the U.S. Army will celebrate its 250th birthday on June 14, 2025, commemorating its establishment on that date in 1775, when the Second Continental Congress passed a resolution that created a national Army of "six companies of expert riflemen" to join forces near Boston; and

WHEREAS, the U.S. Army had a significant role in the growth and development of the United States, winning the new republic's independence in an arduous eight-year struggle against Great Britain; and

WHEREAS, since its establishment in 1775, U.S. Army Soldiers, families and Army civilians have supported our nation, bearing true faith and allegiance to the country, the U.S. Constitution, the Army, their units, and fellow team members; and

WHEREAS, the Oregon National Guard, Army veterans and their families are an integral part of our community; and

WHEREAS, we recognize the contributions and sacrifices of the men and women who have served in the United States Army since its inception in 1775; and

WHEREAS, it is most fitting that we pause to reflect on the rich history and legacy of Army's service, sacrifice and dedication to our nation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM JUNE 14, 2025, AS

THE 250th BIRTHDAY OF THE U.S. ARMY

In Forest Grove, Oregon and calls upon the people to join their fellow citizens across the United States in recognizing and participating in this special observance.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 27th day of May, 2025.

Malynda H. Wenzl, Mayor, City of Forest Grove

Mariah Woods

From: Rachel Schutz <Rachel@fjwcw.org>
Sent: Friday, May 16, 2025 1:21 PM
To: Mariah Woods
Subject: You're Invited: Denim & Diamonds Gala – Celebrating Survivors and Community Impact

Dear Forest Grove Mayor and City Council,

On behalf of the Family Justice Center of Washington County, we are honored to invite you to our annual **Denim & Diamonds Gala**—an inspiring evening celebrating the strength of survivors, the power of community, and the partnerships that make healing possible.

Event Details

Date: Saturday, May 31, 2025

Time: 5:30 PM – 9:30 PM

Location: Hillsboro Elks Lodge | 7553 NE Quatama St, Hillsboro, OR

This year's gala will feature powerful stories of resilience, a live auction, dinner, and the chance to directly support life-saving services for survivors of domestic violence, sexual assault, human trafficking, and other forms of abuse.

As a local leader, your presence sends a powerful message of solidarity with the individuals and families who walk through our doors every day seeking safety, support, and hope. We would be honored to have you join us.

To RSVP or learn more, please visit:

<https://secure.ggiv.com/event/denimdiamonds2025/>

Thank you for your continued commitment to building safer, stronger communities throughout Washington County.

Warm regards,

Rachel Schutz (she/her), Executive Director

rachel@fjwcw.org | **503-801-5665** | www.fjwcw.org



735 SW 158th Ave. Suite 100
Beaverton, OR 97006

www.fjwcw.org

503-430-8300

TOGETHER, we are ending the cycles of violence and abuse



[Book time to meet with me](#)

This e-mail, and any attachment to it, may contain privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.

Mariah Woods

From: noreply@civicplus.com
Sent: Friday, May 16, 2025 8:48 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

Contact City Council

First Name	Peggy
Last Name	Balmer
City	Forest Grove
State	Or
Zip	97116
Email	[REDACTED]
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	No
Question / Comment	Just what the city needs is a convenience store and car wash, that was a nice area for a Olive Garden, a 24 hour restaurant or a grocery store, we need a Winco or something over by David Hill Rd instead of a bunch of houses, we have Safeway and no one likes going there, listen to the people for a change.

Email not displaying correctly? [View it in your browser.](#)

Mariah Woods

From: noreply@civicplus.com
Sent: Monday, May 19, 2025 11:19 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

Contact City Council

First Name	Dale
Last Name	Thaler
City	Forest Grove
State	OR
Zip	97116
Email	[REDACTED]
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	No
Question / Comment	Mayor Wenzl and Councilors: I write to extend a personal invitation for you to attend our American Legion Post 2 Memorial Day Observance that will be held at Forest View Cemetery on Monday the 26th beginning at 11:00 AM. Speakers include Post Adjutant Wendy Berger-Wood and Marine Corps Gunnery Sergeant Rudy Saenz. An F-15 flyover and 21 gun salute by the Forest Grove National Guard Field Artillery Battalion are also planned in our program. The National Anthem and other songs will be performed by the Tualatin Valley Harmony Masters. I hope your busy schedules allow time for you to attend our event that should end by noon. Respectfully, Dale Thaler Commander, Washington Post 2 American Legion 2003 21st Ave Forest Grove, OR 97116 [REDACTED]

Mariah Woods

From: [REDACTED]
Sent: Friday, May 23, 2025 5:19 AM
To: Dan Morris
Cc: Darci Hanning; Malynda Wenzl; Daniel Riordan; Mariana Valenzuela; Jesse VanderZanden; City Councilors; Bryan Pohl; Sales@cranedc.com
Subject: Dale Feik, Re: Crane Data Center, proposal, and May 27th Info Meeting at Pacific University

To: Dan Morris and Mayor Wenzl, Councilors, city manager, Jesse VanderZanden and other city staff

I like your proposal, but I am leaving for LaGrande this morning at 6:45 am and will not be able to discuss it until I return Sunday.

I am not sure how to act on it though - how to bring it up at the Crane Info meeting Tuesday from 5 to 7 pm, May 27 at Pacific University, but have Copied this email to the following people, including the contact person I have for Crane Data Center.

Dale Feik

Cell: [REDACTED]
[REDACTED]

Cc: Malynda Wenzl, Mayor Forest Grove
Dan Riordan, Senior Planner
Bryan Pohl, FG Development Director
Jesse VanderZanden, City Manager
Mariah Woods, FG Clerk, who will email this to all of the City Councilors
Crane Data Center via Sales at Sales@cranedc.com

Bcc: Darcy Hanning, resident of FG

From: Dan Morris [REDACTED]
Sent: Thursday, May 22, 2025 10:15 AM
To: dfeik33@comcast.net [REDACTED]
Subject: Crane

Hi Dale, I propose we advocate for the development of a Crane Community Collaboration Committee that will be charged with oversight of all aspects of the Crane project - the formation of the Committee and its purpose clearly defined in a legally binding Agreement approved by the City Council? - I'm in the middle of purchasing another property so time limited - the Agreement might include these elements:

Purpose statement
Administration requirements
Party identification

Roles and Responsibilities
Minimum financial commitments
Shared decision making powers
Hiring locally
Land Use/Environmental plan
Utility costs impact controls
Noise limitations
Dispute Resolution
Legal binding commitment

Mariah Woods

From: noreply@civicplus.com
Sent: Friday, May 23, 2025 2:01 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

Contact City Council

First Name	Deanne
Last Name	Michaud
City	Forest Grove
State	OR
Zip	97116
Email	
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	How much is the stipend for councilors and mayor going to be and will it be greater percentage than the loss of any other benefits received? What will be any additional cost to Forest Grove residents?

Email not displaying correctly? [View it in your browser.](#)

Mariah Woods

From: David Haworth [REDACTED]
Sent: Saturday, May 24, 2025 9:04 AM
To: ywdave55@gmail.com
Cc: Mike Rogoway; Nicholas LaMora; City Councilors; Jesse vanderzander; lars@larslarsen.com; Darci Hanning; J&T E
Subject: Fire at Hillsboro data center burns for 5 hours

<https://youtu.be/JWmUcxviM70?si=aG6rW2ibwBRwx6Ph>

As you all know the smoke from a lithium ion battery fire is highly toxic and explosive. To locate a two-story data center 122 feet from my bedroom window puts my family in danger.

With nowhere for the smoke to dissipate, a southern wind would blow all that toxic smoke into our residential neighborhood also potentially Neil Armstrong middle school

When smoke from these fires collects in a contained area the explosive potential is enormous

Thank you, city counselors, and the mayor of Forest Grove for approving this dangerous monstrosity right in the middle of our town.

Mariah Woods

From: Brian Schimmel
Sent: Sunday, May 25, 2025 7:58 AM
Subject: City Manager Evaluation Form & Process
Attachments: CM Evaluation Form recommendations.pdf

To: City Council

Subject: City Manager Evaluation Form & Process – Recommendations

Submitting as public comment

As part of our upcoming session on Jesse’s performance review and FY25/26 performance criteria, I’d like to express my support for how we approach the evaluation process and appeal for changes to the evaluation form for the FY25-26 cycle or in the future.

Evaluation Process

I strongly support the development of a clearer, more measurable and timely feedback loop that allows councilors to raise consistent or egregious issues when they arise — rather than holding them for the annual review. This will better support a high-performing Council-Manager government, particularly with a 7-member council where differing viewpoints can dilute collective feedback.

Guiding Principles: [Merit-Based Feedback]

- Performance feedback should reflect a majority position or established policy direction, not agreement with individual requests or personal influence.
- All comments should be supported by specific, documented examples. Isolated concerns or frustrations should be clearly framed as individual perspectives.
- Staff must feel empowered to say “no” or refer matters back to the full council without fear of retaliation.

Checks and Balances

- Are comments broad or sweeping statements lacking context or shared understanding?
- Was the issue documented, and did the City Manager have an opportunity to respond?
- Is the concern related to a legitimate City matter, not personal or external?
- Is there a pattern, or was this an isolated incident with a clear course correction?
- Could bias, self-interest, or retaliation be driving the concern?
- Does the City Manager feel heard, and is their professional perspective reflected in the review?

Evaluation Form

I strongly support performance criteria relative to the Forest Grove Forward 2040 Vision and/or Goals & Objectives established by Council. The attachment offers [AI assisted] performance criteria suggestions (in blue) that could be adapted to align the evaluation form with the city’s long-term vision and strategic priorities: based on the Forest Grove Forward 2040 Vision summary presentation.

I look forward to robust dialogue on this important subject.

Brian Schimmel

City Councilor

Ride Connection Community Connector Service Updates and Shuttle Stop Enhancements Project

Forest Grove City Council
May 27, 2025



Introductions

Ride Connection

- Andy Nelson, Chief Executive Officer
- John Mira, Planning Supervisor



Washington County

- Reza Farhoodi, Senior Planner



Agenda

- Overview – Ride Connection, Washington County, and transit planning and coordination
- Grovelink and other Community Connector service updates
- Shuttle Stop Enhancements Project
- Q&A

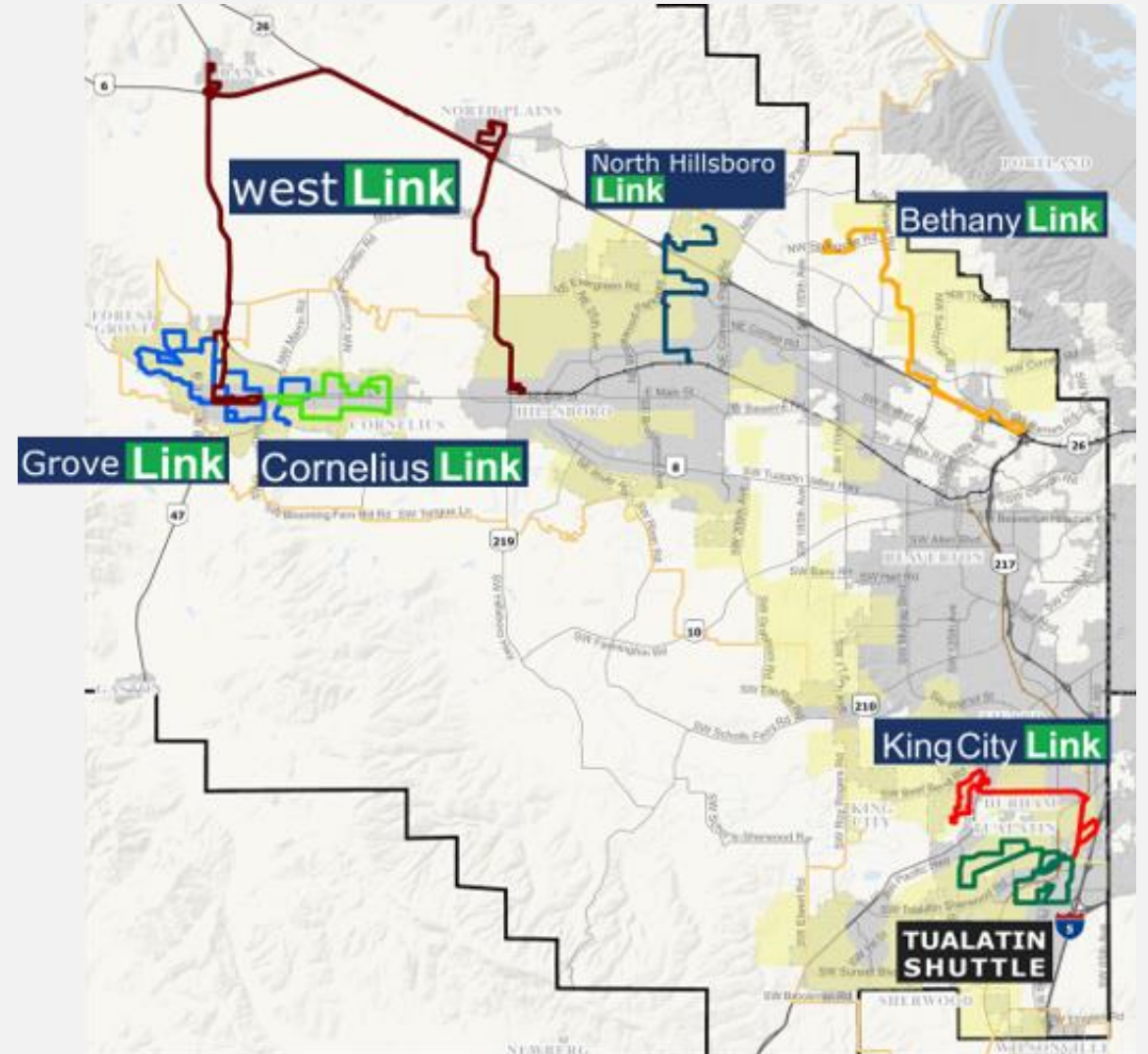
Ride Connection

- Contracts with County as Public Transportation Service Provider
- Leverages other private, local, federal and state resources
- Community partnerships and engagement



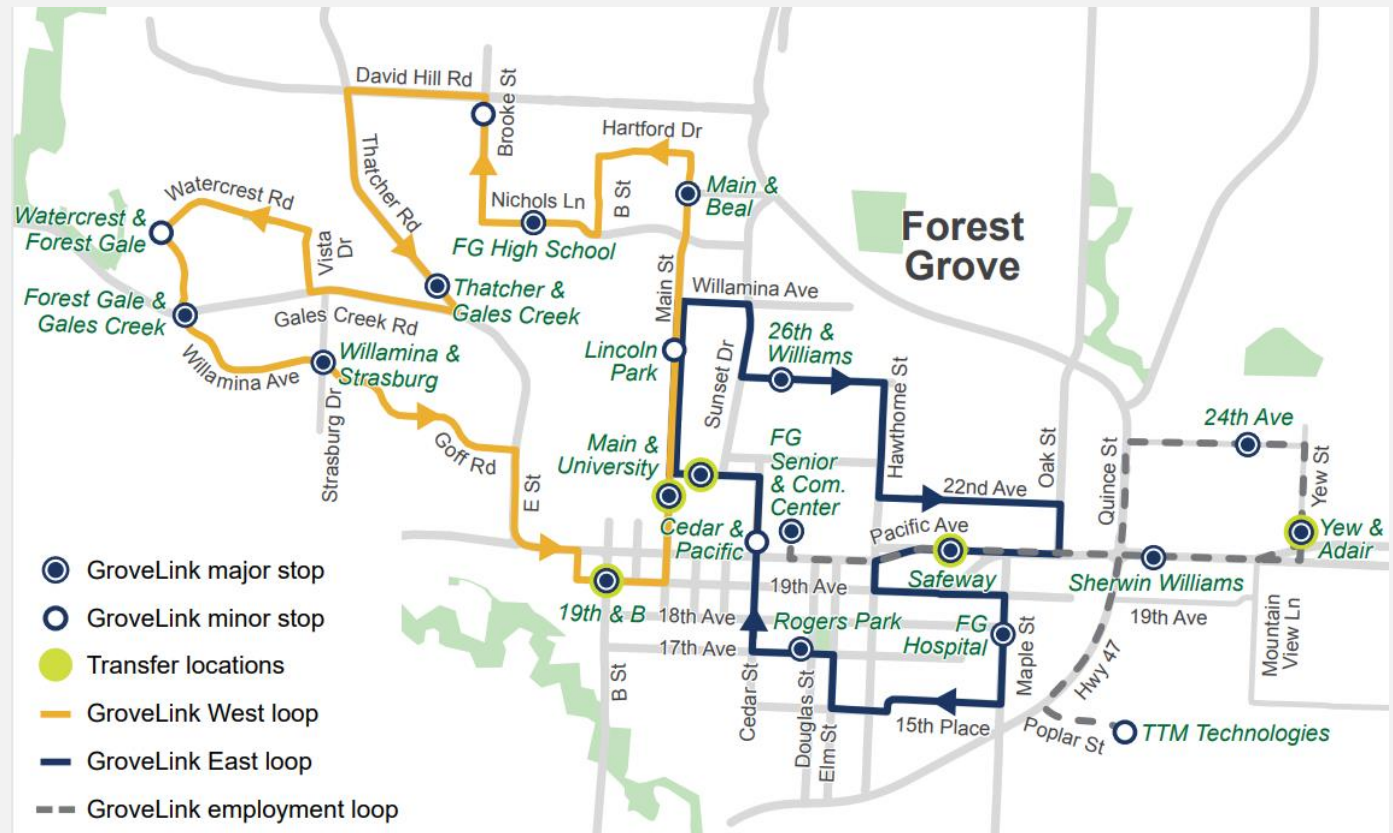
Ride Connection

- Community Connectors
- Volunteer Driver Program
- Shared Vehicle Partnerships
- Door-to-Door Service
- Ride Together Mileage Reimbursement



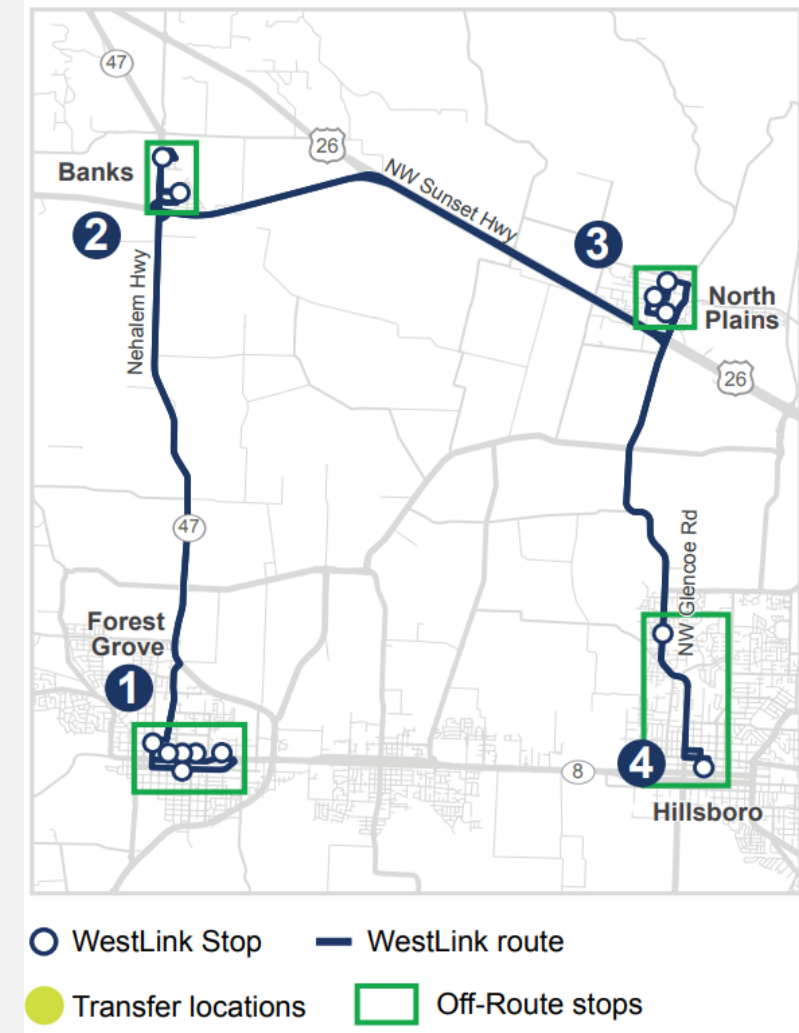
GroveLink Service Enhancements

- Effective Summer 2024
- Route modifications and timing changes to improve connections to other services
- Sharing stops with TriMet Line 57 where available
- New stops:
 - Rogers Park
 - Lincoln Park
 - Cedar and Pacific
 - Brooke and David Hill
- Average monthly ridership: **2,599** trips



westLink Enhancements

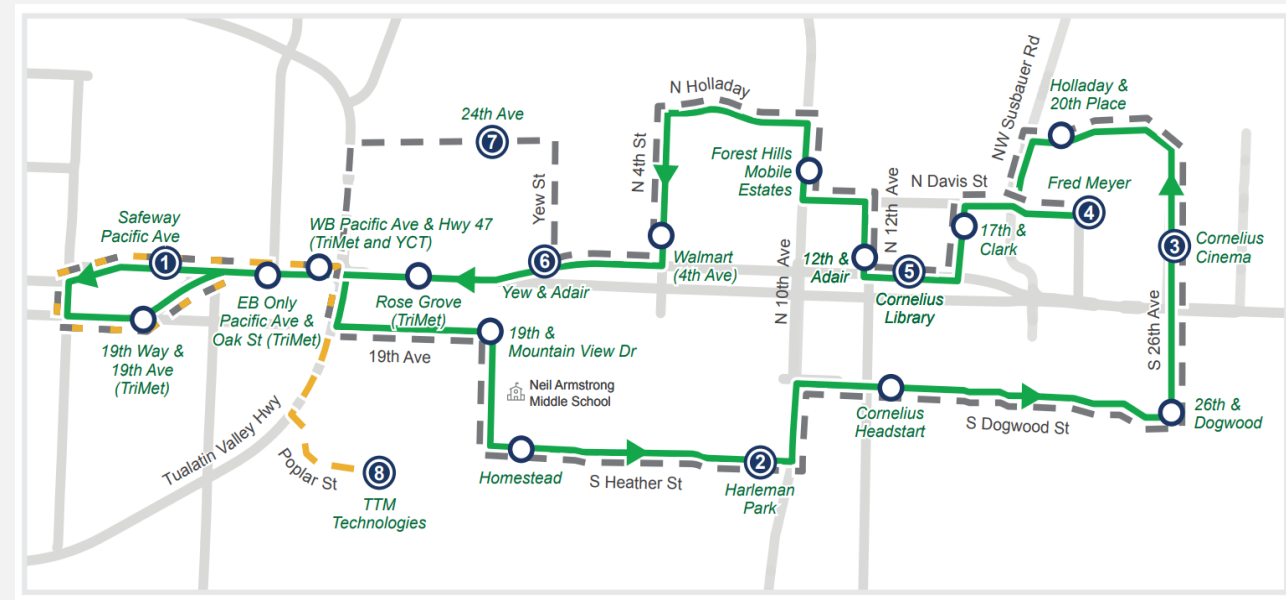
- New early morning and midday trips introduced August 2024
- 6 weekday round trips
- Route modifications and new stops:
 - Extension to Safeway improves connections to other shuttle services
 - Reroute increases access and visibility in downtown Forest Grove
- Average monthly ridership: **230 trips**



Cornelius Link

- Launched August 2024
- Route modifications and new stops:
 - Forest Hills Mobile Estates
 - Centro Cultural
 - Cornelius Cinemas
 - SE Cornelius
 - New AM/PM Employment trips
- Average monthly ridership: **462** trips

Cornelius **Link**



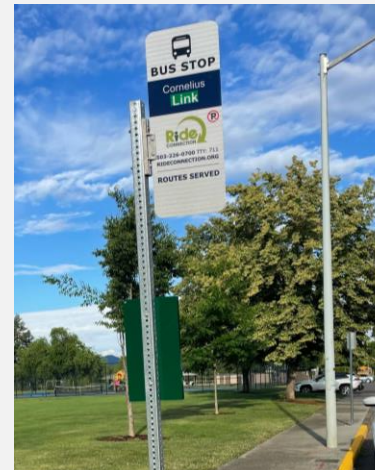
Shuttle Stop Enhancements Project

- Funded through Statewide Transportation Improvement Fund (STIF) Discretionary Grant
- Enhance customer experience and community awareness
- County will install signs, landing pads, shelters with benches and lighting
- City responsible for routine maintenance during lifespan of improvements, except for signs
- Grant originally expired end of June 2025, extended to end of year



Shuttle Stop Enhancements Project

- Existing GroveLink shelters are beyond their useful life and require replacement
- New or expanded landing pads to improve accessibility
- Signage and schedule information to increase legibility and visibility
- Temporary sidewalk closures during landing pad construction (Two locations)



New City Hall Shuttle Stop

- Collaboration between City, County and Ride Connection
- Provides downtown access for westLink riders
- Accessible to people with disabilities
- Scheduled to open this fall



Near-term priorities

- Sustain existing service levels
- Phase 2 & 3 of Bus Stop Enhancements Project
- Develop bus stop maintenance agreement with TriMet
- Update County's Transit Development Plan
- Evaluate service expansion alternatives if revenue increases



Thank You!



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____
MEETING DATE: _____
FINAL ACTION: _____

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 27, 2025*

PROJECT TEAM: *Bryan Pohl, Community Development Director
Dan Riordan, Senior Planner*

SUBJECT TITLE: *Public Hearing on Ordinance 2025-02; Amending Forest Grove Development Code Articles 8 and 12 to Adopt Revised Floodplain Management Regulations and Definitions In Compliance With Federal Emergency Management Agency 2024 Flood Hazard Management Model Ordinance; File Number 311-25-000005-PLNG*

ACTION REQUESTED:

☒ Ordinance	☐ Order	☐ Resolution	☐ Motion	☐ Informational
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X all that apply

ADDENDUM FOR MAY 27, 2025 COUNCIL MEETING

On May 12, 2025, the Council held the first reading for Ordinance 2025-01 and unanimously advanced the Ordinance to a second reading.

STAFF REPORT FROM MAY 12, 2025 MEETING

ISSUE STATEMENT: In 2009, several non-profit environmental groups filed a lawsuit against the Federal Emergency Management Agency (FEMA) arguing that FEMA violated the Endangered Species Act (ESA) by not consulting with the National Marine Fisheries Services (NMFS) about how the National Flood Insurance Program (NFIP) could jeopardize threatened species. FEMA resolved the lawsuit by formally consulting with NMFS to review the impact of the NFIP. In April 2016, NMFS issued a Biological Opinion (BiOp) that concludes that the NFIP in Oregon jeopardizes the survival of several threatened species. The BiOp contained a reasonable and prudent alternative (RPA) with recommendations from NMFS to FEMA on how to reduce the negative impacts of the NFIP on threatened species.

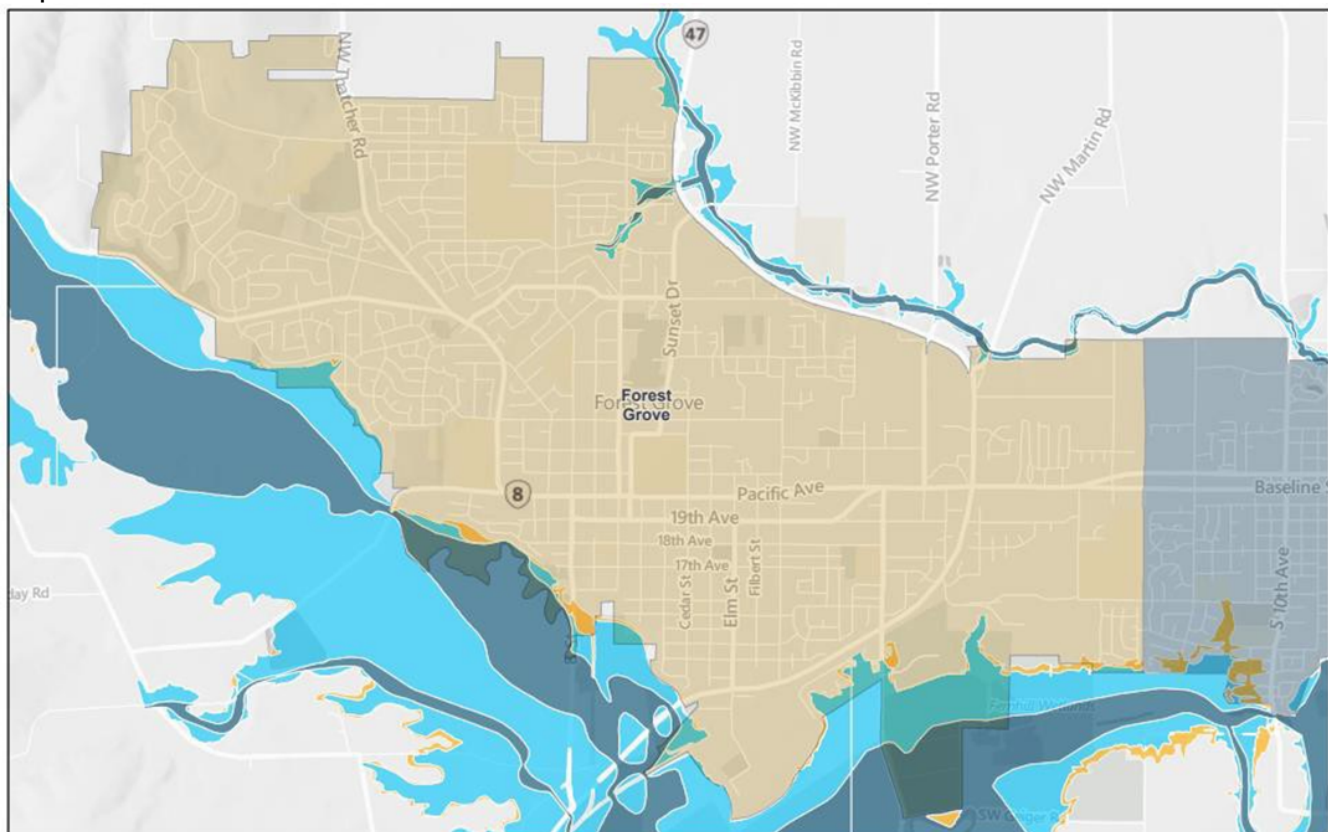
In 2023, FEMA initiated the draft implementation plan using a National Environmental Policy Act (NEPA) process which is still underway. In September 2023, environmental organizations filed a lawsuit alleging that FEMA has been too slow to implement the BiOp. As result FEMA announced a new program of pre-implementation compliance measures (PICMs) for the BiOp. Communities participating in the NFIP must implement one of three PICM options to demonstrate that

floodplain development is compliant with the ESA in Special Flood Hazard Areas (SFHAs). The PICM options are summarized in this report.

If adopted by the City Council, the attached ordinance would amend the Forest Grove Development Code to implement the FEMA Model Floodplain Management Ordinance (model Ordinance). Adoption of the Model Ordinance would ensure continued local compliance with NFIP standards, and the City will avoid suspension from the NFIP. If the City is suspended from the NFIP no property owner or renter in the City will be able to purchase a flood insurance policy and existing flood insurance policies will not be renewed.

BACKGROUND: The City's Development Code has been amended several times to address evolving FEMA regulations for floodplain management and to ensure ongoing compliance with NFIP requirements. The most recent amendments occurred in 2016 and 2018. The 2016 amendments were based on a model code developed by the Oregon Department of Land Conservation and Development. The 2018 amendments were made in response to FEMA comments after review of the 2016 amendments.

The map below shows areas within Forest Grove subject to floodplain management requirements.



2/11/2025

FEMA Flood Hazard Areas

Regulatory Floodway

1% Annual Chance Flood Hazard

0.2% Annual Chance Flood Hazard

1:45,609
 0 0.28 0.55 1.1 mi
 0 0.42 0.85 1.7 km

Metro DRC

Although there is little developable land within the Forest Grove city limits within the floodplain the City must still select a PICM option to maintain NFIP eligibility. There are three PICM options available for implementation:

1. Prohibit all new development in the floodplain;
2. Adopt the Model Ordinance that considers impacts to fish habitat and requires mitigation to a no net loss standard defined in the Model Ordinance; or
3. Review individual development proposals and require permit-by-permit habitat mitigation to achieve a no net loss of floodplain function standard. Floodplain functions include floodwater storage, water quality, and vegetation.

Option 1: Option 1 is the most stringent approach. Under Option 1, all development in the floodplain is prohibited with limited exceptions. Permitted exceptions include habitat restoration projects and activities identified as exempt from the no net loss standard. Exempt activities must be specified at the time of implementation. Option 1 presents a risk of taking property for a public purpose depending on how much property is impacted by the floodplain.

Option 2: Option 2 is the staff recommended approach since it ensures compliance with the ESA and ensures continued City participation in the NFIP. Under Option 2, the City would not be required to go through a separate process to ensure ESA compliance. In addition, Option 2 establishes specific development standards in the Development Code for development review in advance of land use application submittal consistent with Oregon land use laws.

Option 3: Option 3 is an ad-hoc approach that does not meet requirements for clear and objective development standards applicable to residential development under Oregon land use laws. This is the least desirable option since this option creates potential for appeals of development decisions issued by the City. The City Attorney advised against this option.

Based on initial evaluation of the three PICM options, and after consultation with the City Attorney, Planning staff notified FEMA on November 25, 2024, that the City will proceed with implementation of Option 2, amending the City's Development Code to include the Model Ordinance. The City further notified FEMA on January 16, 2025, the City will implement the Model Ordinance, and the City is taking the steps necessary to do so. Until the Development Code amendments to implement the Model Ordinance are effective, the City will review each application for a floodplain permit in a manner consistent with the current Development Code and State of Oregon law. The Development Code amendments must be effective by July 1, 2025, to comply with FEMA deadlines.

DEVELOPMENT CODE AMENDMENTS OVERVIEW

FEMA prepared a guidance document for implementation of the FEMA Model Floodplain Management Ordinance. The guidance document is attached for reference (Attachment A) and provides the basis for the proposed Development Code amendments attached to Ordinance 2025- 02 (Attachment B).

The proposed amendments include modifications to Development Code Article 8 (General Development Standards) and Article 12 (Definitions). Specific modifications to the Development

Code text are attached to Ordinance 2025-02 as Exhibit A. Text proposed for addition to the Development Code is underlined and text to delete is indicated by strike-out.

A summary of the proposed text amendments is provided below.

Proposed amendments to Development Code Article 12 (Definitions)

The FEMA Model Ordinance includes over 50 terms that are defined. Some terms related to floodplain management conflict with similar terms related to land use actions. If the ordinance is adopted by the City Council, the floodplain management definitions currently in Development Code Article 12 (Definitions) would be moved to Development Code Article 8 (General Development Standards) where the floodplain management development standards would be found.

Proposed amendments to Development Code Article 8 (General Development Standards)

Proposed amendment to Development Code Article 8 include:

- Updating the table of contents for Article 8 to reflect title modifications for consistency with the FEMA Model Ordinance and the addition of new sections.
- Development Code §17.8.315: Floodplain Management Code. This section includes introductory provisions consistent with the FEMA Model Ordinance such as the purpose of the floodplain management requirements.
- Development Code §17.8.320: Floodplain Management Definitions. This section adds the floodplain management related definitions with the floodplain management standards.
- Development Code §17.8.325: Floodplain Management Provisions. This section addresses the lands subject to the floodplain management code, the basis for establishing special flood hazard areas and compliance requirements.
- Development Code §17.8.330: Floodplain Management Administration. This section outlines local floodplain administrator duties and responsibilities including permit review and variance procedures. For Forest Grove the designated floodplain administrator is the Public Works and Engineering Director.
- Development Code §17.8.335: Provisions for Flood Hazard Reduction. This section establishes general development standards for development affecting special flood hazard areas and no net loss of floodplain function standards. Provisions for flood hazard reduction in the Development Code amendments include anchoring structures to prevent flotation, collapse or lateral movement; requiring that all new construction and substantial improvements be constructed using methods that minimize flood damage; or requiring that structures and electrical, heating, ventilation and other service facilities be raised above the base flood elevation.

- Development Code §17.8.340: Standards for Floodways. This section establishes development restrictions for areas designated as floodway. The floodway is the channel or watercourse and adjacent areas that must be reserved for discharging flood waters without increasing the water surface elevations above a designated height.
- Development Code §17.8.345: Standards for Shallow Flooding Areas. This section establishes standards for shallow flooding areas such as where base flood depths range from one to three feet above ground where a defined channel does not exist.
- Development Code §17.8.350: Standards for Protection of Special Flood Hazard Area Floodplain Functions. This section addresses the no net loss standard in detail and required mitigation of development impacts within the Special Flood Hazard Area (i.e. 100-year floodplain). Within the 100-year floodplain no net loss is required for development that reduces undeveloped space, increases impervious surface, or results in a loss of trees 6- inches in diameter or larger.

The Code amendment proposal specifies that no net loss can be achieved by:

1. Avoiding negative impacts to floodplain function;
2. Minimizing remaining impacts if avoidance isn't possible; or
3. Replacing and/or otherwise compensating for residual floodplain impacts.

The Development Code amendments also specifies that no net less must be provided within, in order of preference:

1. The lot or parcel where floodplain impacts will occur;
2. The same waterbody where the development is proposed; or
3. Within the same hydrologically connected area as the proposed development.

The required mitigation necessary to offset development impacts is specified in the Development Code amendments based on the development impacts and the preferences above. Mitigation is required at a ratio of 1:1 for impervious surface impacts, 2:1 for undeveloped space impacts, and 3:1 to 6:1 for impacts to trees depending on tree diameter.

Activities exempt for the no net loss requirements include:

- Normal maintenance of structures;
- Normal street, sidewalk, and road maintenance;
- Routine maintenance of landscaping not involving grading;
- Routine agriculture and tree management practices;
- Normal maintenance of above ground utilities;
- Normal maintenance of flood control facilities;
- Habitat restoration activities; and
- Pre-emptive removal of trees to manage the spread of invasive species.

DEVELOPMENT CODE TEXT AMENDMENT REVIEW CRITERIA

The review criteria for Development Code text amendments are found in Development Code §17.2.630 and include:

- A. The text amendment is consistent with the relevant goals and policies of the Forest Grove Comprehensive Plan; and
- B. The text amendment is consistent with the relevant statewide and regional planning goals, programs and rules.

Findings address the criteria above are attached to Ordinance 2025-02 as Exhibit B.

PLANNING COMMISSION REVIEW

The Planning Commission held a public hearing on the proposed Development Code text amendments on April 21st. Several people attended the public hearing in response to the mailed public hearing notice. Several attendees inquired about how the proposal may affect their property.

On April 21st the Planning Commission adopted a motion recommending City Council approval of an ordinance amending the Forest Grove Development Code to incorporate the FEMA Model Floodplain Management Ordinance.

STAFF RECOMMENDATION: Staff recommends that the City Council approve first reading of Ordinance 2025-02 on May 12th and continue the public hearing to May 27th for second reading and final ordinance adoption.

Adopting the ordinance on May 27th ensures that the Development Code amendments are effective by the FEMA compliance deadline of July 1, 2025.

ATTACHMENTS:

- A. FEMA Model Floodplain Management Ordinance Implementation Guidance Document
- B. Ordinance 2025-02



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

Note to Communities: This document presents the draft model ordinance for the Pre-Implementation Compliance Measures and is intended to closely represent most of the language that will be presented as Pathway A of the Draft Implementation Plan. It is built off the 2020 State of Oregon Model Flood Hazard Management Ordinance and the 2018 iteration of the Oregon Model ordinance for ESA Integration. It reflects the NMFS 2016 Biological Opinion (BiOp) (except where noted) and is informed by the 2023 NEPA Scoping effort.

Table of Contents

SECTION 1. Introduction.....	1-1
1.1. How to Use this Document.....	1-2
1.1.1. Ordinance Language Legend:	1-3
1.2. Changes from the 2020 Oregon Model Flood Hazard Management Ordinance.....	1-3
1.3. Community Rating System	1-4
SECTION 2. Regulatory Crosswalk.....	2-1
SECTION 3. Model Ordinance Language.....	3-1
Appendix A Section 6.0 Alternate Language to Achieve No Net Loss.....	3-35
Appendix B Additional and Updated Definitions.....	3-40

Acronyms and Abbreviations

BiOp	Biological Opinion
CFR	Code of Federal Regulations
CLOMR	Conditional Letter of Map Revision
CRS	Community Rating System
dbh	diameter breast height
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
LID	Low-Impact Development
LOMR	Letter of Map Revision
MHHW	Marine Higher-High Water line
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
OHW	Ordinary High Water Mark
ORS	Oregon Revised Statutes
ORSC	Oregon Residential Specialty Code
OSSC	Oregon Structural Specialty Code
RBZ	Riparian buffer zone
SFHA	Special Flood Hazard Area
TB	Technical Bulletin

SECTION 1. Introduction

FEMA has developed this model flood hazard management ordinance (“2024 model ordinance”) to address the requirements outlined in the Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration in Oregon (“Oregon Implementation Plan”). The Federal Emergency Management Agency (FEMA) consulted with the National Marine Fisheries Service (NMFS) on potential effects of the implementation of the NFIP in Oregon on listed species under NMFS authority. In 2016, NMFS issued a Biological Opinion (BiOp), which recommended changes to the implementation of the NFIP in Oregon within the plan area (see the 2024 Draft Oregon Implementation Plan for NFIP-ESA Integration [2024 Draft Implementation Plan] for a description of the plan area).

As a result of the BiOp issued by NMFS, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in the SFHA while the 2024 Draft Implementation Plan undergoes an Environmental Impact Statement (EIS). The 2024 model ordinance provides the tools a community would need to implement “Path A” of the 2024 Draft Implementation Plan and serves as one of three actions a community can take under Pre-Implementation Compliance Measures (PICM).

The regulatory language contained within the 2024 model ordinance can be adopted verbatim and incorporated into local floodplain and land use regulations, or a community may select those sections that are missing from its current floodplain ordinance and adopt those sections. The State of Oregon’s Model Flood Hazard Management Ordinance (2020) was used as a starting point, with additions to provide compliance with the Oregon Implementation Plan. The additional sections are clearly noted with yellow highlighting to simplify implementation for Oregon communities in the plan area that have already adopted the Oregon Model Flood Hazard Management Ordinance (2020).

This 2024 model ordinance provides a set of provisions to protect the built environment from flood damage and to minimize potential impacts of construction and reconstruction on public health and safety, property, water quality, and aquatic and riparian habitats. The requirements pertain to new development in Special Flood Hazard Area (see definitions), which includes the maintenance, repair, or remodel of existing structures and utilities when the existing footprint is expanded and/or the floodplain is further encroached upon.

The Oregon Implementation Plan and this model ordinance do not change the definition of development in 44 Code of Federal Regulations [CFR] 59.1.

“Development” is defined as “any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.” (44 C.F.R. 59.1)

The 2024 model ordinance provides compliance with federal and state statutes and with the Oregon Implementation Plan. The 2024 model ordinance conforms to the following:

1. The requirements of the NFIP, as specified in 44 CFR 59 and 60.
2. Oregon State codes to protect structures from flood damage that are specified in Oregon Structural Specialty Code (OSSC), Section 1612 and Oregon Residential Specialty Code (ORSC), Section R322.
3. Oregon Statewide Land Use Planning Goals
4. Provisions needed to meet the requirements of the Oregon Implementation Plan for NFIP-ESA Integration. These sections are highlighted in yellow in the model ordinance.

This 2024 model ordinance provides communities with ordinance language that complies with the NFIP-ESA Integration Implementation Plan. Adoption of the ordinance language will ensure compliance with the minimum standards for participation in the NFIP in the plan area in Oregon. Prior to adoption of the ordinance language, communities must have their locally proposed draft language reviewed by FEMA and/or the Oregon Department of Land Conservation and Development.

The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in 44 CFR 59 and 60, Oregon's statewide land use planning Goal 7, and Oregon specialty codes. The new language added to the state model floodplain ordinance, highlighted in yellow, provides compliance with the ESA for floodplain development in the plan area.

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact.

1.1. How to Use this Document

This 2024 model ordinance includes a Table of Contents and a Regulatory Crosswalk that identifies the federal and state standards that align to and are reflected in each section. Communities will need to review their ordinances and ensure that all the required components are included.

Please refer to [FEMA's website](#) for information on how to determine whether or not your community is within the plan area.

1.1.1. ORDINANCE LANGUAGE LEGEND:

The colors are used in the text in the model ordinance to denote specific actions or sections with specific applicability.

- Black: Represents the existing NFIP and current state minimum requirements that are found in the 2020 Oregon Model Flood Hazard Management Ordinance.
- Red: Represents language that must be replaced with community specific information. Only include the appropriate language for your community.
- Purple: Represents language required for communities with Coastal High Hazard Areas mapped by FEMA (V Zones or Coastal A Zones). *(DELETE ALL PURPLE LANGUAGE IF NOT A COASTAL COMMUNITY).*
- Blue: Represents hyperlinks to other sections of the document or external websites.
- Yellow highlighting: Represents new ordinance language not in the 2020 Oregon Model Flood Hazard Management Ordinance. Communities that have previously adopted the state model ordinance may focus on the yellow highlighted sections.

1.2. Changes from the 2020 Oregon Model Flood Hazard Management Ordinance

This 2024 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the “2024 Model Ordinance”), varies from the 2020 Oregon Model Flood Hazard Management Ordinance. with the addition of new content to be included for ESA compliance for NFIP-participating communities in the plan area. If no part of the Special Flood Hazard Area (SFHA) in your NFIP-participating community is in the Oregon NFIP-ESA Integration plan area, your community may continue to use the 2020 Oregon Model Flood Hazard Management Ordinance.

In general, the ordinance was revised to ensure that the implementation of the NFIP-ESA integration no net loss standards avoids or offsets adverse impacts on threatened and endangered species and their critical habitat. A summary of the primary changes found in the 2024 model ordinance is provided below:

1. New language has been added to incorporate the following no net loss standards:
 - a. No net loss of undeveloped space (see Section 6.1.1).
 - b. No net loss of pervious surface. (see Section 6.1.2).
 - c. No net loss of trees equal to or greater than 6 inches dbh (i.e., tree diameter measured at 4.5 feet from the ground surface). (see Section 6.1.3).

2. Some definitions (see 2.0) have been added to provide context for the new no net loss standards from the Oregon Implementation Plan.
3. Language has been added:
 - a. (see 6.3) to address activities that may require a floodplain development permit but are exempt from the no net loss requirement per the BiOp.
 - b. (see 6.4) to address the specific requirements of the Riparian Buffer Zone (RBZ).
4. In general, the language in the 2024 model ordinance mirrors the language from the 2020 Oregon Model Flood Hazard Management Ordinance. Minor edits to the 2020 language have been made for clarity, punctuation, and grammar.

1.3. Community Rating System

Implementation of the new no net loss standards related to NFIP-ESA integration may be eligible for credit under the Community Rating System (CRS). The CRS is explained further in CRS Credit for Habitat Protection, available online at: <https://crsresources.org/files/guides/crs-credit-for-habitat-protection.pdf>, and the 2017 CRS Coordinators' Manual, available online at: https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf, and the 2021 Addendum to the 2017 CRS Coordinator's Manual, available online at: https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinator-manual_addendum-2021.pdf. The Association of State Floodplain Managers' Green Guide, also provides useful information on development techniques that avoid impacts on natural functions and values of floodplains. This document is available at: www.floodsciencecenter.org/products/crs-community-resilience/green-guide/. Communities interested in CRS credits should contact their CRS specialist for additional information and review.

Implementation of the no net loss standards would most likely contribute to credits under the following CRS activities:

- Activity 430 Higher Regulatory Standards
 - Development Limitations
 - Prohibition of all fill (DL1a): This credit is for prohibiting all filling in the regulatory floodplain. To meet this standard, communities may NOT approve Conditional Letters or Letters of Map Revision based on Fill (CLOMR-F or LOMR-F). If a CLOMR-F or LOMR-F is issued for a property in a community, then DL1 credit will be denied. This applies to CLOMRs and LOMRs that include filling as part of the reason for requesting a map change. Minor filling may be allowed where needed to protect or restore natural floodplain functions, such as part of a channel restoration project.

- The CRS manual describes a number of regulatory approaches that do not warrant credit under DL1; however, because the Oregon NFIP-ESA integration no net loss standards exceed the approaches described in the manual, a community meeting the Oregon no net loss standards should qualify for credit under DL1.

- Compensatory storage (DL1b): This credit is for regulations that require new development to provide compensatory storage at hydraulically equivalent sites up to a ratio of 1.5:1. Credit is not provided for:

- Compensatory storage requirements in floodways only or in V Zones only, or

- Stormwater management regulations that require a developer to compensate for any increase in runoff created by the development. This is credited under Activity 450.

- Activity 450 Stormwater Management

- Stormwater management regulations (SMR – 452a): This credit is the sum of four sub-elements: Size of development (Section 452.a(1), SZ); design storm used (Section 452.a(2), DS); low-impact development (LID) regulations (Section 452.a(3), LID); and public agency authority to inspect and maintain, at the owner's expense, private facilities constructed to comply with the ordinance (Section 452.a.(4), PUB).

- LID credits the community's regulatory language that requires the implementation of LID techniques to the maximum extent feasible to control peak runoff when new development occurs. LID techniques can significantly reduce or eliminate the increase in stormwater runoff created by traditional development, encourage aquifer recharge, and promote better water quality.

SECTION 2. Regulatory Crosswalk

The following table presents a crosswalk of the model ordinance sections against the relevant federal and state laws, regulations, and policies. The new sections related to the Oregon NFIP-ESA integration implementation (yellow highlighted sections of the model ordinance) are not listed in this table and are related to compliance with the ESA.

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
1.1 Statutory Authorization	59.22(a)(2)	Goal 7; ORS 203.035 (Counties), ORS 197.175 (Cities)
1.2 Findings of Fact	59.22(a)(1)	Goal 7
1.3 Statement of Purpose	59.2; 59.22(a)(1) and (8); 60.22	Goal 7
1.4 Methods of Reducing Flood Losses	60.22	Goal 7
2.0 Definitions	59.1; 33 CFR 328.3(c)(7)	Goal 7
3.1 Lands to Which this Ordinance Applies	59.22(a)	Goal 7
3.2 Basis for Establishing the Special Flood Hazard Areas	59.22(a)(6); 60.2(h)	Goal 7
3.3 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division		ORS 455
3.4.1 Compliance	60.1(b) – (d)	Goal 7
3.4.2 Penalties for Noncompliance	60.1(b) – (d)	Goal 7
3.5.1 Abrogation	60.1(b) – (d)	Goal 7
3.5.2 Severability		
3.6 Interpretation	60.1(b) – (d)	Goal 7
3.7.1 Warning		
3.7.2 Disclaimer of Liability		
4.1 Designation of the Floodplain Administrator	59.22(b)(1)	Goal 7
4.2.1 Permit Review	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
4.2.2 Information to be Obtained and Maintained	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; 105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
4.2.3.1 Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
4.2.3.2 Watercourse Alterations	60.3(b)(6) – (7), 65.6(12-13)	Goal 7
4.2.3.3 Requirement to Submit New Technical Data	65.3, 65.6, 65.7, 65.12	Goal 7
4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1), (2), (3), (5) – (8), (10), (12); 60.3(d)(3); 60.3(e)(4), (5), (8)	Goal 7
4.3.1 Floodplain Development Permit Required	60.3(a)(1)	Goal 7
4.3.2 Application for Development Permit	60.3(a)(1); 60.3(b)(3); 60.3(c)(4)	Goal 7; Oregon Residential Specialty Code (R) 106.1.4; R322.3.6
4.4 Variance Procedure	60.6(a)	Goal 7
4.4.1 Conditions for Variances	60.6(a)	Goal 7
4.4.2 Variance Notification	60.6(a)(5)	Goal 7
5.1.1 Alteration of Watercourses	60.3(b)(6) and (7)	Goal 7
5.1.2 Anchoring	60.3(a)(3); 60.3(b)(1), (2), and (8)	Goal 7; R322.1.2
5.1.3 Construction Materials and Methods	60.3(a)(3), TB 2; TB 11	Goal 7; R322.1.3; R322.1.3
5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	60.3(a)(5) and (6)	Goal 7; R322.1.7
5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment	60.3(a)(3)	Goal 7; R322.1.6;
5.1.5 Tanks		R322.2.4; R322.3.7
5.1.6 Subdivision Proposals	60.3(a)(4)(i) – (iii); 60.3(b)(3)	Goal 7
5.1.7 Use of Other Base Flood Data	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
5.1.8 Structures Located in Multiple or Partial Flood Zones		R322.1
5.2.1 Flood Openings	60.3(c)(5); TB 1; TB 11	Goal 7; R322.2.2;

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
		R322.2.2.1
5.2.2 Garages	TB 7-93	R309
5.2.3.1 Before Regulatory Floodway	60.3(c)(10)	Goal 7
5.2.3.2 Residential Construction	60.3(c)(2)	Goal 7
5.2.3.3 Non-residential Construction	60.3(c)(3) – (5); TB 3	Goal 7; R322.2.2; R322.2.2.1
5.2.3.4 Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
5.2.3.5 Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
5.2.3.6 Appurtenant (Accessory) Structures	60.3(c)(5); TB 1; TB 7-93	Oregon Structural Specialty Code (S) 105.2; R105.2
5.2.4 Floodways	60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)	Goal 7
5.2.5 Standards for Shallow Flooding Areas	60.3(c)(7), (8), (11), and (14)	Goal 7
5.3 Specific Standards for Coastal High Hazard Flood Zones, and 5.3.1 Development Standards	60.3(e); TB 5; TB 8; TB 9	Goal 7; R322.3.1; R322.3.2; R322.3.3; R322.3.4; R322.3.5
5.3.1.1 Manufactured Dwelling Standards for Coastal High Hazard Zones	60.3(e)(8)(i) – (iii)	Goal 7; RR322.3.2; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
5.3.1.2 Recreational Vehicle Standards for Coastal High Hazard Zones	60.3(e)(9)(i)- (iii)	Goal 7
5.3.1.3 Tank Standards for Coastal High Hazard Zones		R322.2.4; R322.3.7

*[Link to Oregon Specialty Codes \(https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx\)](https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx)

SECTION 3. Model Ordinance Language

1.0 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

1.1 STATUTORY AUTHORIZATION

The State of Oregon has in **ORS 203.035 (COUNTIES) OR ORS 197.175 (CITIES)** delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the **COMMUNITY NAME** does ordain as follows:

1.2 FINDINGS OF FACT

- A. The flood hazard areas of **COMMUNITY NAME** **preserve the natural and beneficial values served by floodplains but** are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in special 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. **Preserve natural and beneficial floodplain functions;**
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;

- F. 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;
- G. 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;
- H. Notify potential buyers that the property is in a special flood hazard area;
- I. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- F. Employing a standard of "no net loss" of natural and beneficial floodplain functions.

2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel

does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). “Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard.”

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Fill: Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

Fish Accessible Space: The volumetric space available to fish to access.

Fish Egress-able Space: The volumetric space available to fish to exit or leave from.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See "Flood elevation study."

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Green Infrastructure: Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

Habitat Restoration Activities: Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

Hazard Trees: Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Hydraulically Equivalent Elevation: A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

Hydrologically Connected: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

Impervious Surface: A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

Low Impact Development: An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with “manufactured home.”

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean Higher-High Water: The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by **COMMUNITY NAME** and includes any subsequent improvements to such structures.

No Net Loss: A standard where adverse impacts must be avoided or offset through adherence to certain requirements so 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.

Offsite: Mitigation occurring outside of the project area.

Onsite: Mitigation occurring within the project area.

Ordinary High Water Mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

Qualified Professional: Appropriate subject matter expert that is defined by the community.

Reach: A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riparian: Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

Riparian Buffer Zone (RBZ): The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

Riparian Buffer Zone Fringe: The area outside of the RBZ and floodway but still within the SFHA.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Undeveloped Space: The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete

structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

Variance: A grant of relief by **COMMUNITY NAME** from the terms of a floodplain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of **COMMUNITY NAME**.

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for **EXACT TITLE OF FLOOD INSURANCE STUDY FOR COMMUNITY**", dated **DATE (MONTH DAY, FOUR DIGIT YEAR)**, with accompanying Flood Insurance Rate Maps (FIRMs) **LIST ALL EFFECTIVE FIRM PANELS HERE (UNLESS ALL PANELS ARE BEING REPLACED THROUGH A NEW COUNTY_WIDE MAP THAT INCORPORATES ALL PREVIOUS PANELS/VERSIONS, IN THAT SITUATION PANELS DO NOT NEED TO BE INDIVIDUALLY LISTED)** are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at **INSERT THE LOCATION (I.E. COMMUNITY PLANNING DEPARTMENT LOCATED IN THE COMMUNITY ADMINISTRATIVE BUILDING)**.

3.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the **COMMUNITY NAME** administers and enforces the State of Oregon Specialty Codes, the **COMMUNITY NAME** does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

3.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

3.4.1 COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

3.4.2 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a (INFRACTION TYPE (I.E. MISDEMEANOR) AND PENALTIES PER STATE/LOCAL LAW ASSOCIATED WITH SPECIFIED INFRACTION TYPE (I.E. ANY PERSON WHO VIOLATES THE REQUIREMENTS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BE FINED NOT MORE THAN A SPECIFIED AMOUNT OF MONEY...)) Nothing contained herein shall prevent the COMMUNITY NAME from taking such other lawful action as is necessary to prevent or remedy any violation.

3.5 ABROGATION AND SEVERABILITY

3.5.1 ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5.2 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

3.6 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 WARNING AND DISCLAIMER OF LIABILITY

3.7.1 WARNING

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply

that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

3.7.2 DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the **COMMUNITY NAME**, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

4.0 ADMINISTRATION

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **INDIVIDUAL JOB TITLE** is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

[Additional Recommended Language Provided in Appendix B](#)

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

4.2.1 PERMIT REVIEW

Review all development permits to:

- A. Determine that the permit requirements of this ordinance have been satisfied;
- B. Determine that all other required local, state, and federal permits have been obtained and approved;
- C. Determine if the proposed development is located in a floodway.
 - i. If located in the floodway assure that the floodway provisions of this ordinance in section **5.2.4** are met; and
 - ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections **5.1.7**; and

- iii. Provide to building officials the Base Flood Elevation (BFE) (ADD FREEBOARD IF COMMUNITY HAS HIGHER ELEVATION STANDARDS) applicable to any building requiring a development permit.

D. Determine if the proposed development qualifies as a substantial improvement as defined in section 2.0.

E. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 5.1.1.

F. Determine if the proposed development activity includes the placement of fill or excavation.

G. Determine whether the proposed development activity complies with the no net loss standards in Section 6.0.

4.2.2 INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

A. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 5.1.7.

B. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 4.2.1(B), 5.2.4, and 5.3.1(F), are adhered to.

C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

D. Where base flood elevation data are utilized, As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

E. Maintain all Elevation Certificates (EC) submitted to the community.

F. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where

Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 5.1.7.

G. All floodproofing certificates required under this ordinance.

H. All variance actions, including justification for their issuance.

I. All hydrologic and hydraulic analyses performed as required under section 5.2.4.

J. All Substantial Improvement and Substantial Damage calculations and determinations as required under section 4.2.4.

K. Documentation of how no net loss standards have been met (see Section 6.0)

L. All records pertaining to the provisions of this ordinance.

4.2.3 REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

4.2.3.1 COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

4.2.3.2 WATERCOURSE ALTERATIONS

A. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

- 460 ii. Certification by a registered professional engineer that the
461 project has been designed to retain its flood carrying capacity
462 without periodic maintenance.

- 463 B. The applicant shall be required to submit a Conditional Letter of Map
464 Revision (CLOMR) when required under section **4.2.3.3**. Ensure
465 compliance with all applicable requirements in sections **4.2.3.3** and
466 **5.1.1**.

467 **4.2.3.3 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA**

- 468 A. A community's base flood elevations may increase or decrease resulting
469 from physical changes affecting flooding conditions. As soon as
470 practicable, but not later than six months after the date such
471 information becomes available, a community shall notify the Federal
472 Insurance Administrator of the changes by submitting technical or
473 scientific data in accordance with Title 44 of the Code of Federal
474 Regulations (CFR), Section 65.3. The community may require the
475 applicant to submit such data and review fees required for compliance
476 with this section through the applicable FEMA Letter of Map Change
477 (LOMC) process.
- 478 B. The Floodplain Administrator shall require a Conditional Letter of Map
479 Revision prior to the issuance of a floodplain development permit for:
- 480 i. Proposed floodway encroachments that increase the base flood
481 elevation; and
- 482 ii. Proposed development which increases the base flood elevation
483 by more than one foot in areas where FEMA has provided base
484 flood elevations but no floodway.
- 485 C. An applicant shall notify FEMA within six (6) months of project
486 completion when an applicant has obtained a Conditional Letter of Map
487 Revision (CLOMR) from FEMA. This notification to FEMA shall be
488 provided as a Letter of Map Revision (LOMR).

489 [Additional Recommended Language Provided in Appendix B](#)

490 **4.2.4 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS**
491 **AND DETERMINATIONS**

492 Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all
493 structural development proposal applications and maintain a record of SI
494 calculations within permit files in accordance with section **4.2.2**. Conduct
495 Substantial Damage (SD) (as defined in section 2.0) assessments when
496 structures are damaged due to a natural hazard event or other causes. Make SD
497 determinations whenever structures within the special flood hazard area (as
498 established in section **3.2**) are damaged to the extent that the cost of restoring

the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.3.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 3.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.0, including fill and other development activities.

4.3.2 APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 4.2.2.
- B. In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement.
- C. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- D. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 5.2.3.3.
- E. Description of the extent to which any watercourse will be altered or relocated.
- F. Base Flood Elevation data for subdivision proposals or other development when required per sections 4.2.1 and 5.1.6.
- G. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

H. The amount and location of any fill or excavation activities proposed.

4.4 VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

4.4.1 CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections **4.4.1 (C) and (E), and 4.4.2**. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section **4.4.1 (B) – (D)** are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- F. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 6.0 and associated options in Table 1).

[Additional Optional Language Provided in Appendix B.](#)

4.4.2 VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section **4.2.2**.

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all special flood hazard areas, the **no net loss standards (see Section 6.0) and the** following standards shall be adhered to:

5.1.1 ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections **4.2.3.2 and 4.2.3.3**.

5.1.2 ANCHORING

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured dwellings shall be anchored per section **5.2.3.4**.

5.1.3 CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1.4 UTILITIES AND EQUIPMENT

5.1.4.1 WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

5.1.4.2 ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (ANY COMMUNITY FREEBOARD REQUIREMENT) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

A. If replaced as part of a substantial improvement shall meet all the requirements of this section.

B. Not be mounted on or penetrate through breakaway walls.

5.1.5 TANKS

A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

B. Above-ground tanks shall be installed at or above the base flood level (COMMUNITY FREEBOARD REQUIREMENT) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

C. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

5.1.6 SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS

A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals Base Flood Elevation data.

B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

- i. Be consistent with the need to minimize flood damage.
- ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- iii. Have adequate drainage provided to reduce exposure to flood hazards.

iv. Comply with no net loss standards in section 6.0.

5.1.7 USE OF OTHER BASE FLOOD ELEVATION DATA

A. When Base Flood Elevation data has not been provided in accordance with section 3.2 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 5.0. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 5.1.6.

B. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. (REFERENCE TO ANY OF THIS TYPE OF INFORMATION TO BE USED FOR REGULATORY PURPOSES BY YOUR COMMUNITY, I.E. BASE LEVEL ENGINEERING DATA, HIGH WATER MARKS, HISTORICAL OR OTHER DATA THAT WILL BE REGULATED TO. THIS MAY BE NECESSARY TO ENSURE THAT THE STANDARDS APPLIED TO RESIDENTIAL STRUCTURES ARE CLEAR AND OBJECTIVE. IF UNCERTAIN SEEK LEGAL ADVICE, AT A MINIMUM REQUIRE THE ELEVATION OF RESIDENTIAL STRUCTURES AND NON-RESIDENTIAL STRUCTURES THAT ARE NOT DRY FLOODPROOFED TO BE 2 FEET ABOVE HIGHEST ADJACENT GRADE). Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.1.8 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

[Additional Recommended Language Provided in Appendix B.](#)

5.2 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 5.1 of this ordinance **and the no net loss standards (see Section 6.0).**

5.2.1 FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

B. Be used solely for parking, storage, or building access;

C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

i. A minimum of two openings;

ii. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;

iii. The bottom of all openings shall be no higher than one foot above grade;

iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,

v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

5.2.2 GARAGES

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
- i. If located within a floodway the proposed garage must comply with the requirements of section **5.2.4**;
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with section **5.2.1** to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in section **5.1**; and,
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section **5.2.3.6** or non-residential structures in section **5.2.3.3** depending on the square footage of the garage.

5.2.3 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section **5.1** the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

5.2.3.1 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not

746 result in the net loss of flood storage volume. When determined that structural
747 elevation is not possible and where the placement of fill cannot meet the above
748 standard, impacts to undeveloped space must adhere to the no net loss
749 standards in section 6.1.C.

750 **5.2.3.2 RESIDENTIAL CONSTRUCTION**

- 751 A. New construction, conversion to, and substantial improvement of any
752 residential structure shall have the lowest floor, including basement,
753 elevated at or above the Base Flood Elevation (BFE) (ADDITIONAL
754 FREEBOARD FOR YOUR COMMUNITY – RECOMMEND MINIMUM OF 1FT
755 ABOVE BFE).
- 756 B. Enclosed areas below the lowest floor shall comply with the flood
757 opening requirements in section 5.2.1.

758 **5.2.3.3 NON-RESIDENTIAL CONSTRUCTION**

- 759 A. New construction, conversion to, and substantial improvement of any
760 commercial, industrial, or other non-residential structure shall:
- 761 i. Have the lowest floor, including basement elevated at or above
762 the Base Flood Elevation (BFE) (ANY ADDITIONAL FREEBOARD
763 REQUIREMENTS FOR YOUR COMMUNITY); or
- 764 ii. Together with attendant utility and sanitary facilities:
- 765 a. Be floodproofed so that below the base flood level the
766 structure is watertight with walls substantially
767 impermeable to the passage of water;
- 768 b. Have structural components capable of resisting
769 hydrostatic and hydrodynamic loads and effects of
770 buoyancy; and,
- 771 c. Be certified by a registered professional engineer or
772 architect that the design and methods of construction
773 are in accordance with accepted standards of practice
774 for meeting provisions of this section based on their
775 development and/or review of the structural design,
776 specifications and plans. Such certifications shall be
777 provided to the Floodplain Administrator as set forth
778 section 4.2.2.
- 779 B. Non-residential structures that are elevated, not floodproofed, shall
780 comply with the standards for enclosed areas below the lowest floor in
781 section 5.2.1.

- 782 C. Applicants floodproofing non-residential buildings shall be notified that
783 flood insurance premiums will be based on rates that are one (1) foot
784 below the floodproofed level (e.g. a building floodproofed to the base
785 flood level will be rated as one (1) foot below.

786 **5.2.3.4 MANUFACTURED DWELLINGS**

- 787 A. Manufactured dwellings to be placed (new or replacement) or
788 substantially improved that are supported on solid foundation walls
789 shall be constructed with flood openings that comply with section 5.2.1;
- 790 B. The bottom of the longitudinal chassis frame beam shall be at or above
791 Base Flood Elevation;
- 792 C. Manufactured dwellings to be placed (new or replacement) or
793 substantially improved shall be anchored to prevent flotation, collapse,
794 and lateral movement during the base flood. Anchoring methods may
795 include, but are not limited to, use of over-the-top or frame ties to
796 ground anchors (Reference FEMA's "Manufactured Home Installation in
797 Flood Hazard Areas" guidebook for additional techniques), and;
- 798 D. Electrical crossover connections shall be a minimum of twelve (12)
799 inches above Base Flood Elevation (BFE).

800 **5.2.3.5 RECREATIONAL VEHICLES**

801 Recreational vehicles placed on sites are required to:

- 802 A. Be on the site for fewer than 180 consecutive days, and
- 803 B. Be fully licensed and ready for highway use, on its wheels or jacking
804 system, is attached to the site only by quick disconnect type utilities and
805 security devices, and has no permanently attached additions; or
- 806 C. Meet the requirements of section 5.2.3.4, including the anchoring and
807 elevation requirements for manufactured dwellings.

808 **5.2.3.6 APPURTENANT (ACCESSORY) STRUCTURES**

809 Relief from elevation or floodproofing requirements for residential and non-
810 residential structures in Riverine (Non-Coastal) flood zones may be granted for
811 appurtenant structures that meet the following requirements:

- 812 A. Appurtenant structures located partially or entirely within the floodway
813 must comply with requirements for development within a floodway
814 found in section 5.2.4;
- 815 B. Appurtenant structures must only be used for parking, access, and/or
816 storage and shall not be used for human habitation;

- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 5.2.1;
- G. Appurtenant structures shall be located and constructed to have low damage potential;
- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 5.1.5; and,
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

5.2.4 FLOODWAYS

Located within the special flood hazard areas established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in section 6.0.

B. If the requirements of section 5.2.4 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 5.0 and 6.0.

5.2.5 STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

5.2.5.1 STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 5.1, 5.2, and 5.2.5.

5.2.5.2 STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirements in sections 5.1 and 5.2.5:

A. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (COMMUNITY FREEBOARD REQUIREMENT) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

B. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate

- 895 Maps (FIRMS) (**COMMUNITY FREE BOARD REQUIREMENT**) (at
896 least two (2) feet if no depth number is specified); or
- 897 ii. Together with attendant utility and sanitary facilities, be
898 completely floodproofed to or above the depth number specified
899 on the FIRM (**COMMUNITY FREEBOARD REQUIREMENT**) or a
900 minimum of two (2) feet above the highest adjacent grade if no
901 depth number is specified, so that any space below that level is
902 watertight with walls substantially impermeable to the passage
903 of water and with structural components having the capability of
904 resisting hydrostatic and hydrodynamic loads and the effects of
905 buoyancy. If this method is used, compliance shall be certified
906 by a registered professional engineer or architect as stated in
907 section **5.2.3.3(A)(4)**.
- 908 C. Recreational vehicles placed on sites within AO Zones on the
909 community's Flood Insurance Rate Maps (FIRM) shall either:
- 910 i. Be on the site for fewer than 180 consecutive days, and
- 911 ii. Be fully licensed and ready for highway use, on its wheels or
912 jacking system, is attached to the site only by quick disconnect
913 type utilities and security devices, and has no permanently
914 attached additions; or
- 915 iii. Meet the elevation requirements of section **5.2.5.2(A)**, and the
916 anchoring and other requirements for manufactured dwellings of
917 section **5.2.3.4**.
- 918 D. In AO zones, new and substantially improved appurtenant structures
919 must comply with the standards in section **5.2.3.6**.
- 920 E. In AO zones, enclosed areas beneath elevated structures shall comply
921 with the requirements in section **5.2.1**.

922 **5.3 SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD FLOOD ZONES**

923 Located within special flood hazard areas established in section **3.2** are Coastal High
924 Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the
925 FIRMs as the area between the Limit of Moderate Wave Action (LiMWA) and the Zone V
926 boundary. These areas have special flood hazards associated with high velocity waters
927 from surges and, therefore, in addition to meeting all provisions of this ordinance and the
928 State of Oregon Specialty Codes, the following provisions shall apply in addition to the
929 general standards provisions in section **5.1**.

5.3.1 DEVELOPMENT STANDARDS

A. All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and

ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes;

B. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

C. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information in accordance with section **4.2.2**.

D. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. Such enclosed space created by breakaway walls shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

iii. Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 5.2.1.

E. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.

F. Prohibit the use of fill for structural support of buildings.

G. All new construction shall be located landward of the reach of mean high tide.

H. Prohibit man-made alteration of sand dunes which would increase potential flood damage.

I. All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section 5.3.1 Floodproofing of non-residential structures is prohibited.

5.3.1.1 MANUFACTURED DWELLING STANDARDS FOR COASTAL HIGH HAZARD ZONES

All manufactured dwellings to be placed (new or replacement) or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:

A. Comply with all of the standards within section 5.3

B. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and

C. Electrical crossover connections shall be a minimum of 12 inches above the BFE.

5.3.1.2 RECREATIONAL VEHICLE STANDARDS FOR COASTAL HIGH HAZARD ZONES

Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:

- A. Be on the site for fewer than 180 consecutive days, and
- B. Be fully licensed and ready for highway use, on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.3.1.3 TANK STANDARDS FOR COASTAL HIGH HAZARD ZONES

Tanks shall meet the requirements of section 5.1.5 and 6.0.

6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0.

6.1 NO NET LOSS STANDARDS

- A. No net loss of the proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:

- i. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
- ii. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
- iii. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.

- B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

- C. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

6.1.1 UNDEVELOPED SPACE

- A. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.

- B. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.

- C. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).

- i. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:

(1) Ordinary High Water Mark to 10-year,

(2) 10-year to 25-year,

(3) 25-year to 50-year,

(4) And 50-year to 100-year

- ii. Hydrologically connected to the waterbody that is the flooding source;

- iii. Designed so that there is no increase in velocity; and

- iv. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

6.1.2 IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

- A. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or

B. use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or

C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.

6.1.3 TREES

A. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.

i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.

ii. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

6.2 STORMWATER MANAGEMENT

Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include the following:

A. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and

B. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.

C. Retention facilities must:

i. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

iii. Be designed to not entrap fish and drain to the source of flooding.

iv. Be certified by a qualified professional.

D. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

i. Access to stormwater treatment facilities at the site by the **COMMUNITY TYPE (e.g., city, county)** for the purpose of inspection and repair.

ii. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.

iii. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

iv. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the **COMMUNITY TYPE (e.g., city, county)** for five years

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

The following activities are not subject to the no net loss standards in Section 6.1; however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;

B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;

C. Routine maintenance of landscaping that does not involve grading, excavation, or filling;

D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;

E. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in

1147 place and forest road construction or maintenance that does not alter
1148 contours, use, or alter culverts and is less than six inches above grade;

1149 F. Removal of noxious weeds and hazard trees, and replacement of non-native
1150 vegetation with native vegetation;

1151 G. Normal maintenance of above ground utilities and facilities, such as
1152 replacing downed power lines and utility poles provided there is no net
1153 change in footprint;

1154 H. Normal maintenance of a levee or other flood control facility prescribed in
1155 the operations and maintenance plan for the levee or flood control facility.
1156 Normal maintenance does not include repair from flood damage, expansion
1157 of the prism, expansion of the face or toe or addition of protection on the
1158 face or toe with rock armor.

1159 I. Habitat restoration activities.

1160 **6.4 RIPARIAN BUFFER ZONE (RBZ)**

1161 A. The Riparian Buffer Zone is measured from the ordinary high-water line of a
1162 fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream)
1163 or mean higher-high water of a marine shoreline or tidally influenced river
1164 reach to 170 feet horizontally on each side of the stream or inland of the
1165 MHHW. The riparian buffer zone includes the area between these outer
1166 boundaries on each side of the stream, including the stream channel.

1167 B. Habitat restoration activities in the RBZ are considered self-mitigating and
1168 are not subject to the no net loss standards described above.

1169 C. Functionally dependent uses are only subject to the no net loss standards for
1170 development in the RBZ. Ancillary features that are associated with but do
1171 not directly impact the functionally dependent use in the RBZ (including
1172 manufacturing support facilities and restrooms) are subject to the beneficial
1173 gain standard in addition to no net loss standards.

1174 D. Any other use of the RBZ requires a greater offset to achieve no net loss of
1175 floodplain functions, on top of the no net loss standards described above,
1176 through the beneficial gain standard.

1177 E. Under FEMA's beneficial gain standard, an area within the same reach of
1178 the project and equivalent to 5% of the total project area within the RBZ
1179 shall be planted with native herbaceous and shrub vegetation and
1180 designated as open space.
1181

1182 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%

1183 Notes:

- 1184 1. Ratios with asterisks are indicated in the BiOp
- 1185 2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value
- 1186 described by the ratios above, while multipliers of 200% result in the required mitigation
- 1187 being doubled.
- 1188 a. For example, if only 500 ft² of the total 1000 ft² of required pervious surface
- 1189 mitigation can be conducted onsite and in the same reach, the remaining 500 ft² of
- 1190 required pervious surface mitigation occurring offsite at a different reach would
- 1191 double because of the 200% multiplier.
- 1192 3. RBZ impacts must be offset in the RBZ, on-site or off-site.
- 1193 4. Additional standards may apply in the RBZ (See 6.4 Riparian Buffer Zone)

APPENDIX A: Section 6.0 Alternate Language to Achieve No Net Loss

6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0.

6.1 NO NET LOSS STANDARDS

- A. No net loss of the proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.
- B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss.
- C. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

6.1.1 UNDEVELOPED SPACE

- A. Development proposals shall not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the special flood hazard area. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space and flood storage volume.
 - i. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1.

- ii. Hydrologically connected to the waterbody that is the flooding source;

6.1.2 Designed so that there is no increase in velocity IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

- A. Development proposals shall not result in a net increase in impervious surface area within the SFHA through the use of ratios prescribed in Table 1, or
- B. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
- C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.

6.1.3 TREES

- A. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area.
 - i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1 and planted within the special flood hazard area.
 - ii. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

6.2 STORMWATER MANAGEMENT

Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include the following:

- A. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and
- B. Water quantity treatment (retention or detention facilities) unless the outfall discharges into the ocean.
- C. Retention and detention facilities must:
 - i. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

iii. Be designed to not entrap fish.

iv. Be certified by a qualified professional.

D. Detention facilities must:

i. Drain to the source of flooding.

ii. Designed by a qualified professional.

E. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

v. Access to stormwater treatment facilities at the site by the **COMMUNITY TYPE (e.g., city, county)** for the purpose of inspection and repair.

vi. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.

vii. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

viii. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the **COMMUNITY TYPE (e.g., city, county)** for five years

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

The following activities are not subject to the no net loss standards in Section 6.1; however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;

- 1301 B. Normal street, sidewalk, and road maintenance, including filling potholes,
1302 repaving, and installing signs and traffic signals, that does not alter
1303 contours, use, or alter culverts and is less than six inches above grade.
1304 Activities exempt do not include expansion of paved areas;
- 1305 C. Routine maintenance of landscaping that does not involve grading,
1306 excavation, or filling;
- 1307 D. Routine agricultural practices such as tilling, plowing, harvesting, soil
1308 amendments, and ditch cleaning that does not alter the ditch configuration
1309 provided the spoils are removed from special flood hazard area or tilled into
1310 fields as a soil amendment;
- 1311 E. Routine silviculture practices (harvesting of trees), including hazardous fuels
1312 reduction and hazard tree removal as long as root balls are left in place;
- 1313 F. Removal of noxious weeds and hazard trees, and replacement of non-native
1314 vegetation with native vegetation;
- 1315 G. Normal maintenance of above ground utilities and facilities, such as
1316 replacing downed power lines and utility poles provided there is no net
1317 change in footprint;
- 1318 H. Normal maintenance of a levee or other flood control facility prescribed in
1319 the operations and maintenance plan for the levee or flood control facility.
1320 Normal maintenance does not include repair from flood damage, expansion
1321 of the prism, expansion of the face or toe or addition of protection on the
1322 face or toe with rock armor.
- 1323 I. Habitat restoration activities.
- 1324 J. Pre-emptive removal of documented susceptible trees to manage the
1325 spread of invasive species.
- 1326 K. Projects that are covered under separate consultations under Section 4(d),
1327 7, or 10 of the Endangered Species Act (ESA).

1328 **6.4 RIPARIAN BUFFER ZONE (RBZ)**

- 1329 A. The Riparian Buffer Zone is measured from the ordinary high-water line of a
1330 fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream)
1331 or mean higher-high water of a marine shoreline or tidally influenced river
1332 reach to 170 feet horizontally on each side of the stream or inland of the
1333 MHHW. The riparian buffer zone includes the area between these outer
1334 boundaries on each side of the stream, including the stream channel.
- 1335 B. Functionally dependent uses are only subject to the no net loss standards in
1336 Section 6.1 for development in the RBZ. Ancillary features that are
1337 associated with but do not directly impact the functionally dependent use in

the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.

C. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.

D. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous, shrub and tree vegetation.

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
Mitigation multipliers					
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%

Notes:

1. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
 - a. For example, if a development would create 1,000 square feet of new impervious surface, then 1,000 square feet of new pervious surface would need to be created. However, if only 500 square feet can be created within the same reach, the remaining 500 square feet created within a different reach would need to be double the required amount because of the 200 percent multiplier. In other words, another 1,000 square feet of pervious surface would need to be created at the location in the different reach, in addition to the 500 square feet created within the same reach.

APPENDIX B: Additional and Updated Definitions

Ancillary Features: Features of a development that are not directly related to the primary purpose of the development.

Fish Accessible Space: The volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.

Fish Egress-able Space: The volumetric space available to an adult or juvenile individual of the identified 16 ESA- fish to exit or leave from.

Floodplain Storage Capacity: The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

Footprint: The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level to the BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

Pervious Surface: Surfaces that allow rain and snowmelt to seep into the soil and gravel below. Pervious surface may also be referred to as permeable surface.

Undeveloped Space: The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that has not been reduced due to activity that meets FEMA's definition of development. Examples of development that impede undeveloped space includes, but is not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.



FLOODPLAIN MANAGEMENT DEVELOPMENT CODE AMENDMENTS ORDINANCE 2025-02

Bryan Pohl, CFM | Community Development Director

Dan Riordan | Senior Planner

City Council Public Hearing 5|12|25

PUBLIC HEARING PURPOSE

2

On April 28th, City Council held a work session on local compliance options related to floodplain management mandated by the Federal Emergency Management Agency (FEMA).

During the work session, City Council reached consensus to proceed with Option 2 that requires amending the Forest Grove Development Code to incorporate the FEMA Model Floodplain Management Ordinance.

Tonight's public hearing provides an opportunity for Council's consideration of Ordinance 2025-02, for first reading, to amend the Development Code and an opportunity for public comment on the Code amendment proposal.

Floodplain Areas

3



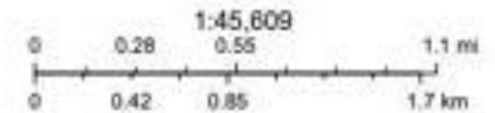
2/11/2025

FEMA Flood Hazard Areas

1% Annual Chance Flood Hazard

Regulatory Floodway

0.2% Annual Chance Flood Hazard



COMPLIANCE OPTIONS

4

FEMA provided three options for meeting the federal mandate:

Option 1: Prohibit all new development in the floodplain.

Option 2: Adopt the FEMA Model Ordinance that considers impacts to fish habitat and requires mitigation to a no net loss standard defined in the Model Ordinance.

Option 3: Review individual development proposals and require permit-by-permit habitat mitigation to achieve a no net loss of floodplain function standard defined on the next slide.

NO NET LOSS AND FLOODPLAIN FUNCTIONS

No Net Loss: A standard where adverse development impacts must be avoided or offset through compliance with requirements so there is no net change in the floodplain function from existing conditions.

Floodplain Functions: Floodwater storage, water quality, and vegetation. These functions must be maintained.

RECOMMENDED APPROACH

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Option 2 is the recommended approach for the following reasons:

The City Attorney advised that Option 2 complies with Oregon's land use planning rules requiring clear and objective standards in local development codes affecting residential development.

Option 1 is this most restrictive option and could result in a claim that property is being taken for a public purpose.

Option 3 is an ad hoc approach and does not comply with land use planning rules.

DEVELOPMENT CODE AMENDMENTS

7

The amendments include modification to Development Code Article 12 (Definitions):

Floodplain management related definitions will be removed from Article 12 and added to Development Code Article 8 (General Development Standards) with the floodplain management development standards and procedures.

The FEMA Model Floodplain Management Ordinance includes 52 definitions. Some terms used for floodplain management are also used for general land use review but are defined differently. Adding the floodplain management definitions to Article 8 will reduce conflicts and streamline Article 12.

DEVELOPMENT CODE AMENDMENTS

8

The amendments include modification to Development Code Article 8 (General Development Standards):

Article 8 Table of Contents: Update the table of contents for Article 8 to reflect title modifications for consistency with the FEMA Model Ordinance and the addition of new sections.

Section 17.8.315: Floodplain Management Code. This section includes introductory provisions consistent with the FEMA Model Ordinance such as the purpose for the floodplain management requirements.

DEVELOPMENT CODE AMENDMENTS

9

Section 17.8.320: Floodplain Management Definitions. This section adds the floodplain management related definitions with the floodplain management development standards.

Section 17.8.325: Floodplain Management Provisions. This section addresses the lands subject to the floodplain management code, basis for establishing special flood hazard areas and compliance requirements.

DEVELOPMENT CODE AMENDMENTS

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Section 17.8.330: Floodplain Management Administration. This section outlines local floodplain administrator duties and responsibilities including development permit review and variance procedures. For Forest Grove the designated floodplain administrator is the City Engineer (i.e. Public Works and Engineering Director).

Section 17.8.335: Provisions for Flood Hazard Reduction. This section establishes general development standards for development affecting special flood hazard areas and no net loss standards of floodplain function standards.

DEVELOPMENT CODE AMENDMENTS

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Provisions for flood hazard reduction in the Code amendment proposal includes:

Anchoring structures to prevent flotation, collapse or lateral movement;

Requiring that all new construction and substantial improvements be constructed using methods that minimize flood damage; or

Requiring that structures and electrical, heating, ventilation and other service facilities be raised above the base flood elevation.

DEVELOPMENT CODE AMENDMENTS

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Section 17.8.340: Standards for Floodways. This section establishes development restrictions for areas designated as floodway. The floodway is the channel of a watercourse and adjacent areas that must reserved for discharging flood waters without increasing the water surface elevations above a designated height.

Section 17.8.345: Standards for Shallow Flooding Areas. This section establishes standards for shallow flooding areas such as where base flood depths range from one to three feet above ground where a defined channel does not exist.

DEVELOPMENT CODE AMENDMENTS

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Section 17.8.350: Standards for Protection of Special Flood Hazard Area Floodplain Functions. This section addresses the no net loss standard in detail and required mitigation of development impacts within the Special Flood Hazard Area (i.e. 100-year floodplain).

Within the 100-year floodplain no net less is required for development that reduces undeveloped space, increases impervious surface, or results in a loss of trees 6” in diameter or greater.

DEVELOPMENT CODE AMENDMENTS

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The Code amendments specify that no net loss can be achieved by:

- 1. Avoiding negative impacts to floodplain function;**
- 2. Minimizing remaining impacts if avoidance isn't possible; or**
- 3. Replacing and/or otherwise compensating for residual floodplain impacts .**

DEVELOPMENT CODE AMENDMENTS

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The Code amendments specify that no net loss must be provided within, in order of preference:

- 1. The lot or parcel where floodplain impacts will occur;**
- 2. The same waterbody where the development is proposed; or**
- 3. Within the same hydrologically connected area as the proposed development.**

Required mitigation necessary to offset development impacts is specified in the proposed code and is based on the development impacts and preferences above.

Required mitigation is 1:1 for impervious surface, 2:1 for undeveloped space, and 3:1 to 6:1 for impacts to trees depending on tree diameter.

FEMA MODEL ORDINANCE OVERVIEW

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Activities exempt from the no net loss standards include:

- Normal maintenance of structures;**
- Normal street, sidewalk and road maintenance;**
- Routine maintenance of landscaping not involving grading;**
- Routine agriculture and tree management practices;**
- Normal maintenance of above ground utilities;**
- Normal maintenance of flood control facilities;**
- Habitat restoration activities; and**
- Pre-emptive removal of trees to manage the spread of invasive species.**

DEVELOPMENT CODE AMENDMENTS

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Section 17.8.355: Critical Facilities. This section is currently in the Development Code and is proposed to remain. Critical facilities include schools, assisted living facilities, hospitals, emergency response facilities, and installations which produce, use or store hazardous materials or waste.

Section 17.8.360 Environmental Practice. This section identifies habitat friendly development practices. This section is currently in the Development Code and is proposed to remain.

REVIEW CRITERIA

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The review criteria for this proposal are in Development Section 17.2.630 (Development Code Text Amendments)

A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

The proposed Development Code text amendments are attached to Ordinance 2025-02 as Exhibit A. Findings addressing the criteria above are attached to Ordinance 2025-02 as Exhibit B.

PLANNING COMMISSION REVIEW

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The Planning Commission held a public hearing on the proposed Development Code amendments on April 21st. Several persons attended the public hearing in response to the mailed public hearing notice and asked questions about how the proposal may affect their property.

On April 21st, the Planning Commission adopted a motion recommending City Council approval of an ordinance amending the Forest Grove Development Code to incorporate the FEMA Model Floodplain Management Ordinance.

STAFF RECOMMENDATION

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Staff recommends that City Council approve first reading of Ordinance 2025-02 tonight and continue the public hearing to May 27th for second reading and final ordinance adoption.

Adopting the ordinance on May 27th ensures that the Development Code amendments are effective by the FEMA compliance deadline of July 1, 2025.

Questions for Staff?

ORDINANCE NO. 2025-02

ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 8 AND 12 TO ADOPT REVISED FLOODPLAIN MANAGEMENT REGULATIONS AND DEFINITIONS IN COMPLIANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY 2024 FLOOD HAZARD MANAGEMENT MODEL ORDINANCE; FILE NO. 311-25-000005-PLNG

WHEREAS, in 2016, the National Marine Fisheries Service (NMFS) issued a biological opinion (BiOp) which recommended changes to the implementation of the National Flood Insurance Program (NFIP) in Oregon on listed endangered species under NMFS authority; and

WHEREAS, as a result of the BiOP issued by NMFS, communities are required to demonstrate how development in the floodplain is compliant with the Endangered Species Act while an Environmental Impact Statement is prepared; and

WHEREAS, the Federal Emergency Management Agency (FEMA) developed a model flood hazard management model ordinance (Model Ordinance) in 2024; and

WHEREAS, the Model Ordinance addresses the requirements outlined in the draft implementation plan for the NFIP; and

WHEREAS, the Model Ordinance provides the regulations necessary to implement the draft implementation plan and serves as one of three actions a community can take under pre-implementation compliance measures (PICM); and

WHEREAS, implementing the Model Ordinance is the preferred PICM action under Oregon land use planning law which requires clear and objectives development standards for certain types of development; and

WHEREAS, implementing the Model Ordinance also ensures the City's continuing eligibility for participation in the NFIP; and

WHEREAS, on March 4, 2025, notice of the proposed Development Code amendments was provided to the Oregon Department of Land Conservation and Development and Metro on; and

WHEREAS, on April 1, 2025, notice of the proposed Development Code amendments were also provided to potentially affected property owners as required by Oregon Ballot Measure 56 and the Development Code; and

WHEREAS, notice of the proposed Development Code amendments was published in the Forest Grove News-Times on April 10, 2025 as required by City Council rules and the Development Code; and

WHEREAS, the Planning Commission held the duly noticed public hearing on the proposed Development Code amendments on April 21, 2025; and

WHEREAS, on April 21, 2025, the Planning Commission adopted Planning Commission Findings and decision No. 2025-02 recommending approval of the proposed Development Code amendments; and

WHEREAS, the City Council held the duly noticed public hearing on the proposed ordinance amending the Development Code for first reading on May 12, 2025; and

WHEREAS, the City Council held the duly noticed public hearing on the proposed ordinance amending the Development Code for second reading on May 27, 2025.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the text amendments to Development Code Article 8 and Article 12 as described by Exhibit A.

Section 2. The City Council hereby adopts the Planning Commission's findings and Decision No. 2025-02, attached as Exhibit B, recommending approval of the proposed Development Code amendments.

Section 3. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 12th day of May, 2025.

PASSED the second reading the 27th day of May, 2025.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 27th day of May, 2025.

Malynda H. Wenzl, Mayor

Hazards and Resources

[17.8.300](#) Purpose

[17.8.305](#) Resource areas

[17.8.310](#) Hazard areas

[17.8.315](#) ~~Floodplains and flood management areas~~[Floodplain management code](#)

[17.8.320](#) ~~Establishment of development permit~~[Floodplain management definitions](#)

[17.8.325](#) ~~Designation, duties and responsibilities of the city engineer~~[Floodplain management provisions](#)

[17.8.330](#) ~~Variance procedure~~[Floodplain management administration](#)

[17.8.335](#) Provisions for flood hazard reduction

~~Figure 8-6—Limitations on Below-Grade Crawlspaces~~[17.8.340](#) ~~Before regulatory floodway~~[Standards for Floodways](#)

[17.8.345](#) ~~Standards for Shallow Flooding Areas~~

[17.8.34550](#) ~~Floodways~~[Standards for Protection of Special Flood Hazard Area Floodplain Functions](#)

[17.8.3505](#) Critical facility

[17.8.35560](#) Environmental practice

DEVELOPMENT CODE ARTICLE 8

HAZARDS AND RESOURCES

RESOURCE AREAS, HAZARD AREAS AND FLOODPLAIN MANAGEMENT

§ 17.8.300 PURPOSE.

The purpose of this subarticle is to establish standards and requirements where development is subject to resources or hazards as defined by these provisions. This subarticle also implements provisions contained in the Model Floodplain Management Ordinance prepared by the Federal Emergency Management Agency.

§ 17.8.305 RESOURCE AREAS.

A. Wetlands-, Wetland Buffer Areas, Wildlife Conservation Areas and Vegetated Corridors subject to the provisions of §17.5.005 shall be left undisturbed unless:

1. Division of State Lands has issued a permit to allow fill in a wetland; or
2. Enhancements that are required or allowed either by the report approved by the city for Wildlife Conservation Areas pursuant to §17.5.025 or by the Service Provider Letter issued by Clean Water Service.

B. Wetland buffer areas and vegetated corridors shall be provided consistent with the requirements of Clean Water Service (CWS) Design and Construction Standards. Pursuant to §-17.5.025A., a service provider letter from CWS shall be issued prior to filing for a land use permit with the city-.

C. All development with Natural Resource Areas shall attempt to design development through avoidance of the resource area. If that cannot be achieved through standard development requirements, then the requirements of §§-17.5.005 et seq. shall apply and shall override any conflicting development requirements established by other portions of the Development Code in order to minimize intrusion into the NRA.

D. All wetlands-, wetland buffers, vegetated corridors and wildlife habitats shall be established as follows.

1. For divisions of land, the area shall be placed in an open space tract separate from areas intended for development-. The open space tract is subject to the requirements of §§ 17.8.200 et seq.

2. For development not involved in a division of land, the area shall be held in common for residential condominiums or by the primary land owner for apartment- complexes or non-residential development-. The area shall be placed within an easement and adequate maintenance provisions shall be provided consistent with the requirements of § 17.8.200.

E. Historic structures and trees-. Any modification of historic structures or the removal of trees shall comply with the requirements of §§ 17.5.200 et seq. and 17.5.100 et seq. respectively.

§ 17.8.310 HAZARD AREAS.

A. Information and studies for hazards shall be provided as follows.

1. For development sites partially or totally within ~~Flood Management Areas or~~ areas of special flood hazard ~~as determined by § 17.8.315B, as defined in §17.8.320,~~ there shall be provided a study prepared by an engineer certified by the State of Oregon to provide hydraulic, flood plain elevation and any other necessary analysis to meet the requirements of ~~§17.8.325D~~ §17.8.330(B)(2). as determined by the City Engineer-.

2. For development sites having slopes of 10% or more, the following requirements shall be met. To ensure compliance with the provisions of this Code, prior to the issuance of a building permit for the construction of any new building (as defined by § 17.12.210B.8. within the city , and prior to any grading, excavation or filling or other site modification within areas having a slope of 10% or greater, there shall be submitted to the Community Development Department for review and approval, or approval with modifications:

a. A site plan (showing any grading, excavating or filling) drawn to scale of the entire property developed and of the proposed construction; and

b. The submission of a geological assessment and geotechnical report prepared and stamped by a Certified Engineering Geologist who is a registered geologist certified in the specialty of Engineering Geology under provisions of O.R.S. 672.505 to 672.705 and a Geotechnical Engineer under provisions of O.R.S. 672.002 to 672.325. The assessment and report shall address the entire site and meet the following requirements:

i. The geological and engineering assessment shall include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site-, and conclusions regarding the effect of geo-logic conditions on the proposed development-.

ii. The geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; and opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings ; conclusions regarding the effect of geologic conditions on the proposed development ; and specific requirements for plan modification, corrective grading and special techniques and systems to facilitate a safe and stable development . The report shall provide other recommendations as necessary, commensurate with the project grading and development-.

iii. Address the requirements of § 17.8.310B.

B. Through hazard study(ies) required pursuant to § 17.8.310A., the applicant shall establish methods to minimize hazards to acceptable risks by:

1. Site design approaches that avoids development within hazard area;

2. Grading, erosion control and other site preparation techniques to minimize hazard impacts;

3. Techniques to minimize impacts from utility installation; and/or

4. Building and foundation techniques to minimize hazard impacts.

C. Where a hazard area is proposed to be avoided:

1. For divisions of land, the area shall be placed in an open space tract separate from areas intended for development-. The open space tract is subject to the requirements of §§ 17.8.200 et seq.

2. For development not involved in a division of land, the area shall be held in common for residential condominiums or by the primary land owner for apartment complexes or non-residential development. The area shall be placed within an easement and adequate maintenance provisions shall be provided consistent with the requirements of § 17.8.200.

3. The tract or easement area shall be restricted to open space-. Utilities may be located within the area provided that the report proposes acceptable measures to minimize hazard impacts. Open space tracts are subject to the provisions of § 17.8.200.

§ 17.8.315 ~~FLOODPLAINS AND FLOOD MANAGEMENT AREAS.~~ FLOODPLAIN MANAGEMENT CODE

A. Statutory Authorization. The State of Oregon has in ORS 197.175 designated responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its residents.

B. Purpose. It is the purpose of the floodplain management code to promote public health, safety and general welfare, and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Preserve natural and beneficial floodplain functions;

4. Minimize the need for rescue and relief efforts associated with flooding and generally undertake at the expense of the general public;

5. Minimize prolonged business interruptions.

6. Minimize damage to public facilities and utilities such as water and gas mains; electrical, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

7. 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;
8. Notify potential buyers that the property is in a special flood hazard area;
9. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
10. Participate in and maintain eligibility for flood insurance and disaster relief.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this code includes methods and provision for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water and erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities.
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;
6. Employment an standard of “no net loss” of natural and beneficial floodplain functions.

§17.8.320 FLOODPLAIN MANAGEMENT DEFINITIONS

- A. ANCILLARY FEATURES: Features of a development that are not directly related to the primary purpose of the development.
- B. APPEAL: For floodplain management purposes, an appeal is a request for a review of the interpretation of any provision of the Floodplain Management Ordinance Code or a request for a variance.
- C. AREA OF SHALLOW FLOODING: A designated zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- A.D. AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a 1percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."
- E. BASE FLOOD: The flood having a one percent chance of being excluded or exceeded in any given year.
- F. BASE FLOOD ELEVATION (BFE): The elevation to which floodwater is anticipated to rise during the base flood.
- G. BASEMENT: For floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.
- H. BREAKAWAY WALL: A wall that is nor part of a structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- I. DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- J. FILL: Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."
- K. FISH ACCESSIBLE SPACE: The volumetric space available to fish to access.
- L. FISH EGRESS-ABLE SPACE: The volumetric space available to fish to exit or leave from.
- M. FLOOD OR FLOODING:
- a. A general and temporary condition or partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is

carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclic levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

N. FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

O. FLOOD INSURANCE RATE MAP: The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

P. FLOOD INSURANCE STUDY (FIS): See "Flood elevation study."

Q. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

R. FOOTPRINT: The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level the Base Flood Elevation, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

S. FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading cargo or passengers, and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

T. GREEN INFRASTRUCTURE: Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and

technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of greenspace that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

U. HABITAT RESTORATION ACTIVITIES: Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permit (e.g., CWA Section 404 Permit).

V. HAZARD TREES: For floodplain management purposes, standing dead, dying or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the City.

W. HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

X. HISTORIC STRUCTURE: For floodplain management purposes, any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or
2. Directly by the Secretary of the Interior in states without approved programs.

Y. HYDRAULICALLY EQUIVALENT ELEVATION: A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

Z. HYDROLOGICALLY CONNECTED: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

AA. IMPERVIOUS SURFACE: A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows of water bodies.

BB. LETTER OF MAP CHANGE (LOMC): An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps (FIRM) and/or Flood Insurance Studies (FIS). LOMCs are issued in the following categories:

a. Letter of Map Amendment: An amendment to the Flood Insurance Rate Maps based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.

b. Letter of Map Revision (LOMR):

1. LOMR-F (Letter of Map Revision Based on Fill). A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

2. A LOMR revises the current FIRM and/or FIS to show changes to the floodplains, floodways or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flood source and thus result in modification to the existing

regulatory floodway, the effective Base Flood Elevation, of the Special Flood Hazard Area. It is recommended a Conditional Letter of Map Revision be approved (CLOMR) be approved by FEMA prior to issuing a permit to start a project if the project has a potential to affect the special flood hazard area.

CC. LOW IMPACT DEVELOPMENT: An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low Impact Development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by placement of new impervious surface. Low Impact Development is a subset of Green Infrastructure.

DD. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

EE. MANUFACTURED DWELLING: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

FF. MANUFACTURED DWELLING PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or manufactured dwelling lots for rent or sale.

GG. MEAN HIGHER-HIGH WATER: The average of the higher-high water height of each tidal day observed over the National Tidal Epoch.

HH. MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

II. NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the "Start of construction"

commenced on or after the effective date of a floodplain management regulation adopted by the City of Forest Grove and includes any subsequent improvement to such structures.

JJ. NO NET LOSS: A standard where adverse impacts must be avoided or offset through adherence to certain requirements so 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.

KK.OFFSITE: For floodplain management purposes, mitigation occurring outside the project area.

LL. ONSITE: For floodplain management purposes, mitigation occurring within the project area.

MM. ORDINARY HIGH WATER MARK: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

NN. PERVIOUS SURFACE: Surfaces that allow rain and snowmelt to seep into the soil and gravel below. Pervious surface may also be referred to as permeable surface.

OO. QUALIFIED PROFESSIONAL: For floodplain management purposes, an appropriate subject matter expert that is defined by the City.

PP. REACH: A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

QQ. RECREATIONAL VEHICLE: A vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RR. RIPARIAN: Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

SS. RIPARIAN BUFFER ZONE (RBZ): The outer boundary of the riparian buffer zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the Mean Higher-High Water (MHHW). The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

TT. RIPARIAN BUFFER ZONE FRINGE: The area outside of the RBZ and Floodway but still within the Special Flood Hazard Area (SFHA).

UU. SILVICULTURE: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

VV. SPECIAL FLOOD HAZARD AREA (SFHA): See "AREA OF SPECIAL FLOOD HAZARD" for this definition.

WW. START OF CONSTRUCTION: For floodplain management purposes, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or sidewalks; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

XX. STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground as well as a manufactured dwelling.

YY. SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

ZZ. SUBSTANTIAL IMPROVEMENT: For floodplain management purposes, Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the Start of Construction of the improvement. The term includes structures which have incurred SUBSTANTIAL DAMAGE, regardless of the actual work per. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

AAA. UNDEVELOPED SPACE: The volume of flood capacity and fish accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

BBB. VARIANCE: For floodplain management purposes, a grant of relief by the City from the terms of a floodplain management regulation.

CCC. VIOLATION: For floodplain management purposes, the failure of structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development with the elevation certificate, other certifications, or other evidence of compliance required in this ~~ordinance~~ Code is presumed to be in violation until such time as the documentation is provided.

§17.8.325 FLOODPLAIN MANAGEMENT PROVISIONS

A. Lands to which this Code applies. This code applies to all areas of special flood hazard within the jurisdiction of the City of Forest Grove.

B. Basis for establishing ~~areas of the~~ special flood hazard areas. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Washington County and

Incorporated Areas” dated November 4, 2016, and as subsequently revised, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study- and FIRM panels is are on file at the Forest Grove Engineering Department located at Forest Grove City Hall. ~~The best available information for flood hazard area identification as outlined in § 17.8.325C. shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under § 17.8.325C.~~

~~—C. Warning and disclaimer of liability.~~

~~—The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.~~

~~—This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the City of Forest Grove, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made hereunder.~~

C. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in Oregon Revised Statutes Chapter 455 that the City administers and enforces the State of Oregon Specialty Codes, the City does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of building and structures located in special flood hazard areas (SFHAs). Therefore, this ordinance-Code is intended to be administered in conjunction with the Oregon Specialty Codes.

D. Compliance.

1. All development within special flood hazard areas is subject to the terms of this Code and required to comply with its provisions and all other applicable regulations.

2. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Code and other applicable regulations. Violations of the provisions of this Code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction subject to the penalties described in Forest Grove Code of Ordinances §10.99. Nothing contained herein shall prevent the City from taking such lawful actions as necessary to prevent or remedy any violation.

~~—Penalties for noncompliance.~~

E. Abrogation and Severability.

1. Abrogation. This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and another code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2. Severability. This Code and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Code is held to be invalid or unconstitutional by any court of competent jurisdiction, then the said holding shall in no way effect the validity of the remaining portions of this Code.

F. Interpretation. In the interpretation and application of this Code, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability.

1. Warning. The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

1.2. Disclaimer of Liability. This Code shall not create liability on the part of the City of Forest Grove, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Code or any administrative decision lawfully made hereunder.

§ 17.8.325 17.8.330 DESIGNATION, DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER FLOODPLAIN MANAGEMENT ADMINISTRATION.

A. Designation of the Floodplain Administrator. The City Engineer is hereby appointed to administer, ~~and~~ implement, ~~and enforce~~ this Code by granting or denying development permits ~~applications~~ in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. Duties and Responsibilities of the Floodplain Administrator. The duties of the ~~City Engineer Floodplain Administrator, or their designee,~~ shall include, but not be limited to:

1. —1. Permit Review. Reviewing all development permits to:

a. ~~d~~Determine that the permit requirements of this ~~Code~~ Code have been satisfied;

- ~~b. —2. Reviewing all development permits to d~~b. —2. Reviewing all development permits to determine that all other required necessary permits have been obtained from those federal, state or local, state, and federal permits have been obtained and approved governmental agencies from which prior approval is required;
- ~~c. Determine if the proposed development is located in a floodway. —3. Reviewing all development permits to determine if the proposed development is located in the floodway.~~
 - ~~i. If located in the floodway, ensure assure that the encroachmentfloodway provisions of § 17.8.345. the Floodways in §17.8340 are met; and~~
 - ~~ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of the Use of Other Base Flood Elevation Data in §17.8.355(A)(7); and~~
 - ~~iii. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit. —4. Providing the base flood elevation as has been determined in accordance with § 17.8.315B., Basis for Establishing Areas of Special Flood Hazard to the Building Official, along with any freeboard requirements established in § 17.8.335B., Specific Standards.~~
- ~~d. Determine if the proposed development qualifies as a substantial improvement as defined in §17.8.320.~~
- ~~e. Determine if the proposed development is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of the Alteration of Watercourses in §17.8.335(A)(1).~~
- ~~f. Determine if the proposed development activity includes the placement of fill or excavation.~~
- ~~a.g. Determine whether the proposed development activity complies with No Net Loss standards of this Code.~~
- ~~C. Use of other base flood data in “A” Zones. When base flood elevation data has not been provided in accordance with § 17.8.315B., Basis for Establishing the Areas of Special Flood Hazard, the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer §§ 17.8.335B., Specific Standards and 17.8.345, Floodways.~~

2. ~~D.~~ Information to be obtained and maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

a. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM) or obtained in accordance with the Use of Other Base Flood Elevation Data in §17.8.335(A)(7).

~~1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM or as required in § 17.8.325, the City Engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.~~

b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of §17.8.330(B)(1)(b) and, §17.8.340, are adhered to.

c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

d. Where base flood elevation data are utilized, As-built certification of the elevation (in relation to mean sea level) of the lowest floor including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to final inspection.

e. Maintain all Elevation Certificates (EC) submitted to the City of Forest Grove.

f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this Code and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with §17.8.335(A)(7).

g. All floodproofing certificates required under this Code.

h. All variance actions, including justification for their issuance.

i. All hydrologic and hydraulic analyses performed as required under this section.

j. All Substantial Improvement and Substantial Damage calculations and determinations as required under §17.8.330(B)(3)(d).

k. Documentation of how no net less standards have been met. (see §17.8.350).

l. All records pertaining to the provisions of this Code.

~~—2. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM or as required in § 17.8.325, the City Engineer shall:~~

~~—a. Verify and record the actual elevation (in relation to mean seal level);~~

~~—b. Maintain the floodproofing certifications required in § 17.8.320B.3.; and~~

~~—c. Maintain for public inspection all records pertaining to the provisions of this Code.~~

~~—E. Alteration of watercourses—~~

~~—1. Development shall not diminish the flood-carrying capacity of a watercourse. If any watercourse will be altered or relocated as a result of the proposed development, the applicant shall submit certification by a registered professional engineer that the flood-carrying capacity of the watercourse will not be diminished.~~

~~—2. The City Engineer shall:~~

~~—a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and~~

~~—b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.~~

~~—3. Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement or other development, in the regulatory floodway is permitted. The applicant shall be responsible for preparing technical data to support the CLOMR application any paying any processing or application fees to FEMA.~~

~~F. 3.~~ Requirement to notify other entities and submit new technical data.

a4. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundary of the City is modified by annexation or the City has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the City's boundaries. Notification shall

include a copy of the map of the City suitable for reproduction, clearly delineating the new City limits or new area for which the community has assumed or relinquished floodplain management regulation authority.

b. Watercourse Alterations.

i. Notify adjacent communities, the Oregon Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

ii. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under §17.8.330(B)(3)(c). Ensure compliance with all applicable requirements in §17.8.330(B)(3)(c) and §17.8.335(A)(1).

c. Requirement to submit new technical data.

i. The City's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The City may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

ii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA provided base flood elevations but no floodway.

iii. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

~~—The City Engineer shall:~~

~~—a. Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries or modified base flood elevations. This notification shall be provided as a Letter of Map Revision (LOMR); and~~

~~—b. Be under no obligation to sign the Community Acknowledgment Form, which is part of the CLOMR-/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable State and Federal laws.~~

~~—2. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.~~

d. Substantial improvement and substantial damage assessments and determinations. Conduct Substantial Improvement (SI) (as defined in §17.8.320 reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with §17.8.330(B)(2). Conduct Substantial Damage (SD) (as defined in §17.8.320) assessments when structures are damaged due to a natural hazard event of other causes. Make SD determinations whenever structures within the Special Flood Hazard Area (as established in §17.8.325(B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~—G. Non-conversion of enclosed areas below the lowest floor. To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation/recreation/bathrooms, etc., the City Engineer shall:~~

~~—1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; and~~

~~—2. Require such applicants to enter in a “Non-Conversion Deed Declaration for Construction within Flood Hazard Areas” or equivalent. The deed declaration shall be recorded with Washington County and shall be in a form acceptable to the City Engineer.~~

~~—H. Interpretation of FIRM boundaries. The City Engineer shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 17.8.330.~~

~~§ 17.8.320 ESTABLISHMENT OF DEVELOPMENT PERMIT.~~

C. Establishment of Development Permit

~~—A. 1. Floodplain Development permit required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 17.8.3125(B). The permit shall be for all structures including manufactured homes dwellings, as set forth in the definitions and for all other development including fill and other activities, also as set forth in the definitions defined in § 17.8.320, including fill and other development activities.~~

~~B2.~~ Application for development permit. Application for a development permit shall be made on forms furnished by the ~~Engineering Department~~ City’s Floodplain Administrator and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

~~1.a.~~ In riverine flood zones, the proposed Elevation (in relation to mean sea level), of the lowest floor (including basement) of all structures and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of § 17.8.330(B)(2);

~~2b.~~ Proposed Elevation in relation to mean sea level to which any non-residential structure will be floodproofed, of floodproofing in any structure;

~~3c.~~ Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods for any nonresidential structure meet the floodproofing criteria for non-residential structures in § 17.8.335(B)-(3)(c); and

~~d.~~ Description of the extent to which a watercourse will be altered or relocated, as a result of proposed development.

e. Base Flood Elevation data for subdivision proposals or other

f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

g. The amount and location of any fill or excavation activities proposed.

~~—C. Land below the elevation of the base flood shall be placed in open space or parking lot and landscaped areas if within the developed portion of the site—~~

§ 17.8.330 VARIANCE PROCEDURE.

D. Variance procedure. The issuance of a variance under this section is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. Conditions for variances

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of §17.8.330(D)(1)(c) and (e) and §17.8.330(D)2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

e. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of §17.8.330(D)(1). Conditions for Variances, are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater.

2. Variance notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with §17.8.330(B)(2).

~~A. Appeal Board. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Code. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City of Forest Grove in the enforcement or administration of this Code.~~

~~—B. Any affected party may appeal the decision of the Planning Commission to the City Council, as provided in § 17.1.640.~~

~~—C. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Code, and:~~

~~—1. The danger that materials may be swept onto other lands to the injury of others;~~

~~—2. The danger to life and property due to flooding or erosion damage;~~

~~—3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~—4. The importance of the services provided by the proposed facility to the community;~~

~~—5. The necessity to the facility of a waterfront location, where applicable;~~

~~—6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

~~—7. The compatibility of the proposed use with existing and anticipated development ;~~

~~—8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~—9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~—10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site ; and~~

~~—11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.~~

~~—D. Upon consideration of the factors of § 17.8.330C. and the purposes of this Code, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code.~~

~~—E. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.~~

~~—F. Conditions for variances:~~

~~—1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in § 17.8.330C. have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.~~

~~—2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.~~

~~—3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~—4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~—5. Variances shall only be issued upon:~~

~~—a. A showing of good and sufficient cause;~~

~~—b. A determination that failure to grant the variance would result in exceptional hardship to the applicant ; and~~

~~—c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 17.8.330C., or conflict with existing local laws or codes.~~

~~—6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances, they primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~

~~—7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can~~

~~be determined that such action will have low damage potential, complies with all other variance criteria except § 17.8.330F.1., and otherwise complies with § 17.8.335A.1.3. of the General Standards.~~

~~—8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

§ 17.8.335 PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. General standards. In all ~~areas of~~ special flood hazards areas, the no net loss standards and the following standards are required shall be adhered to:-

1. —1.Alteration of watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Section §17.8.330(B)(3)(b) and §17.8.330(B)(3)(c).

2. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured ~~homes dwellings~~ shall be anchored per §17.8.335(B)(3)(d)~~must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (Refer to FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

2.3. Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

~~—c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

3.4. Utilities and equipment.

a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

~~a.i.~~ i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

~~b.ii.~~ ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

~~c.iii.~~ iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing, and Other Equipment.

i. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding.

ii. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement meet all the requirements of this section and not be mounted on or penetrate through breakaway walls.

5. Tanks

a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

b. Above ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

4.6. Subdivision proposals and other proposed developments.

a. — a. All new subdivision proposals and other proposed developments, including proposals for manufactured dwelling parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals Base Flood Elevation data. shall be consistent with the need to minimize flood damage;

b. All new subdivision proposals and other proposed new developments, including proposals for manufactured dwelling parks and subdivisions shall:

i. Be consistent with the need to minimize flood damage.

ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

iii. Have adequate drainage provided to reduce exposure to flood hazards.

iv. Comply with no net loss standards in §17.8.350.

~~— b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;~~

~~— c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and~~

~~— d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).~~

~~— 5. Review of building permits. Where elevation data is not available either through the Flood Insurance Study, FIRM or from another authoritative source (§ 17.8.325C.), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.~~

~~— B. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH and AE) as set forth in § 17.8.315B., Basis for Establishing the Areas of Special Flood Hazard, or § 17.8.325C., Use of Other Base Flood Data in "A" Zones, the following provisions are required:~~

~~— 1. Residential construction.~~

~~— a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.~~

~~— b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~— i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~— ii. The bottom of all openings shall be no higher than one foot above grade.~~

~~—iii. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~—2. Manufactured dwellings.~~

~~—a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with § 17.8.335A.1.b. above.~~

~~—b. The bottom of the longitudinal chassis frame beam in “A” zones, shall be at or above BFE;~~

~~—c. The manufactured dwelling shall be anchored to prevent flotation, collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques); and~~

~~—d. Electrical crossover connections shall be a minimum of 12 inches above BFE.~~

~~—3. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

~~—a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~

~~—b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~—c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in § 17.8.320B.3.;~~

~~—d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in § 17.8.335B.1.b.;~~

~~—e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below.~~

~~—f. Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure ; all penetrations to the exterior of the structure ; all shields, gates, barriers or components designed to provide floodproofing protection to the structure ; all seals or gaskets for shields, gates, barriers or components; and, the location of all shields, gates, barriers and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.~~

~~—g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.~~

~~—4. Recreational vehicles. Recreational vehicles placed on sites are required to:~~

~~—a. Be on the site for fewer than 180 consecutive days; and~~

~~—b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~

~~—c. Meet the requirements of § 17.8.335B.2. above and the elevation and anchoring requirements for manufactured homes.~~

~~—5. Accessory structures. Relief from elevation or floodproofing as required in § 17.8.335B.1. or B.3. above may be granted for accessory structures that are:~~

~~—a. Less than 200 square feet and do not exceed one story;~~

~~—b. Not temperature controlled;~~

~~—c. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged; not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this Code or stored at least one foot above Base Flood Elevation;~~

~~—d. Located and constructed to have low damage potential;~~

~~—e. Constructed with materials resistant to flood damage;~~

~~—f. Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood; and~~

~~—g. Constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:~~

~~—i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~

~~—ii. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;~~

~~—iii. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention; and~~

~~—iv. Be constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.~~

~~—6. Below-grade crawl spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01 Crawlspaces Construction for Buildings Located in Special Flood Hazard Areas:~~

~~—a. The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection b. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.~~

~~—b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.~~

~~—c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.~~

~~—d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.~~

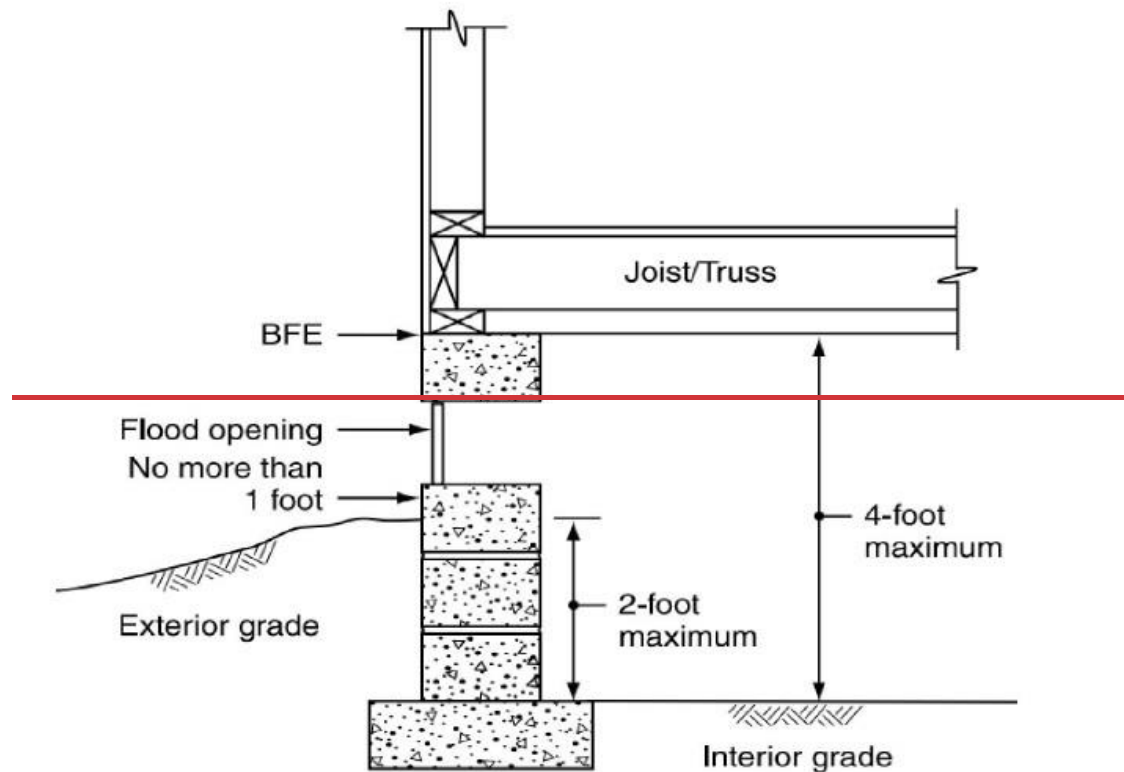
~~—e. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.~~

~~—f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.~~

~~—g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.~~

—h. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used. For more detailed information, refer to FEMA Technical Bulletin 11-01.

Figure 8-6: Limitations on Below-Grade Crawlspaces



—Residential structures must be elevated a minimum of one foot above the Base Flood Elevation (BFE).

7. Use of Other Base Flood Elevation Data

- a. When base flood elevation data has not been provided in accordance with §17.8.325(B) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer §17.8.335. All new subdivision proposals and other proposed new development developments, including proposals for manufactured dwelling parks and subdivisions, must meet the requirements of §17.8.335(A)(6).

b. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is the lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. The elevation of residential structures and non-residential structures that are not dry floodproofed must be at least two feet above highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures located in multiple or partial flood zones. In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zones shall apply.
- b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

B. Specific Standards for Riverine Including All Non-Coastal Flood Zones. These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained on §17.8.335(A) of this Code and no net loss standards in §17.8.350.

1. Flood openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor, excluding basements, are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for entry and exit of floodwaters.
- b. Be used solely for parking, storage, or building access.
- c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - i. A minimum of two openings;
 - ii. The total net are of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;

- iii. The bottom of all openings shall be no higher than one foot above grade;
- iv. Openings may be equipped with screens louvers, valves or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and
- v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2 shall be complied with when applicable.

2. Garages

- a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - i. If located within a floodway the proposed garage must comply with the requirements of §17.8.340;
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking; building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with §17.8.335(B)(1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit to floodwater;
 - v. The portions of the garage constructed below Base Flood Elevation are constructed with materials resistant to flood damage.
 - vi. The garage is constructed in compliance with the standards in §17.8.335(A); and
 - vii. The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in §17.8.335(B)(4)(f) or non-residential structures in §17.8.335(B)(3)(d) depending on the square footage of the garage.

2. Riverine (Non-Coastal Special Flood Hazard Areas With Base Flood Elevations). In addition to the general standards listed in §17.8.335(A) the following specific

standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

3. ~~§ 17.8.340 BEFORE REGULATORY FLOODWAY.~~

a. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction , substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM , unless it is demonstrated that the cumulative effect of the proposed development , when combined with all other existing and anticipated development , will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in §17.8.350(A)(3).

b. Residential construction.

i. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement elevated at least one foot above the Base Flood Elevation.

ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in §17.8.335(B)(1).

c. Non-residential construction.

i. New construction, conversion to and substantial improvement of any commercial, industrial, or other on-residential structure shall:

1. Have the lowest floor, including basement elevated at or above the Base Flood Elevation; or

2. Together with the attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineering or architect that the design methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their

development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in §17.8.330(B)(2).

3. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in §17.8.335(B)(1).
4. Applicants floodproofing non-residential building shall be notified that flood insurance premiums will be based on rates that are one foot below floodproofed level (e.g. building floodproofed to the base flood level will be rates as one foot below).

d. Manufactured Dwellings.

1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supposed on solid foundation walls shall be constructed with flood openings that comply with §17.8.335(B)(1).
2. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include but are not limited to, use of over-the-top or frame ties to ground anchors. See FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques, and;
4. Electrical crossover connections shall be a minimum of twelve inches above Base Flood Elevation.

e. Recreational Vehicles. Recreation vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
3. Meet the requirements of §17.8.335(B)(3)(d), including the anchoring and elevation requirements for manufactured dwellings.

f. Appurtenant (Accessory) Structures. Relief from floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

1. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in §17.8.340.
2. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.
3. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited to 120 square feet.
4. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
5. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
6. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in §17.8.335(B)(1);
7. Appurtenant structures shall be located and constructed to have low damage potential;
8. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined to a tank installed in compliance with §17.8.335(A)(5); and
9. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

§ 17.8.34517.8.340. STANDARDS FOR FLOODWAYS.

Located within areas of special flood hazard established in § 17.8.3125B. are areas designated as floodways . Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. ~~Except as provided in paragraph C. below, p~~Prohibit encroachments, including fill, new construction, ~~substantial improvements,~~ and other development within the adopted regulatory floodway unless:

1. ~~Ce~~certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.; ~~or~~
2. The City may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in §17.8.350.

- B. If the requirements of §17.8.340(A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard provisions of §17.8.335 and §17.8.350.

~~—B. If § 17.8.345A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 17.8.335, Provisions for Flood Hazard Reduction.~~

~~—C. Temporary structures placed in the floodway : Relief from no-rise evaluation, elevation or dry flood proofing standards may be granted for a non-residential structure placed during the dry season (June—October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.~~

~~—D. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than 90 days within the dry season (June—October).~~

§17.8.345 STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one to

three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

A. Standards for AH zones. Development within AH zones must comply with the standards in §17.8.335(A), §17.8.335(B) and §17.8.345.

B. Standards for AO zones. In AO zones, the following provisions apply in addition to the requirements in §17.8.335 and §17.8.345.

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings with AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at a minimum to or above the depth number specified on the Flood Insurance Rate Maps FIRM at least two feet if no depth number is specified. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

2. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at a minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMs) at least two feet if no depth number is specified.

b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

c. Recreational vehicles placed on sites within AO zones on the community's Flood Insurance Rate Map shall either:

1. Be on the site for fewer than 180 consecutive days, and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the elevation requirements of section §17.8.345(B)(1), and the anchoring and other requirements for manufactured dwellings in §17.8.335(B)(3)(d).

d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in §17.8.335(B)(4)(f).

e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in §17.8.335(B)(1).

§17.8.350 STANDARDS FOR PROTECTION OF SPECIAL FLOOD HAZARD AREA FLOODPLAIN FUNCTIONS

The standards described below apply to all special flood hazard areas as defined in §17.8.320:

A. No net loss of the three proxies for floodplain functions

1. No net loss of the three proxies for floodplain functions is required for development in the Special Flood Hazard Area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that area 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects of floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects of the three floodplain functions. Prior to issuance of any development authorization, the applicant shall:

a. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement)

b. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;

c. Include a management plan that identifies the responsible site manager, stipulates which activities are allowed on site, and requires the positing of signage identifying the site as a mitigation area.

2. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitation function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

3. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of

the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. The table below presents the no net loss ratios, which increase based on the preferences listed above.

Table 1 No Net Loss Standards

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

Notes:

- Ratios with asterisks are indicated in the National Marine Fisheries Service (NMFS) Biological Opinion
- Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled. For example, if only 500 square feet of the total 1000 square feet of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 square feet of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
- RBZ impacts must be offset in the RBZ, onsite or offsite.
- Additional standards may apply in the RBZ (See the Riparian Buffer Zone section below).

4. Undeveloped space.

- Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.

- b. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
- c. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and the same flood level at which development causes an impact (i.e., plus or minus one-foot of the hydraulic equivalent elevation.
 - i. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
 - 1. Ordinary High-Water Mark to 10-year;
 - 2. 10-year to 25-year;
 - 3. 25-year to 50-year; and
 - 4. 50-year to 100-year
 - ii. Hydrologically connected to the waterbody that is the flooding source;
 - iii. Designed so that there is no increase in velocity; and
 - iv. Designed to fill and drain in a manner that minimizes anadromous fish standing to the greatest extent possible.
- 5. Impervious Surfaces. Impervious surface mitigation shall be mitigated through any of the following options:
 - a. Development proposals shall not result in a net increase in impervious surface area within the Special Flood Hazard Area, or
 - b. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
 - c. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no net increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See §17.8.350(B).
 - a.—If prior methods are not feasible and documented by a qualified professional, stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See §17.8.350(B)(3) for stormwater retention specifications.

6. Trees.

a. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the Special Flood Hazard Area. This requirement does not apply to silviculture where there is no development.

1. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in the table below.

2. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area. (Willamette Valley).

B. Stormwater Management. Any development proposal that cannot be mitigated must include the following:

1. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area: and

2. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.

3. Retention facilities must:

a. Limit discharge to match the pre-development peak discharge rate (i.e. the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

b. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

c. Be designed to not entrap fish and drain to the source of flooding.

d. Be certified by a qualified professional.

4. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement must include:

a. Access to stormwater treatment facilities at the site by the City for the purpose of inspection and repair;

b. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement must be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.

c. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

d. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City for five years.

C. Activities exempt from no net loss standards. The following activities are not subject to the no net loss standards in Section 6.1; however, they may not be exempt from floodplain development permit requirements:

1. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure.

2. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts. Activities exempt do not include expansion of paved areas.

3. Routine maintenance of landscaping that does not involve grading, excavation, or filling.

4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from the Special Flood Hazard Area or tilled into fields as a soil amendment.

5. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use or alter culverts.

6. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation.

7. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint.

8. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.
9. Habitat restoration activities.
10. Pre-emptive removal of documented susceptible trees to manage the spread of invasive species.
11. Projects that are covered under separate consultation under §4(d), 7 or 10 of the Endangered Species Act.

D. Riparian Buffer Zone (RBZ)

1. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.
2. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
3. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
4. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
5. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

§ 17.8.3505 CRITICAL FACILITY.

—Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain-). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood-, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not

be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

§ 17.8.35560 ENVIRONMENTAL PRACTICE.

—All property owners, developers or other persons proposing to modify land in the city limits of Forest Grove are encouraged to integrate the habitat-friendly development practices listed in Table 8-1 as part of any modification of the site-. Those practices within road rights-of-way or other public property shall be approved by the City Engineer-. Other practices shall be approved by the Community Development Department. Said approvals shall be obtained:

- A. Where no land use permit is required, prior to any physical modification of the site-;
- B. Where any land use permit is required by the Development Code, concurrent with an approval of the permit; or
- C. Where there is a Natural Resource Area and alternative discretionary development standards are used pursuant to the requirements of § 17.5.040.

Table 8-1: Habitat-Friendly Development Practices*

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts

Table 8-1: Habitat-Friendly Development Practices*

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts

1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways-, parking lots, walkways and within centers of cul-de-sacs-.
3. Incorporate stormwater management in road rights-of-way.
4. Landscape with rain gardens to provide on-lot -detention, filtering of rainwater and groundwater recharge.
5. Use green roofs for runoff reduction, energy savings, improved air quality and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot- use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for stormwater treatment and reduce the possibility of system failure.

11. Reduce sidewalk width and grade- them such that they drain to the ~~front-yard~~front yard of a residential lot or retention area.

12. Reduce impervious impacts of residential driveways- by narrowing widths and moving access- to the rear of the site-.

13. Use shared driveways-.

14. Reduce width of residential streets-, depending on traffic and parking needs.

15. Reduce street- length, primarily in residential areas, by encouraging clustering and using curvilinear designs.

16. Reduce cul-de-sac- radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading ~~areas-on~~areas on site .

17. Eliminate redundant non-ADA- sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).

18. Minimize car spaces and stall dimensions, reduce parking ratios and use shared parking facilities and structured parking.

19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.

20. Allow narrow street ~~right-of-ways~~rights-of-way through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

*These development- practices represent the state of scientific knowledge at the time of this Code's enactment, if more effective habitat-friendly practices become available, they should be used.

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over or around transportation corridors.

2. Use bridge crossings rather than culverts wherever possible.

3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.

4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.

5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development- (not just in NRA).

2. Locate landscaping (required by other sections of the Code) adjacent to NRA.

3. Reduce light-spill off into NRAs from development-.

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS.

As used in this Code, the following words and phrases shall mean:

A19. APPEAL. A request that a final decision -be considered by a higher authority. For floodplain management purposes Appeal also means a request for a review of any provision of the floodplain management ordinance described in §17.8.330(D) Variance Procedure.

F7. FLOOD-RELATED DEFINITIONS: See §17.8.320 (Floodplain Management Definitions)

~~—a. AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letter “A.”~~

~~—b. BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letter “A.”~~

~~—c. BELOW GRADE CRAWL SPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.~~

~~—d. CONDITIONAL LETTER OF MAP REVISION (CLOMR). A letter from FEMA commenting on whether a proposed project, if built as proposed, would meet the minimum NFIP standards or proposed hydrology changes.~~

~~—e. CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. CRITICAL FACILITIES include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.~~

~~—f. ELEVATED BUILDING. For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.~~

~~—g. FLOOD or FLOODING.~~

~~—(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~——(A) The overflow of inland or tidal waters.~~

~~——(B) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~——(C) Mudslides (such as, mudflows) which are proximately caused by flooding as defined in paragraph (g)(1)(B) of this definition and are akin to a river of liquid and flowing~~

mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

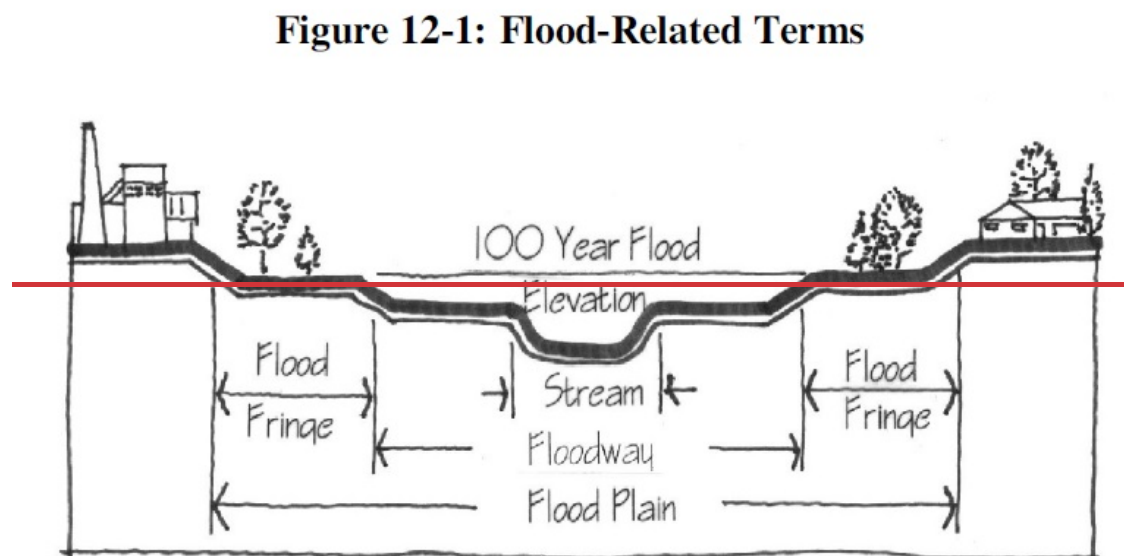
—(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (g)(1)(A) of this definition.

—h. FLOODPLAIN. The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood.

—i. FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

—j. FLOODWAY FRINGE. The area of the floodplain lying outside of the floodway.

Figure 12-1: Flood-Related Terms



—k. FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

—l. FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determining of mudslide (such as, mudflow) and/or flood-related erosion hazards.

~~—m. FLOOD MANAGEMENT AREA (FMA). Includes land identified within the 100-year flood plain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and land identified in updated flood studies such as Metro's 1996 Flood Inundation Map or any other authoritative data documenting flood elevations as approved by the city.~~

~~—n. HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction, adjacent to the proposed wall of a structure.~~

~~—o. LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps (FIRM) and/or Flood Insurance Studies (FIS). LOMCs are issued in the following categories:~~

~~——1. LETTER OF MAP AMENDMENT. An amendment to the Flood Insurance Rate Maps based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.~~

~~——2. LETTER OF MAP REVISION (LOMR).~~

~~——i. LOMR-F (LETTER OF MAP REVISION BASED ON FILL). A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.~~

~~——ii. A LOMR revises the current FIRM and/or FIS to show changes to the floodplains, floodways or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flooding source and thus result in modification to the existing regulatory floodway, the effective Base Flood Elevation, of the Special Flood Hazard Area. It is recommended a conditional letter of map revision be approved by FEMA prior to issuing a permit to start a project if the project has a potential to affect the special flood hazard area (see Conditional Letter of Map Revision).~~

~~—p. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.~~

~~12. IMPERVIOUS SURFACE. Any material that prevents absorption of stormwater into the ground. See floodplain management definitions in §17.8.320.~~

M1. MANUFACTURED DWELLING. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term MANUFACTURED DWELLING does not include a RECREATIONAL VEHICLE. And is synonymous with "manufactured home".

Planning Commission Findings and Decision Number 2025-02

Recommend City Council Approval of an Ordinance Amending the Text of Forest Grove Development Code Articles 8 and 12 Pertaining to Floodplain Management and Related Definitions

File Number 311-25-000005-PLNG

WHEREAS, in 2016, the National Marine Fisheries Service (NMFS) issued a biological opinion (BiOp) which recommended changes to the implementation of the National Flood Insurance Program (NFIP) in Oregon on listed endangered species under NMFS authority; and

WHEREAS, as a result of the BiOp issued by NMFS, communities are required to demonstrate how development in the floodplain is compliant with the Endangered Species Act while an Environmental Impact Statement is prepared; and

WHEREAS, the Federal Emergency Management Agency (FEMA) developed a model flood hazard management model ordinance (Model Ordinance) in 2024; and

WHEREAS, the Model Ordinance addresses the requirements outlined in the draft implementation plan for the NFIP; and

WHEREAS, the Model Ordinance provides the regulations necessary to implement the draft implementation plan and serves as one of three actions a community can take under pre-implementation compliance measures (PICM); and

WHEREAS, implementing the Model Ordinance is the preferred PICM action under Oregon land use planning law which requires clear and objectives development standards for certain types of development; and

WHEREAS, implementing the Model Ordinance also ensures the City's continuing eligibility for participation in the NFIP; and

WHEREAS, on March 4, 2025, notice of the proposed amendments to the Development Code was provided to the Oregon Department of Land Conservation and Development and Metro; and

WHEREAS, on April 1, 2025, notice of the proposed amendments were also provided to potentially affected property owners as required by Oregon Ballot Measure 56 and the Development Code; and

WHEREAS, notice of the proposed amendments was published in the Forest Grove News-Times on April 10, 2025 as required by the Development Code; and

WHEREAS, the Planning Commission held the duly noticed public hearing on the proposed amendments on April 21, 2025.

NOW THEREFORE, The City of Forest Grove Planning Commission does hereby recommend to the City Council approval of an ordinance amending the Forest Grove Development Code to incorporate the FEMA Model Ordinance making the following specific findings in support of the decision:

Development Code Text Amendment Review Criteria (§17.2.630)

- A. The text amendment is consistent with the relevant goals and policies of the Forest Grove Comprehensive Plan.

Finding: If adopted the proposed text amendment will amend Forest Grove Development Code Articles 8 (General Development Standards) and 12 (Definitions) to incorporate the FEMA Model Floodplain Management Ordinance. The text amendment is consistent with the Natural Resources and Natural Hazard Goals related to floodplains areas for the following reasons. The proposed text amendments protect floodplain areas from incompatible uses to reduce potential for property damage by imposing requirements for new construction and substantial improvements. The proposed amendments also include requirements for floodproofing to reduce potential for property damage. In addition, the proposed Development Code amendments require submittal of specific information, including basic environmental data such as base flood elevation data, to address hazard conditions.

- B. The text amendment is consistent with relevant statewide and regional planning goals, program and rules.

Finding: The proposed text amendment is consistent with the Oregon Statewide Land Use Planning Goal 7 (Natural Hazards) since the proposed Development Code amendments including measures to implement the Federal Emergency Management Agency's 2024 Model Ordinance for floodplain management. The Model Ordinance includes developments standards to protect people and property natural hazards consistent with the intent of Goal 7. In addition, incorporating the Model Ordinance into the Development Code ensures that local floodplain regulations meet minimum National Flood Insurance Program NFIP requirements. Under Goal 7 local governments are deemed to comply with Goal 7 for riverine flood hazard areas by adopting local floodplain regulations that minimum NFIP requirements.

Finding: The proposed Development Code amendments are consistent with Metro Regional Framework Plan flood mitigation policies. Metro Framework Plan Chapter 5 addresses regional natural hazards including flood hazards. Chapter 5 encourages local governments to implement approaches for mitigating flood hazards including changing local development ordinances related to height requirement above base flood elevation. The FEMA Model Ordinance and proposed Development Code amendments includes development standards for minimum height required above base flood

elevation for development and substantial improvements within special flood hazard areas.

Finding: The proposed Development Code amendments are consistent with Metro Urban Growth Management Plan Title 3 (Water Quality and Flood Management) since the amendments include measures to protect the beneficial functions of flood management areas by requiring no net change from existing changes for floodplain storage, water quality, and vegetation.

Forest Grove Comprehensive Plan Natural Resources and Natural Hazards Goals

The Forest Grove Comprehensive Plan includes goals for natural resources and natural hazards:

Goal 1) All development shall consider, take into account and demonstrate suitability relative to the natural hazard limitations of the Forest Grove area; and

Goal 2) Flood plain areas shall be protected from incompatible uses to reduce potential for property damage.

Finding: The Model Ordinance and proposed Development Code amendments provide tools to demonstrate the suitability of development sites relative to the natural hazard limitations within Forest Grove including areas identified as areas of special flood hazard. Such tools include methods for reducing flood losses by restricting or prohibiting development which is dangerous to health, safety and property due to erosion hazards and requiring that development vulnerable to floods be protected against flood damage at the time of initial construction. These requirements are identified in Section 5.0 (Provisions for Flood Hazard Reduction) of the Model Ordinance and reflected in proposed Development Code §17.8.335.

Finding: The Model Ordinance and proposed Development Code amendments provide development standards for development subject to the floodplain management requirements to reduce potential for property damage. In addition, the Model Ordinance identifies methods for reducing flood losses including restricting or prohibiting development which is dangerous to health, safety and property due to water or erosion hazards, or which could result in damaging increases in erosion or in flood heights or velocities. These requirements are identified in Section 5.0 (Provisions for Flood Hazard Reduction) of the Model Ordinance and reflected in proposed Development Code §17.8.335.

Forest Grove Comprehensive Plan Natural Resources and Natural Hazard Policies

Policy 2) Those involved in development will be required to address hazard conditions by the inclusion of basic environmental data (i.e. soil type, elevation of the flood plain, geological limitations, etc.) and related designs and engineering solutions in the submittal requirements for the development. The data requirements are identified in

Model Ordinance Section 4.2.2 (Information to be Obtained and Maintained) and in proposed Development Code §17.8.330(B)(2).

Finding: The Model Code identifies the required information for a floodplain development permit. Required information includes base flood elevation and hydrologic and hydraulic analyses.

Policy 3) Adopt as a provision in both the zoning and subdivision ordinances that an environmental report be prepared and certified by a qualified engineer for all development proposals in areas having natural physical hazards and/or limitations. As part of the environmental report, the engineer shall identify the intensity of urban development to be permitted based upon the carrying capacity of the land. Open space may be required within the development to protect the public health and safety.

Finding: The Model Ordinance and proposed Development Code amendments require analyses prepared by a qualified professional in areas the area of special flood hazard. The Model Ordinance defines the area of special flood hazard to include the land in the floodplain with a community subject to one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A9, AR (V, V1-30), VE).

Policy 4) Permanent structural improvements will not be permitted in areas delineated as being located within the floodway of the 100-year flood plain as indicated from floodplain surface elevations provided by the US Army Corps of Engineers.

Finding: The Model Ordinance and proposed Development Code amendments prohibits encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless certification by a registered civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase flood levels within the community during the occurrence of the base flood discharge. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application that all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net less standards in the Model Ordinance. These restrictions are deemed consistent with Policy 4.

Policy 5) The development of areas delineated as being within the 100-year flood plain as indicated from flood plain surface elevations provided in the most current Washington County, Oregon – US Army Corps of Engineers information shall be limited to appropriate open space uses.

Finding: The Model Ordinance identifies methods of reducing flood losses including employing a standard of “no net loss” of natural and beneficial floodplain functions

including floodplain storage, water quality, and vegetation. The no net loss standards require that adverse development impacts must be avoided or offset through adherence to certain requirements.

Policy 6) Fill and compensatory excavation of the flood plain shall be used only as a final design solution for development adjacent to the floodway. Developers shall be required to spell out how development alternatives were evaluated, and conclusions were made.

Finding: The Model Ordinance identifies methods of reducing flood losses including employing a standard of “no net loss” of natural and beneficial floodplain functions including floodplain storage, water quality, and vegetation. The no net loss standard stipulates that adverse development impacts must be avoided or offset through to the development standards identified in the Model Ordinance.

Metro Framework Plan and Urban Growth Management Functional Plan

The Metro Framework Plan includes policies for flood hazard mitigation that are applicable to the proposed Development Code amendments:

Policy 5.2 Flood Hazard Mitigation Measures

5.2.1 Protect the function of floodplains to safely convey floodwaters in the region.

Finding: A purpose of the FEMA Model Ordinance and proposed Development Code amendments is to protect the three floodplain functions of floodplain storage, water quality, and vegetation. Therefore, the Model Ordinance is consistent with the intent of Policy 5.2.1 to protect the function of floodplains.

5.2.2 Encourage local governments to implement approaches for mitigating flood hazards.

Finding: The Model Ordinance includes implementation approaches for mitigating flood hazards including elevation structures and floodproofing. Standards are included in Model Ordinance Section 5.0 (Provisions for Flood Hazard Reduction) and proposed revisions to Development Code §17.8.335.

5.2.3 Encourage the avoidance of floodplain development and other non-structural flood mitigation measures instead of using levee and dike construction and other structural flood mitigation techniques.

Finding: The Model Ordinance and proposed Development Code amendments encourages avoidance of floodplain development. This is achieved through provisions for no net loss of floodplain functions and with no net loss of undeveloped space or impervious surface being the preferred approach to development. The Model Ordinance in Section 6.0 and proposed Development Code §17.3.350 states that no net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects.

Metro Urban Growth Management Plan Title 3: Water Quality and Flood Management

The purpose of Title 3 is to protect the beneficial water uses and functions and values of resources within the water quality and flood management areas by limiting or mitigating the impact on these areas from development activities and protecting life and property to dangers associated with flooding (§3.07.310).

Finding: the Model Ordinance advances requirements for development affecting flood management areas and addresses requirements outlined in the FEMA draft implementation plan for the National Insurance Flood Insurance program-Endangered Species Act integration in Oregon (aka the Oregon Implementation Plan). As stated in the NFIP Oregon Implementation Program Guidance, the Model Floodplain Management Ordinance provides a set of provisions to protect the built environment from flood damage and to minimize potential impacts of construction and reconstruction on public health and safety, property, water quality, and aquatic and riparian habitats. The requirements pertain to new development in Special Flood Hazard Areas which include maintenance, repair, or remodel of existing structures and utilities when the existing footprint is expanded and/or the floodplain is further encroached upon. This is consistent with the purpose of Title 3 stated above.

Oregon Statewide Land Use Planning Goal 7: Areas Subject to Natural Hazards

A.1 Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

Finding: The FEMA Model Ordinance provides a set of development standards intended to reduce risk to people and property from natural hazards specifically flooding. The standards are consistent with Oregon building codes intended to protect structures from flood damage that are specified in Oregon Structural Specialty Code (OSSC), Section 1612 and Oregon Residential Specialty Code (ORSC), Section R322.

Finding: As stated in the NFIP Oregon Implementation Program Guidance, the Model Floodplain Management Ordinance is based on the minimum requirements of the National Flood Insurance Program found in 44 CFR 59 and 60, Oregon Statewide land use planning Goal 7.

A.2 Natural hazards for purposes of this goal are floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Finding: The FEMA Model Ordinance addresses floods including coastal and riverine. Therefore, the Model Ordinance and commensurate Development Code amendments are subject to Goal 7.

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CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 27, 2025*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director*

SUBJECT TITLE: *Resolutions 2025-19, 2025-20, and 2025-21 authorizing decreases in health, dental, and vision benefits and increases in stipend for the Mayor and City Councilors, with changes effective July 1, 2025.*

ACTION REQUESTED:

☐	Ordinance	☐	Order	☒	Resolution(s)	☐	Motion	☐	Informational
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X all that apply

BACKGROUND:

City Council compensation was raised during a Budget Committee meeting in April, 2024, and the Budget Committee reached a consensus for the resident members of the Budget Committee (Committee) to review City Council compensation and make recommendations to the City Council.

The Committee met in April and May of 2024 and conducted a thorough analysis of existing compensation and comparisons to 16 other local municipalities. The Committee found the current compensation structure:

- Lacks transparency, as the public is unaware of the individual health insurance elections each Councilor receives and the associated expense.
- It is heavily weighted toward health insurance benefits, which primarily benefit retired or self-employed individuals.
- Does not always align with the duties and responsibilities of a position, with potential large discrepancies in compensation resulting from insurance benefits.
- Needs to align more closely with the city values of financial stewardship, equity, and inclusion.

The Committee's recommendations to the City Council included:

- Retain the existing stipend differential between the Mayor and Councilors.
- Create a new stipend category for the Council President.
- Change health insurance options from family to Councilor-only and retain the 95/5 premium.
- Allow additional insurance at the Mayor and Councilor's own expense.
- Increase the wage stipend for the Mayor to \$12,000 / annually.
- Increase the wage stipend for the Council President to \$9,500 / annually.
- Increase the wage stipend for the Councilors to \$8,000 / annually.

- No change to the electronic stipend.
- Review compensation every 3 years commensurate with the employee salary survey.

The Committee found that adopting these recommendations would:

- Reduce total compensation for City Council by \$16,000 per year, from approximately \$146,000 to \$130,000.
- Be more transparent and equitable to residents and Councilors as health insurance compensation would be at the same level.
- Allow flexibility for the Mayor and Councilors to maintain family coverage by offering the option for the Mayor and Councilors to pay for additional qualified individuals at their own expense.
- Enhance accessibility by enabling individuals to run for office who may not otherwise be able to do so.
- Align more closely with City values of financial stewardship, equity, and inclusion.

The City Council held work sessions in May and June 2024, to consider the Committee's recommendations and to hear from the Chair of the Committee. In March 2025, the Council approved Objective 11 to evaluate City Council compensation and accessibility to help inform the budget process. In response, the City Council held a work session on April 14, 2025, and reached a consensus to adopt the Committee's recommendations, specifically:

- Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for the Mayor and Councilors and instead provide Councilor-only health, dental, and vision coverage with an option to purchase additional insurance at the Mayor or Councilor's own expense.
- Effective July 1, 2025, increase the monthly stipend for the Mayor to \$1,000/month (\$12,000/year), for the Council President to \$792/month (\$9,500/year), and for the Councilors to \$667/month (\$8,000/year).
- Require resident members of the Budget Committee to review City Council compensation every three (3) years and make recommendations to City Council.
- Make no changes to the electronic stipend.

To assure compliance with Oregon Revised Statutes (ORS) 244, implementation of these changes requires the passage of three resolutions:

- A resolution for the Mayor, with the Mayor abstaining.
- A resolution for the three Councilors elected in November, 2022, with all three of these Councilors abstaining.
- A resolution for the three Councilors elected in November, 2024, with all three of these Councilors abstaining.

According to the City Charter Sections 12 and 13 and the Council Rules Sections 2.2.2 and 2.2.3, a majority of Councilors must be present to constitute a quorum and the express approval of a majority of a quorum is necessary for any Council decision, except when the Charter requires approval by a majority of the Council. Resolutions may be passed by a majority of a quorum.

FISCAL IMPACT:

Adoption of all three resolutions would reduce city expenses by reducing total City Council compensation by approximately \$16,000 per year.

STAFF RECOMMENDATION:

Staff recommends the City Council consider the attached resolutions changing the Mayor and Councilor compensation structure.

ATTACHMENTS:

- Resolution 2025-19 authorizing decreases in health, vision, and dental benefits and increases in stipend for the Mayor, with changes effective July 1, 2025.
- Resolution 2025-20 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2022, with changes effective July 1, 2025.
- Resolution 2025-21 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2024, with changes effective July 1, 2025.
- Powerpoint from April 14, 2025, City Council Work Session.

RESOLUTION NO. 2025-19

RESOLUTION AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR THE MAYOR, WITH CHANGES EFFECTIVE JULY 1, 2025

WHEREAS, Resolution 1998-48 increased the monthly stipend to \$150 for the Mayor, effective July 1, 1999; and

WHEREAS, Resolution 2001-17 provided medical, vision, and dental benefits to the Mayor with the City contributing 90% of the Blue Cross premium; and

WHEREAS, Resolution 2022-46 increased the monthly stipend for the Mayor to \$300, effective July 1, 2022; and

WHEREAS, there was consensus at the April 29 2024, Budget Committee meeting to have the resident members of the Budget Committee review City Council compensation and make recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee met two times during April and May of 2024 and recommended the following to City Council: 1) Change health insurance benefits from family eligible to Mayor/Councilor-only eligible with an option for the member to purchase additional insurance as part of the plan at their own expense, 2) increase the Mayor stipend to \$1,000/month (\$12,000/year), 3) increase the Council President stipend to \$792/month (\$9,500/year), 4) increase the Councilor stipend to \$667/month (\$8,000/year); and 5) that all changes be effective July 1, 2025; and

WHEREAS, the resident members of the Budget Committee further recommended a stipend survey of comparable cities be completed every three years and reviewed by the resident members of the Budget Committee for recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee further recommended that no changes be made to the electronic stipend for the Mayor and Councilors; and

WHEREAS, the resident members of the Budget Committee based their recommendations on a current survey of 16 other cities that compared Mayor and Council stipends and benefits; and

WHEREAS, the resident members of the Budget Committee noted the recommendations were founded on increasing transparency, equity, accessibility, and more closely aligned with city values of financial stewardship and inclusion; and

WHEREAS, the resident members of the Budget Committee noted their recommendations would decrease total City Council compensation by approximately \$16,000/year; and

WHEREAS, the City Council held work sessions to review the recommendations in May and June of 2024 and in April of 2025, and reached consensus to forward a series of resolutions implementing the recommendations as stated above with an effective date of July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for the Mayor and instead provide Mayor-only health, dental, and vision coverage with an option to purchase additional insurance at the Mayor's own expense.

Section 2. Effective July 1, 2025, the monthly stipend for the Mayor is \$1,000/month (\$12,000/year).

Section 3. Every (3) years the resident members of the Budget Committee will review City Council compensation and make recommendations to City Council.

Section 4. Resolution 2022-46 is hereby repealed upon implementation date of this resolution.

Section 5. This resolution is effective immediately upon its enactment with the compensation changes contained in the resolution becoming effective July 1, 2025.

PRESENTED AND PASSED this 27th day of May, 2025.

Mariah S. Woods, City Recorder

APPROVED by the Council President this 27th day of May, 2025.

Mariana Valenzuela, Council President

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 27, 2025*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director*

SUBJECT TITLE: *Resolutions 2025-19, 2025-20, and 2025-21 authorizing decreases in health, dental, and vision benefits and increases in stipend for the Mayor and City Councilors, with changes effective July 1, 2025.*

ACTION REQUESTED:

☐	Ordinance	☐	Order	☒	Resolution(s)	☐	Motion	☐	Informational
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X all that apply

BACKGROUND:

City Council compensation was raised during a Budget Committee meeting in April, 2024, and the Budget Committee reached a consensus for the resident members of the Budget Committee (Committee) to review City Council compensation and make recommendations to the City Council.

The Committee met in April and May of 2024 and conducted a thorough analysis of existing compensation and comparisons to 16 other local municipalities. The Committee found the current compensation structure:

- Lacks transparency, as the public is unaware of the individual health insurance elections each Councilor receives and the associated expense.
- It is heavily weighted toward health insurance benefits, which primarily benefit retired or self-employed individuals.
- Does not always align with the duties and responsibilities of a position, with potential large discrepancies in compensation resulting from insurance benefits.
- Needs to align more closely with the city values of financial stewardship, equity, and inclusion.

The Committee's recommendations to the City Council included:

- Retain the existing stipend differential between the Mayor and Councilors.
- Create a new stipend category for the Council President.
- Change health insurance options from family to Councilor-only and retain the 95/5 premium.
- Allow additional insurance at the Mayor and Councilor's own expense.
- Increase the wage stipend for the Mayor to \$12,000 / annually.
- Increase the wage stipend for the Council President to \$9,500 / annually.
- Increase the wage stipend for the Councilors to \$8,000 / annually.

- No change to the electronic stipend.
- Review compensation every 3 years commensurate with the employee salary survey.

The Committee found that adopting these recommendations would:

- Reduce total compensation for City Council by \$16,000 per year, from approximately \$146,000 to \$130,000.
- Be more transparent and equitable to residents and Councilors as health insurance compensation would be at the same level.
- Allow flexibility for the Mayor and Councilors to maintain family coverage by offering the option for the Mayor and Councilors to pay for additional qualified individuals at their own expense.
- Enhance accessibility by enabling individuals to run for office who may not otherwise be able to do so.
- Align more closely with City values of financial stewardship, equity, and inclusion.

The City Council held work sessions in May and June 2024, to consider the Committee's recommendations and to hear from the Chair of the Committee. In March 2025, the Council approved Objective 11 to evaluate City Council compensation and accessibility to help inform the budget process. In response, the City Council held a work session on April 14, 2025, and reached a consensus to adopt the Committee's recommendations, specifically:

- Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for the Mayor and Councilors and instead provide Councilor-only health, dental, and vision coverage with an option to purchase additional insurance at the Mayor or Councilor's own expense.
- Effective July 1, 2025, increase the monthly stipend for the Mayor to \$1,000/month (\$12,000/year), for the Council President to \$792/month (\$9,500/year), and for the Councilors to \$667/month (\$8,000/year).
- Require resident members of the Budget Committee to review City Council compensation every three (3) years and make recommendations to City Council.
- Make no changes to the electronic stipend.

To assure compliance with Oregon Revised Statutes (ORS) 244, implementation of these changes requires the passage of three resolutions:

- A resolution for the Mayor, with the Mayor abstaining.
- A resolution for the three Councilors elected in November, 2022, with all three of these Councilors abstaining.
- A resolution for the three Councilors elected in November, 2024, with all three of these Councilors abstaining.

According to the City Charter Sections 12 and 13 and the Council Rules Sections 2.2.2 and 2.2.3, a majority of Councilors must be present to constitute a quorum and the express approval of a majority of a quorum is necessary for any Council decision, except when the Charter requires approval by a majority of the Council. Resolutions may be passed by a majority of a quorum.

FISCAL IMPACT:

Adoption of all three resolutions would reduce city expenses by reducing total City Council compensation by approximately \$16,000 per year.

STAFF RECOMMENDATION:

Staff recommends the City Council consider the attached resolutions changing the Mayor and Councilor compensation structure.

ATTACHMENTS:

- Resolution 2025-19 authorizing decreases in health, vision, and dental benefits and increases in stipend for the Mayor, with changes effective July 1, 2025.
- Resolution 2025-20 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2022, with changes effective July 1, 2025.
- Resolution 2025-21 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2024, with changes effective July 1, 2025.
- Powerpoint from April 14, 2025, City Council Work Session.

RESOLUTION NO. 2025-20

RESOLUTION AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR COUNCILORS ELECTED IN NOVEMBER 2022, WITH CHANGES EFFECTIVE JULY 1, 2025

WHEREAS, Resolution 1998-48 increased the monthly stipend to \$100 for City Councilors, effective July 1, 1999; and

WHEREAS, Resolution 2001-17 provided medical, vision, and dental benefits to City Councilors with the City contributing 90% of the Blue Cross premium; and

WHEREAS, Resolution 2022-46 increased the monthly stipend for City Councilors to \$208, effective July 1, 2022; and

WHEREAS, there was consensus at the April 29 2024, Budget Committee meeting to have the resident members of the Budget Committee review City Council compensation and make recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee met two times during April and May of 2024 and recommended the following to City Council: 1) Change health insurance benefits from family eligible to Mayor/Councilor-only eligible with an option for the member to purchase additional insurance as part of the plan at their own expense, 2) increase the Mayor stipend to \$1,000/month (\$12,000/year), 3) increase the Council President stipend to \$792/month (\$9,500/year), 4) increase the Councilor stipend to \$667/month (\$8,000/year); and 5) that all changes be effective July 1, 2025; and

WHEREAS, the resident members of the Budget Committee further recommended a stipend survey of comparable cities be completed every three years and reviewed by the resident members of the Budget Committee for recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee further recommended that no changes be made to the electronic stipend for the Mayor and Councilors; and

WHEREAS, the resident members of the Budget Committee based their recommendations on a current survey of 16 other cities that compared Mayor and Council stipends and benefits; and

WHEREAS, the resident members of the Budget Committee noted the recommendations were founded on increasing transparency, equity, accessibility, and more closely aligned with city values of financial stewardship and inclusion; and

WHEREAS, the resident members of the Budget Committee noted their recommendations would decrease total City Council compensation by approximately \$16,000/year; and

WHEREAS, the City Council held work sessions to review the recommendations in May and June of 2024 and in April of 2025, and reached consensus to forward a series of resolutions implementing the recommendations as stated above with an effective date of July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for Councilors elected in November 2022, and instead provide Councilor-only health, dental, and vision coverage with an option to purchase additional insurance at the Councilor's own expense.

Section 2. Effective July 1, 2025, the monthly stipend for the Council President is \$792/month (\$9,500/year) and for Councilor's elected in November 2022, is \$667/month (\$8,000/year).

Section 3. Every (3) years the resident members of the Budget Committee will review City Council compensation and make recommendations to City Council.

Section 4. This resolution is effective immediately upon its enactment with the compensation changes contained in the resolution becoming effective July 1, 2025.

PRESENTED AND PASSED this 27th day of May, 2025.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 27th day of May, 2025.

Malynda H. Wenzl, Mayor

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 27, 2025*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director*

SUBJECT TITLE: *Resolutions 2025-19, 2025-20, and 2025-21 authorizing decreases in health, dental, and vision benefits and increases in stipend for the Mayor and City Councilors, with changes effective July 1, 2025.*

ACTION REQUESTED:

☐	Ordinance	☐	Order	☒	X Resolution(s)	☐	Motion	☐	Informational
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X all that apply

BACKGROUND:

City Council compensation was raised during a Budget Committee meeting in April, 2024, and the Budget Committee reached a consensus for the resident members of the Budget Committee (Committee) to review City Council compensation and make recommendations to the City Council.

The Committee met in April and May of 2024 and conducted a thorough analysis of existing compensation and comparisons to 16 other local municipalities. The Committee found the current compensation structure:

- Lacks transparency, as the public is unaware of the individual health insurance elections each Councilor receives and the associated expense.
- It is heavily weighted toward health insurance benefits, which primarily benefit retired or self-employed individuals.
- Does not always align with the duties and responsibilities of a position, with potential large discrepancies in compensation resulting from insurance benefits.
- Needs to align more closely with the city values of financial stewardship, equity, and inclusion.

The Committee's recommendations to the City Council included:

- Retain the existing stipend differential between the Mayor and Councilors.
- Create a new stipend category for the Council President.
- Change health insurance options from family to Councilor-only and retain the 95/5 premium.
- Allow additional insurance at the Mayor and Councilor's own expense.
- Increase the wage stipend for the Mayor to \$12,000 / annually.
- Increase the wage stipend for the Council President to \$9,500 / annually.
- Increase the wage stipend for the Councilors to \$8,000 / annually.

- No change to the electronic stipend.
- Review compensation every 3 years commensurate with the employee salary survey.

The Committee found that adopting these recommendations would:

- Reduce total compensation for City Council by \$16,000 per year, from approximately \$146,000 to \$130,000.
- Be more transparent and equitable to residents and Councilors as health insurance compensation would be at the same level.
- Allow flexibility for the Mayor and Councilors to maintain family coverage by offering the option for the Mayor and Councilors to pay for additional qualified individuals at their own expense.
- Enhance accessibility by enabling individuals to run for office who may not otherwise be able to do so.
- Align more closely with City values of financial stewardship, equity, and inclusion.

The City Council held work sessions in May and June 2024, to consider the Committee's recommendations and to hear from the Chair of the Committee. In March 2025, the Council approved Objective 11 to evaluate City Council compensation and accessibility to help inform the budget process. In response, the City Council held a work session on April 14, 2025, and reached a consensus to adopt the Committee's recommendations, specifically:

- Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for the Mayor and Councilors and instead provide Councilor-only health, dental, and vision coverage with an option to purchase additional insurance at the Mayor or Councilor's own expense.
- Effective July 1, 2025, increase the monthly stipend for the Mayor to \$1,000/month (\$12,000/year), for the Council President to \$792/month (\$9,500/year), and for the Councilors to \$667/month (\$8,000/year).
- Require resident members of the Budget Committee to review City Council compensation every three (3) years and make recommendations to City Council.
- Make no changes to the electronic stipend.

To assure compliance with Oregon Revised Statutes (ORS) 244, implementation of these changes requires the passage of three resolutions:

- A resolution for the Mayor, with the Mayor abstaining.
- A resolution for the three Councilors elected in November, 2022, with all three of these Councilors abstaining.
- A resolution for the three Councilors elected in November, 2024, with all three of these Councilors abstaining.

According to the City Charter Sections 12 and 13 and the Council Rules Sections 2.2.2 and 2.2.3, a majority of Councilors must be present to constitute a quorum and the express approval of a majority of a quorum is necessary for any Council decision, except when the Charter requires approval by a majority of the Council. Resolutions may be passed by a majority of a quorum.

FISCAL IMPACT:

Adoption of all three resolutions would reduce city expenses by reducing total City Council compensation by approximately \$16,000 per year.

STAFF RECOMMENDATION:

Staff recommends the City Council consider the attached resolutions changing the Mayor and Councilor compensation structure.

ATTACHMENTS:

- Resolution 2025-19 authorizing decreases in health, vision, and dental benefits and increases in stipend for the Mayor, with changes effective July 1, 2025.
- Resolution 2025-20 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2022, with changes effective July 1, 2025.
- Resolution 2025-21 authorizing decreases in health, vision, and dental benefits and increases in stipend for Councilors elected in November 2024, with changes effective July 1, 2025.
- Powerpoint from April 14, 2025, City Council Work Session.

RESOLUTION NO. 2025-21

RESOLUTION AUTHORIZING DECREASES IN HEALTH, VISION, AND DENTAL BENEFITS AND INCREASES IN STIPEND FOR COUNCILORS ELECTED IN NOVEMBER 2024, WITH CHANGES EFFECTIVE JULY 1, 2025

WHEREAS, Resolution 1998-48 increased the monthly stipend to \$100 for City Councilors, effective July 1, 1999; and

WHEREAS, Resolution 2001-17 provided medical, vision, and dental benefits to City Councilors with the City contributing 90% of the Blue Cross premium; and

WHEREAS, Resolution 2022-46 increased the monthly stipend for City Councilors to \$208, effective July 1, 2022; and

WHEREAS, there was consensus at the April 29 2024, Budget Committee meeting to have the resident members of the Budget Committee review City Council compensation and make recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee met two times during April and May of 2024 and recommended the following to City Council: 1) Change health insurance benefits from family eligible to Mayor/Councilor-only eligible with an option for the member to purchase additional insurance as part of the plan at their own expense, 2) increase the Mayor stipend to \$1,000/month (\$12,000/year), 3) increase the Council President stipend to \$792/month (\$9,500/year), 4) increase the Councilor stipend to \$667/month (\$8,000/year); and 5) that all changes be effective July 1, 2025; and

WHEREAS, the resident members of the Budget Committee further recommended a stipend survey of comparable cities be completed every three years and reviewed by the resident members of the Budget Committee for recommendations to City Council; and

WHEREAS, the resident members of the Budget Committee further recommended that no changes be made to the electronic stipend for the Mayor and Councilors; and

WHEREAS, the resident members of the Budget Committee based their recommendations on a current survey of 16 other cities that compared Mayor and Council stipends and benefits; and

WHEREAS, the resident members of the Budget Committee noted the recommendations were founded on increasing transparency, equity, accessibility, and more closely aligned with city values of financial stewardship and inclusion; and

WHEREAS, the resident members of the Budget Committee noted their recommendations would decrease total City Council compensation by approximately \$16,000/year; and

WHEREAS, the City Council held work sessions to review the recommendations in May and June of 2024 and in April of 2025, and reached consensus to forward a series of resolutions implementing the recommendations as stated above with an effective date of July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. Effective July 1, 2025, discontinue providing family health, dental, and vision coverage for Councilors elected in November 2024, and instead provide Councilor-only health, dental, and vision coverage with an option to purchase additional insurance at the Councilor's own expense.

Section 2. Effective July 1, 2025, the monthly stipend for the Council President is \$792/month (\$9,500/year) and for Councilor's elected in November 2024, is \$667/month (\$8,000/year).

Section 3. Every (3) years the resident members of the Budget Committee will review City Council compensation and make recommendations to City Council.

Section 4. This resolution is effective immediately upon its enactment with the compensation changes contained in the resolution becoming effective July 1, 2025.

PRESENTED AND PASSED this 27th day of May, 2025.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 27th day of May, 2025.

Malynda H. Wenzl, Mayor



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 05/27/2025

FINAL ACTION: RESO 2025-22

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

PROJECT TEAM: Henry Reimann, Police Chief

MEETING DATE: May 27, 2025

SUBJECT TITLE: RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE FOREST GROVE SCHOOL DISTRICT AND THE CITY OF FOREST GROVE FOR A SCHOOL RESOURCE OFFICER (SRO) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

ACTION REQUESTED:	☐ Ordinance	☐ Order	☒ X	☐ Resolution	☒ X	☐ Motion	☐ Informational
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X all that apply

BACKGROUND:

The City of Forest Grove and the Forest Grove Police Department have enjoyed a long-standing working relationship with the Forest Grove School District to employ a School Resource Officer (SRO) and SRO program. The SRO program focuses on fostering a positive school climate, promoting school safety by building positive relationships with students and families, and works in partnership with administration in crisis response and safety education.

The SRO is responsible for law enforcement activities occurring at the school during school hours. The SRO also investigates crimes against children when appropriate. With the exception of one year in 2021-2022, the SRO program has been in existence since 1977.

The current IGA expired on May 1, 2025. The Forest Grove School District (FGSD) passed a resolution on May 19, 2025, to extend the IGA for one year and now staff is asking City Council to consider likewise by passing a resolution to extend the IGA one year. The only update to the IGA is the FGSD's financial obligation which reflects current wage rates. All other terms and conditions of the IGA remain the same.

FISCAL IMPACT:

The fiscal impact remains unchanged and the SRO position is included in the 2025-2027 biennial budget. The IGA stipulates the FGSD will cover 50% of the SRO's salary for the school year or 9 months which equals \$61,146 for FY 25-26.

STAFF RECOMMENDATION:

Staff recommends the City Council consider and approve the attached resolution.

ATTACHMENTS:

- Resolution authorizing the City Manager to execute an IGA
- IGA between the City and FGSD regarding an SRO

RESOLUTION NO. 2025-22

**RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA)
BETWEEN THE FOREST GROVE SCHOOL DISTRICT AND THE CITY OF FOREST
GROVE FOR A SCHOOL RESOURCE OFFICER (SRO) AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Forest Grove desires to enter into an Intergovernmental Agreement (IGA) with the Forest Grove School District; and

WHEREAS, the Parties collaboratively developed a SRO program that focuses on fostering a positive school climate, promoting school safety by building positive relationships with students and families, and works in partnership with administration in crisis response and safety education; and

WHEREAS, the Forest Grove School District School Board approved the IGA attached as Exhibit A on May 19, 2025; and

WHEREAS, ORS 190.010 authorizes the parties to enter into this IGA for the performance of any or all functions and activities that a party to the IGA has authority to perform; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS
FOLLOWS:**

Section 1. The City Council of the City of Forest Grove hereby approves the IGA between the Forest Grove School District and the City of Forest Grove, through the Forest Grove Police Department, relating to the School Resource Officer program, as stated in Exhibit A.

Section 2. The City Manager is hereby authorized to execute Exhibit A on behalf of the City of Forest Grove.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 27th day of May, 2025.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 27th day of May 2025.

Malynda H. Wenzl, Mayor

**INTERGOVERNMENTAL AGREEMENT
SCHOOL RESOURCE OFFICER**

Between

FOREST GROVE SCHOOL DISTRICT

And

THE CITY OF FOREST GROVE THROUGH THE FOREST GROVE POLICE DEPARTMENT

This document will serve as the written agreement between the Forest Grove School District and the Forest Grove Police Department. This agreement establishes commitment and support from both institutions. This document also provides a series of guidelines and policies relevant to the performance of the School Resource Officer and will be the guiding document officers, School administrators, City administrators, students and their caregivers looking for structure and accountability. This document shall be in effect for a one-year period. The guidelines in this document were driven by input from community stakeholders, including caregivers, students, and teachers. Nothing in this Agreement should be construed as limiting or impeding the basic spirit of cooperation, which exists between the participating entities listed above and all community stakeholders.

I. PURPOSE

This Agreement establishes and delineates the mission of the School Resource Officer Program, herein referred to as the SRO Program, as a joint cooperative effort between the Forest Grove Police Department, herein referred to as FGPD, and the Forest Grove School District herein referred to as FGSD. Additionally, the Agreement clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff and students, and promote a safe and positive learning environment.

II. MISSION

The mission of the SRO Program is to foster a positive school climate, promote school safety by building positive relationships with staff, students and families, and work in partnership with administrators in crisis response and safety education. The SRO Program also seeks to reduce crime committed by and against youth in our community. The SRO will use an equity lens to accomplish this mission by supporting safe, secure, culturally responsive and sustaining learning environments for students, teachers, and staff. SROs will establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities. The SRO's role is not to enforce school discipline or punish students. Instead, SROs will serve as positive role models to instill in students good judgment and discretion, respect for others and a sincere concern for the school community. SROs will provide information on community resources available to students and parents. Goals and objectives are designed to develop and enhance rapport between youth, families, police officers, school administrators, and the community in order to promote overall student safety, achievement and success.

III. GOALS OF THE SRO PROGRAM

SRO programs goals include:

1. To be committed and accountable to a positive school climate based on respect for all students, staff, and community members
2. To educate students, staff, and families on relevant civil and law enforcement topics, including what constitutes consent, child abuse and reporting, violence prevention, drug abuse, safe driving, and the potential risks of social media.
3. To strengthen community relationships by creating a safe school environment and providing law enforcement resources with an equity lens to school administrators, teachers, and students.

The SRO Program is designed to fill three overall roles:

1. **Positive School Climate** - The primary role of the SRO is to create a positive school climate through relationship-building and restorative conversations. Officers will engage in various activities in coordination with school administration, teachers, and students. Officers should become acquainted with students and staff in an effort to build a school culture of open communication and trust. Officers will serve as role models. Officers should partner with teachers, staff, and administrators to identify students who may be facing challenges or need additional resources and respond in a manner supportive of the student and their circumstances.
2. **Education** - When possible, the SRO should participate in the school community by becoming a member of the educational team. Officers should represent the law enforcement community with an equity lens to build positive relationships with youth, their families, and school staff. SROs are expected to be proactive in creating and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.
3. **Law Enforcement** - SROs are responsible for the majority of law enforcement activities occurring at schools during school hours. The SRO shall refrain from being involved in the enforcement of student codes of conduct that do not constitute violations of law, except to support staff in maintaining a safe school environment.

The SRO should engage in crime prevention activities that may include foot patrols, monitoring previous crime locations, speaking to stakeholders about crime prevention techniques, analyzing possible crime patterns, investigating crimes, and patrolling campuses.

While law enforcement is the role of SROs, alternatives to arrest should be used whenever possible, and investigations or arrest of students during school hours or at school-sponsored events/activities should be a measure of last resort and must comply with the following Forest Grove School District Policies: Relations with Law Enforcement Agencies (policy KN), Relations with Law Enforcement Agencies (policy KN-AR(1)), Investigations Conducted on District Premises (policy KN-AR (3)). The SROs' discretion to act remains the same as that of any other police officer.

IV. ORGANIZATIONAL STRUCTURE

A. Composition:

1. FGPD shall provide one (1) School Resource Officers (SROs)
2. Nine months of a 0.50 FTE of the average cost of all officers at Step 4 and above.
For fiscal year 2026 this cost is \$61,146. This cost will be updated annually.
3. SROs shall be regular sworn officers of the City's Police Department.

B. Officer Recruitment & Selection

FGSD District officials and FGPD shall agree on guidelines for the selection of officers to serve as SROs. The FGPD and FGSD will collaborate on a selection process and the appointment of the SRO.

SRO's should meet the following general criteria:

1. **Preference-** Preference will be given to candidates that are bilingual and bi-cultural. Efforts will be made to select SROs that mirror the Forest Grove School District community.
2. **Experience as a police officer and commitment to student and community well-being-** SRO's must have a minimum of three years' experience as a patrol officer, be off probationary status, have experience with juvenile justice and working with diverse populations, and creating positive relationships with stakeholders, especially our youth.
3. **Successful performance-** All candidates should have a proven work history as reflected by performance evaluations and supervisory reviews. Applicants must have demonstrated their ability to respectfully and effectively communicate with others. Candidates should be free of significant disciplinary actions.

C. Training Requirements

All SROs shall complete specialized training in addition to their already mandatory training with the police department which will include at a minimum the following:

1. Successful completion of the National Association of School Resource Officers (NASRO) Basic SRO Course at FGPD expense. This course should be completed prior to the end of their first six months of service as an SRO, unless a delay up to 6 months is mutually agreed upon between FGSD and FGPD. Advanced courses should be considered after the first year of service as a SRO.
2. Eight hours annually of diversity, equity, inclusion and anti-bias training by attending district or building level professional development offerings.
3. Three hours of training provided by FGSD Student Services department, specifically on the topics of autism, students who experience challenging behavior, students with co-occurring mental health and developmental and/or behavior disabilities, and best practices when communicating and interacting with students who experience disability.
4. 16 hours of Safety Care training in the officers first year and eight hours annually each year after- provided by FGSD Student Services Team (note training does not mean certification; SROs are not required to be certified in Safety Care)
5. Four hours of annual Trauma Informed Practices and Collaborative Problem Solving (CPS) either by attending district or building level professional development offerings.
6. The SRO must be trained annually on sexual abuse and misconduct information and

reporting as required by ORS 339.400(2) as [linked here](#).

The above listed training, unless indicated, will be provided by FGSD.. When possible efforts will be made to schedule SRO specific professional development with the SROs and their supervisor to accommodate scheduling needs. It is the expectation that SROs make every effort to attend FGSD provided training when they are scheduled, if a scheduling conflict arises the SRO will notify their supervisor and the trainer as soon as they become aware of the conflict. If the SRO or their supervisor for any reason elect to participate in a community or other nationally recognized training program to fulfill any of the required training hours mentioned above the cost of those training will be the SRO's or FGPD's responsibility.

V. OPERATIONAL PROCEDURES

- **Chain of Command-** SRO's will adhere to the chain of command prescribed by FGPD. FGPD will appoint one person in a supervisory role to act as liaison with the Superintendent or their designee.
- 1. **Duties-**The primary duties of the SRO are to help foster a positive school climate, serve as an educational resource, provide a safe and secure learning environment, and serve as a liaison between the school and the police department. Specific daily assignments to accomplish this function will vary. The SRO and school principal or designee will meet on a regular basis to discuss plans and strategies to address specific issues or needs., SROs should never be assigned duties in place of or in lieu of a district employee.
- 2. **Uniform-** the SRO will wear the prescribed FGPD uniform of the day including a firearm and body armor. The SRO uniform is agreed to be an identifiable polo shirt with police department logo and officer name displayed, a duty belt, department issued uniform pants, and department issued footwear. Drop holsters and load bearing vests are not preferred wear in the school setting. The police supervisor may allow for exceptions to this guideline at their discretion based on investigatory or policing needs or as required by Oregon law.
- 3. **Daily Schedule-** The Superintendent and the Police Chief will monitor the SRO program. Each Principal will designate a contact person for their school to facilitate communication with their assigned SRO.
- 4. **Absence/Substitutions-** When the SRO is absent due to court appearances, illness, vacation, training, or other leave, the SRO will notify their assigned school contacts and the Superintendent's liaison. It is the SRO's responsibility to report schedule conflicts to their schools and the District's contact as soon as possible. In the SRO's absence the District will call 911 in cases involving an emergency and 503-629-0111 in non-emergency situations. Should the officer's absence last more than five school days, the parties will collaborate to find a staffing solution that meets the spirit of this agreement.
- 5. **Special Events -** SRO's should assist with supervision of after-school activities as requested and approved by FGSD and their supervisor. Such activities may include:
 - 1. Supervision at after school activities like sports competitions and school dances
 - 2. Supervision at high school graduations
 - 3. Others as identified by FGSD and the FGPD

6. Summer/Extended Closure Activities- SROs may participate in summer or extended closure activities as requested and approved by FGSD and their supervisor. Such activities may include:

1. Food box delivery
2. Summer meal distribution
3. Summer school
4. Community Outreach
5. Delivery of training to the school board, staff, students, or parents in collaboration with FGSD staff
6. Participation in District training opportunities

7. Role in Responding to violations of law on FGSD property- As sworn police officers, once SROs are involved in an investigation of alleged violations of law, they have the following responsibilities.

1. Abide by all federal, state, and local laws and ordinances.
2. Report any conflict created by any laws, ordinances, rules, and policies and procedures to the building Principal and their supervisor for resolution.
3. Perform a thorough investigation and document their findings, and the interviews of all involved parties, according to FGPD procedure.
4. In accordance with ORS 419B.045, when an investigation of a report of child abuse is conducted on school premises, the school administrator shall first be notified that the investigation is to take place, unless the school administrator is a subject of the investigation.
5. If the investigation yields that probable cause exists for the arrest of a person, the case should be presented to the District Attorney or Juvenile Department..

8. Role in School Policy Violations

1. It is the responsibility of the SRO to become familiar with the Student Handbook or Student Code of Conduct, but it is not the SRO's responsibility to enforce the rules in these documents. SROs are not school disciplinarians so violations of the student code of conduct or school rules should always be handled by school staff. SROs should not directly intervene unless the situation presents an imminent threat to the health or safety of the student or another person.
2. The SRO will report school policy violations through the proper channels to be handled by school administrators.
3. Data Collection and Reporting
4. SROs shall submit a quarterly activity report to the Superintendent, building principals, and their supervisor. Reports will be submitted by December 10, March 10, and June 10.
 - a. At a minimum that data will include all school related law enforcement calls for service, a log number of presentations/lessons delivered to students, staff or families, the topic(s), and number of participants.
5. The School Board will receive an update report in December and March that will include any data collected for the Superintendent, successes and challenges in meeting the stated goals of the SRO program, and any climate survey data related to the perception of school safety as it relates to the SRO.

9. Release of Student Information

FGSD designates the SROs as "school officials" as provided in the Federal Educational Rights and Privacy Act (FERPA). SROs may be provided access to student educational records maintained by the school district only as needed by the SRO to perform their duties as an SRO under the following limitations:

1. All records are under the "direct control" of the school or district with respect to the use and maintenance of the education record and will not be compiled, maintained, or copied by SROs.
2. Student information is subject to FERPA's use and re-disclosure requirements in 34 CFR § 99.33(a), which provides that the PII from education records may be used only for the purposes for which the disclosure was made not re-disclose, without appropriate consent, PII from education records to outside parties, including other employees of their police department who are not acting as school officials
3. A law enforcement official including an SRO may be granted access to view student records information in the event of an emergency situation threatening the health or safety of a student or other individual and as required by ORS 336.184 and ORS 336.187

10. Role in Locker, Vehicle, Personal, and Other Searches

SROs may perform searches within their scope of law enforcement authority, consistent with FGPD policy, and State and Federal law. SROs may assist administrator's searches if reasonable suspicion exists for the recovery of weapons, drugs, or the fruits of a crime..

11. Limits on Interviews, Arrest, and Investigations on District Premises

1. **Interviews** - Law Enforcement Officials including SROs may participate in the questioning of a student about conduct that could result in criminal charges in compliance with FGSD Policies: Relations with Law Enforcement Agencies (policv KN), Relations with Law Enforcement Agencies (policv KN-AR{I}), Investigations Conducted on District Premises (policv KN-AR n), and Oregon State Law: Investigation conducted on school premises (ORS 419B.045). Parents/guardians should be allowed sufficient time to arrive at school to be present for interview unless the investigation is a report of child abuse.
2. **Arrests** -Extreme discretion should be exercised in the case of incidents involving public order offenses, including disorderly conduct, and fighting that do not involve physical injury or a weapon Priority should be to consider these school discipline issues to be handled by school administrators
 - a. Building principals should be notified prior to an in-custody arrest of a student when practical. All in custody arrests or Juvenile Department referrals will be conducted in accordance with State and Federal statutes and FGPD policy in regard to use of force and search and seizure.
 - b. The student's parent(s) or guardian(s) shall be notified of his or her arrest as soon as practical.
3. **Investigations on District Premises**- When an administrator is notified that law enforcement, including SROs, would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the administrator must request that the investigating official complete FGSD Board Policy from policv KN-AR (3) including providing information below:
 - a. Copy of the warrant
 - b. Copy of court order
 - c. Brief description of exigent circumstance
 - d. Name and date of parent that gave consent
 - e. Affirm that the interview is not considered a "seizure" pursuant to state and federal law.

Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

12. Involvement in school level meetings

1. SROs are encouraged to participate in their assigned school's Safety Committee meetings.
2. SROs may participate in a restorative circle as part of a re-entry meeting for students returning from expulsion, court ordered placement, or when a student is returning from a suspension..
3. SROs are expected to participate with the Behavioral Safety Response Teams at the school and district level.
4. SROs should participate in Care Team meetings, and Climate and Culture Team meetings to serve as a liaison between the school and resources available in the community to further each team's work and effectiveness.

13. Relationship Building and Classroom Presentations

1. SROs should actively build relationships with students and families they serve by attending at least one PAC/PTAJPTO meeting for each building they serve annually.
2. SROs will familiarize themselves with specialized programs that are offered at our schools. .

VI. SCHOOL DISTRICT RESPONSIBILITY

The School Resource Officer program is a partnership between the Forest Grove School District and Forest Grove Police Department. To this end FGSD will have responsibilities as a partner which include:

1. It is the responsibility of the Superintendent to provide the Division Captain and SRO with a schedule of professional development that is available through the district and/or buildings the same day that information is distributed to Certified Staff in the district.
2. Gather feedback annually from students, families/caregivers, SROs, certified staff, classified staff, and administrators on their experience with the SRO program. This feedback will be discussed with FGPD and used to set goals for the SRO program..
3. Create a section on the District web site that hosts the mission and vision of the SRO program. Post data on SRO activities quarterly. That data will include: law enforcement calls for service on school property, number of presentations/lessons delivered to students, staff or families, .
4. Include in the student handbook, information about the SRO program and the rights of students with regard to the SRO.
5. The District will communicate to all staff that enforcement of school rules and code of conduct are the responsibility of staff and administrators, not the SRO.
6. Ensuring the SRO has access to active FGSD email accounts.
7. Access to 3-2-1 Insight, and Frontline virtual training platforms.
8. Provide an office with a locking door and law enforcement approved safe at the high school and the middle school.
9. Provide annual training to all administrators on the role of SROs, the IGA, and SRO program goals.
10. Ensure the SRO is not involved in school discipline.
11. Ensure SROs and school staff follow FGSD policies: Relations with Law

Enforcement Agencies (policy KN), Relations with Law Enforcement Agencies (policy KN-AR(I)), Investigations Conducted on District Premises KN-AR (3))

12. Provide access to the same language development programs certified staff have access to at the districts expense
13. Providing language translation and interpretation for SRO activities that are not specific to law enforcement matters. SROs must follow the FGSD translation/interpretation request process.
14. Offer training listed in section C of this Agreement that indicates it is provided by FGSD staff.
15. Ensure SRO has access to training calendars and are able to enroll in courses when required by section C of this Agreement.
16. Invite SRO to Behavioral Safety Response Team, building Safety Team, Climate and Culture team, Care Team, Attendance team and re-entry meetings for students who are under state guardianship or court ordered incarceration.
17. Notify the City of Forest Grove Police Department related to any public records or media request related to this agreement or services performed by the SRO's.

VII. CRISIS PLANNING

1. SRO will participate in crisis response drills with other law enforcement agencies as part of their ongoing training and preparation as a law enforcement official.
2. SRO will serve on the building level safety committee and will provide knowledge and insight on specific safety and law enforcement topics as they arise.

VIII. REVIEWING THE INTERGOVERNMENTAL AGREEMENT

A. Review

1. This Agreement and the SRO data reports will be reviewed annually in April. This review will be collaborative between FGSD and FGPD with the purpose of reflecting on the progress made towards achieving the set goals identified in section III: Goals of the SRO Program.
2. This Agreement will be reviewed on a yearly basis when agreed upon by FGSD and FGPD Chief of Police or designees.
3. The Agreement will stay in effect for a period of one year. Both parties will make the determination of whether to renew, amend, and/or terminate the agreement at least 60 days prior to May 1st.

IX. INSURANCE

FGPD shall maintain insurance acceptable to the District in full force and effect throughout the term of this contract to the extent it is required. Such insurance shall cover risks arising directly or indirectly out of FGPD's activities or work hereunder. Such insurance shall include provisions that such insurance is primary and not contributory insurance with the insurance required hereunder. FGPD shall provide a minimum of 30 days' written notice to the District in cases of cancellation, intent not to renew, or reduction in its coverage by the insurance Company. Insurance carriers must be A.M. Best rating of "A-VII" or better, or equivalent. FGPD will promptly provide Certificates of Insurance at the District's request.

FGPD must meet FGSD's minimum insurance requirements as outlined in the District's Master Vendor Agreement.

It is so agreed

City of Forest Grove - Forest Grove Police Department

Date



Forest Grove School District

05/19/2025

Date



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: _____

FINAL ACTION: _____

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Brenda Camilli, Human Resources Director*

MEETING DATE: *May 27, 2025*

SUBJECT TITLE: *City Manager Performance Evaluation Form and Process Review*

ACTION REQUESTED:

☐ Ordinance

☐ Order

☐ Resolution

☐ Motion

☒ X

☐ Informational

X all that apply

ISSUE:

The purpose of this work session is for the Council to review and comment on the evaluation criteria, process and proposed timeline for the City Manager's 2026 annual evaluation. During a work session held on February 10, 2025 to discuss the criteria and process for the City Manager's 2025 performance evaluation, Council voiced a desire to review the current evaluation criteria, timeline and process before the next review period begins. This would allow for a more timely and forward-looking process that includes evaluating the current evaluation criteria and frequency for the City Manager's evaluation. This work session is intended to provide the opportunity for this discussion and for Council to provide staff with direction on how they can assist.

For discussion purposes staff put together the following potential performance evaluation process and target dates for the upcoming review period for Council's review and discussion:

1. Work Session: (Today)
 - Council reviews and comments on evaluation criteria, frequency of feedback opportunities and process timeline.
2. Council Meeting: (06/23/25):
 - Council adopts a resolution approving the revised City Manager performance evaluation forms and criteria.

3. Executive Session: (10/13/25)

- City Manager and Councilors meet to discuss quarterly progress on goals and discuss performance.

4. Executive Session: (02/09/26)

- City Manager and Councilors meet to discuss quarterly progress on goals and discuss performance.

5. Annual Evaluation Process: (Due to City Attorney by 5/01/26)

- City Manager fills out self-evaluation and turns it into City Attorney or Council.
- Councilors each fill out an evaluation and turns into the City Attorney.
- Department Directors send comments to the City Attorney.
- City Attorney compiles all the comments/scores and distributes to the Council for review in executive session.

4. First Executive Session: (5/11/26)

- Council meets in executive session to discuss how the City Manager has performed under the criteria and to review the first draft of the written evaluation. Council may discuss whether any changes to the written evaluation are necessary or warranted.
- City Attorney drafts final evaluation and provides it to the City Manager for review.

6. Second Executive Session: (5/26/26)

- Council and City Manager meet in executive session to discuss performance.

7. Council Meeting (6/08/26)

- City Council discusses any merit increase in open session.
- City Council approves the City Manager evaluation and compensation by resolution, effective July 1, 2026 through June 30, 2027.

ATTACHMENT:

Current City Manager Performance Evaluation Form & Self-Evaluation Forms

CITY OF FOREST GROVE

CITY MANAGER SELF EVALUATION

EMPLOYEE:

REVIEW PERIOD:

to

1. What projects or accomplishments are you most enthusiastic about that were completed or are in process during this review period?

2. Describe any areas in which you like to improve in terms of your professional capabilities. List the steps you plan to take and/or the resources you need to accomplish this.

3. Note the challenges you faced during the review period and how you either overcame them and/or how you think they could have been handled more productively.

4. What additional tools, guidance and/or support could the Mayor and City Council provide that would assist you in performing your work?

5. What projects are you passionate about that you would like to work on in the next year?

CITY OF FOREST GROVE

City Manager Performance Evaluation City Council Input

Please complete this form and return to City Attorney by *(DATE)*. City Attorney will compile all the comments/scores into one document without names attached to individual comments and distribute it to the Council for review. Council will also consider staff (Director level) input and the City Manager's self-evaluation prior to conducting the review of the City Manager in Executive Session.

Name of person being reviewed:	Date:
Person completing evaluation:	

PERFORMANCE MEASUREMENT CRITERIA

- 1 - Unsatisfactory: The employee's performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- 2 - Improvement Needed: The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- 3 - Meets Job Standards: The employee's work performance consistently meets the standards of the position.
- 4 - Exceeds Job Standards: The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
- 5 - Outstanding: The employee's work performance is consistently excellent when compared to the standards of the job.
- NO – not observed.

CRITERIA	COMMENTS (Attach additional pages if necessary)
Public Service Awareness, foresight, commitment to service of the public. Employee recognizes and respects the value of public service and presents a positive image of the City to the public, including the media. This commitment is demonstrated by the quality of service. Is open and available to the public. Takes their concerns and problems seriously and recognizes citizens right to be informed. Listens openly by asking questions to clarify customer concerns. Takes initiative to resolve problems and accomplish duties.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO
Leadership Builds collaborative trust amongst staff. Makes sound hiring decisions, mentors and motivates a team, provides direction, monitors and adjusts performances as necessary. Leads by example.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO

Interpersonal Skills Thinks logically and utilizes independent thought to make sound decisions. Can reach effective and creative solutions to City problems. Consistently open, straightforward and impartial. Is ethical in actions and conforms to state statute regarding ethics and the high standards of the profession.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO
Budget and Finance Accurately and concisely reports and projects the financial condition. Management practices and policies re designed to achieve and maintain sound long-range financial stability. Uses debt cautiously, plans for the long-term replacement and maintenance of equipment and infrastructure. Obtains the best possible result for the money spent including implementing effective programs to limit liability and loss.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO
Administrative Ability Plans and organizes work so that issues are anticipated, and problems resolved appropriately. Maps effective solutions to problems. In making decisions considers the best available facts, projections and evidence. Demonstrates a solid understanding of all phases of municipal government.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO
City Goal Achievement Employee has effectively led the City in making substantial and meaningful progress on City goals.	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ NO

What do you consider this person's greatest accomplishments this past review period?

Any suggestions which you feel will improve this person's job effectiveness?

Additional comments regarding work performance.