



Harrisburg City Council Agenda
November 12, 2024
6:30 PM

Mayor: Robert Duncan
Council President: Mike Caughey
Councilors: Kimberly Downey, Robert Boese, Randy Klemm, Charlotte Thomas,
Cindy Knox and Youth Advisor Taylor Tatum
Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *All matters on the Consent Agenda are considered routine and will be enacted by one motion. Any member of the public can request that a matter be removed from the Consent Agenda for discussion. It will then be discussed under the "Other" part of the meeting schedule.*
4. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
5. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
6. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
7. *For information regarding items of discussion on this agenda, please contact City Recorder Lori Ross, at 541-995-6655*
8. *Masks are not required currently. The City asks that anyone running a fever, having an active cough or other respiratory issues, not to attend this meeting.*
9. *If you wish to testify, and are unable to attend due to health concerns, please contact the City Recorder to be placed on a Conference Call list during the meeting.*

CALL TO ORDER AND ROLL CALL by Mayor, Robert Duncan

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

RESOLUTIONS

- 1. THE MATTER OF DETERMINING WHICH OPTIONS THE CITY SHOULD TAKE IN RELATION TO THE PRE-IMPLEMENTATION COMPLIANCE MEASURES SUGGESTED/REQUIRED BY FEMA, AND APPROVING RESOLUTION NO. 1297, WHICH ESTABLISHES A TEMPORARY MORATORIUM ON CERTAIN KINDS OF DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD AREAS.**

STAFF REPORT:

- Exhibit A: Implementation Compliance Measures Overview
- Exhibit B: DLCDC email with Governor Kotek’s requests & Oregon Delegation Letter to FEMA
- Exhibit C: Model Ordinance
- Exhibit D: PICM OR Habitat Assessment
- Exhibit E: Oregon Mayors Presentation from OFP
- Exhibit F: Proposed Resolution No. 1297

ACTION: MOTION TO:

NOTIFY PROPERTY OWNERS OF THIS TEMPORARY MORATORIUM LIMITING THE TYPE OF DEVELOPMENT ALLOWED ON PROPERTIES LOCATED IN THE SFHA; AND

NOTIFY FEMA THAT THE CITY OF HARRISBURG HAS DECLARED A TEMPORARY MORATORIUM ON DEVELOPMENT IN THE SFHA STARTING DECEMBER 1ST, AND THAT WE WILL BE AMENDING HMC CHAPTER 18.55 IN ORDER TO INCORPORATE THE CHANGES REQUIRED BY PICM NO. 1; AND

APPROVE RESOLUTION NO. 1297, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISBURG CREATING A TEMPORARY MORATORIUM FOR CERTAIN KINDS OF DEVELOPMENT IN THE SPECIAL FLOOD HAZARD AREAS”

NEW BUSINESS

- 2. THE MATTER OF INITIAL STEPS TO START PLANNING THE 2026-2030 STRATEGIC PLAN**

STAFF REPORT:

- Exhibit A: The current Strategic Plan is available on the website by following the link: [FY 2024-FY 2029 Strategic Plan](#)

ACTION: NO ACTION AT THIS TIME

3. THE MATTER OF APPROVING THE 1ST QUARTER 2024/2025 EXPENSE REPORT

STAFF REPORT:

Exhibit A: 1st Quarter Expense Report Ending September 30, 2024

ACTION: MOTION TO APPROVE THE 1ST QUARTER 2024/2025 EXPENSE REPORT

CONSENT LIST: Consent list materials are included in the Council Packet. Approval of items on the consent list will be enacted in one motion. Any member of the public, or City Council, can ask for an item to be removed from the consent list for discussion during the 'Other' segment.

4. THE MATTER OF APPROVING THE CONSENT LIST

STAFF REPORT:

Exhibit A: City Council Minutes for September 24, 2024 and October 8, 2024

Exhibit B: Payment Approval Report for October 2024

Exhibit D: Municipal Court Collections Report October 2024

Exhibit E: Municipal Court Citation Report October 2024

ACTION: MOTION TO APPROVE THE CONSENT LIST

A motion to approve the consent list will approve the following:

Minutes from the September 24, 2024 and October 8, 2024 City Council Meeting

The Payment Approval Report for October 2024

VERBAL REPORT: Discussions below should be limited to five minutes of conversation per topic. Topics of interest that require more than five minutes of conversation should be moved to a future meeting where possible.

- Wage Analysis – Job Descriptions
- OBCD Renewal – Building Dept.
- Grass vs. Fake Grass
- Aiken Trailer Sales Minor Partition
- Tri-State Carport/Isovolta Demolition

- Harrisburg Library Holiday Bazaar, Nov 15 & 16 10-4
- HART Community Center – Toys for Tots 15th of Nov & Open House Nov 20
- December 7th After Parade Party – Please join us!

OTHER ITEMS

ADJOURN

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

THE MATTER OF DETERMINING WHICH OPTIONS THE CITY SHOULD TAKE IN RELATION TO THE PRE-IMPLEMENTATION COMPLIANCE MEASURES SUGGESTED/REQUIRED BY FEMA, AND APPROVING RESOLUTION NO. 1297, WHICH ESTABLISHES A TEMPORARY MORATORIUM ON CERTAIN KINDS OF DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD AREAS.

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3. **APPROVE RESOLUTION NO. 1297, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISBURG CREATING A TEMPORARY MORATORIUM FOR CERTAIN KINDS OF DEVELOPMENT IN THE SPECIAL FLOOD HAZARD AREAS”**

THIS AGENDA BILL IS DESTINED FOR: Agenda – November 12, 2024

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	Yes/No	N/A

STAFF RECOMMENDATION:

Staff recommends the City Council Discuss and if agreed, approve Staff’s recommendation of adoption of a temporary moratorium on certain kinds of development, as well as implementation of PICM No. 1

BACKGROUND INFORMATION:

In August, Staff started seeing information, questions, and comments on the city managers listserv, in relation to FEMA’s new ‘Pre-Implementation’ Compliance (PICM) Measures. **(Exhibit A)** She also received an email from Michael Martin at LOC; as he was putting together a report to congressional staff in relation to this issue. Information was somewhat limited until September, when Governor Kotek sent a letter to FEMA requesting a ‘pause’ on the requirements.

At the heart of this matter is that FEMA has abruptly began requiring compliance measures in response to the biological opinion (BiOp) on how the National Flood Insurance Program (NFIP) is complying with the Endangered Species Act. (ESA) The letter sent to FEMA by both the Governor, and the Oregon delegation asked them to pause work on the PICM and instead work on long term implementation of the BiOp, as well as asking them to meet with state agencies, and find solutions in how to make this process work better for all the government agencies/bodies involved. **(Exhibit B)** Council can find more reports, and information at this link:

<https://www.oregon.gov/lcd/NH/Pages/NFIP.aspx> A lot of cities have delayed implementation of this process, as we have all hoped that it could be paused before we started the substantial amount of work needed by implementation. However, FEMA hasn’t paused, although they have stepped up training and support on these requests.

Cities that have a large number of properties that are located in the Special Flood Hazard areas (SFHA), and larger cities were directly notified of the changes in mid-July, but most of the regional cities around us started receiving initial notices in August, and then far more information was provided in October. This was when FEMA implemented the education process for cities and the public on the PICM process. Staff recently attended two workshops on both the permit-by-permit basis process and the model ordinance process, in order to be more prepared to bring this issue to the City Council.

Pre-Implementation Compliance Measures are supposed to be in place by December 1, 2024. The purpose of the PICM’s, according to FEMA, are to ‘ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act.’. The three pathway options provided by FEMA are as follows:

- Pathway 1: Adopt the PICM model floodplain management ordinance that considers impacts to fish habitat and requires mitigation to a no net loss standard. **(Exhibit C)**
- Pathway 2: Review individual development proposals and require permit-by-permit habitat mitigation to achieve no net loss using “Floodplain Habitat Assessment and Mitigation” guidance from FEMA. **(Exhibit D)**
- Pathway 3: Prohibit all new development in the floodplain.

The selected PICM must be in place until the release and implementation of the Final Implementation Plan, which is due in 2027. Cities should be prepared to tell FEMA of which plan they will choose to implement by December 1, 2024. Those choices don't have to be complete until later in 2025, as long as FEMA knows the direction that a local government is going in. Cities must keep track of all development, but reporting is not required until 2026. Thankfully, a City can choose to change course, and after declaring the direction it is moving towards, can change to another methodology.

Harrisburg is quite lucky in how the City was created, and particularly with the revetment on the banks of the Willamette River. The City has only 8 properties located in the SFHA; almost all are located in the northwest corner of the residential zone near Territorial and 1st St. Gheen Irrigation actually has a LOMA (Letter of Map Amendment) that applies to the westernmost located structure. Eagle Park is located entirely in the SFHA, including the north portion of the park, which is located inside the City boundaries. We are thankful that we have no vacant properties that are inside the SFHA other than our park. Any action the City chooses will require notice to these property owners.

Exhibit C is the Model Ordinance; Section 6, which is highlighted in yellow, includes the section directly related to a no net loss approach. The current development code for the City of Harrisburg was adopted in 2022. HMC Chapter 18.55 includes Overlay Zones and Specific Area Plan Regulations. This includes the Greenway Special District, Safe Harbor Zone, Wetland Protection, and Flood Hazard Management. Adopting a new model ordinance will require the full legislative process to take place, including notification to the DLCDC (Department of Land Conservation & Development), and a public hearing for both the Planning Commission and City Council.

Exhibit D is the Floodplain Habitat Assessment & Mitigation Packet. This particular packet actually walks the applicant through the process that is referred to as a permit-by-permit basis. In most cases, Staff believes that this process is the most onerous of what is available. It is intimidating and will likely require that an applicant obtain the services of professionals in the Environmental & Natural Resources profession. These professionals are hard to find and are limited in number at this time. A study typically costs from \$10,000 to \$50,000.

For the record, our 2016 Feasibility Study for Eagle Park identifies Chinook Salmon from the Upper Willamette River ESU (Evolutionarily Significant Units as established by NOAA Fisheries in the ESA status reviews), as being a critical habitat designated adjacent to the concept area. The Western pond turtle and Bald Eagle nests are located within two miles of Eagle Park. Thankfully, the location of the Chinook Salmon is approximately 2,000 feet away on the Lane County side of the 'island' on the west side of the Willamette River. Staff is in the process of applying for a Conditional Use Permit and Greenway permit through Linn County; it was scheduled for this winter. Luckily, after speaking with the Senior Planner in Linn County, it's likely that the 2016 study will suffice. Linn County, just like many cities in our region, hasn't yet made a

decision on which option they would likely choose. The City will hopefully be able to have the park approved before the Linn County requirements kick in.

Oregon is the only state that is being required by FEMA to comply with these requirements. Both the Model Ordinance and the Permit-by-Permit basis require that an applicant show that there is 'no net loss' of fish habitat, no net loss in impervious surface in the floodplain, and no net loss of trees 6" dbh or larger in the floodplain.

Exhibit E is the presentation that was provided to the Mayors Association at the LOC Conference in Bend just a couple of weeks ago. It walked through the fact that FEMA is eager to shift the burden to local governments, regardless of whether the new standards work within Oregon policies and laws, and that there is no regulatory basis for the proposed requirements. FEMA is stating that they are allowed to do this through the Code of Federal Regulations (CFR). (Specifically, 44 CFR 60.3(a)(2)) There remains discussion in relation to the interpretation of this CFR, but there are also other major concerns with FEMA's PICM's that are expressed in this presentation, and ultimately one of the attorney's providing this presentation said that the slow approach (wait & see) presents a low risk to local jurisdictions.

Ramifications of not adopting the PICM's could include the following:

- NFIP flood insurance no longer available (No properties in Harrisburg have opted for flood insurance.)
- Community will not qualify for federal disaster assistance.
- Community will not qualify for federal funding for projects in the FEMA floodplain.
- Possible risk of being sued by Environmental Groups active in this regional area.

Staff would prefer to take no action at this time. The City Council could also decide to deny the proposed motions and actions. However, the RTP Grant of \$149,667 is funded by the federal government. Staff is in the process of obtaining a cultural resource survey, which must take place before the grant is funded in 2025. RTP Grant representatives have stated that they do have some funding that will help partially pay for this requirement. Technically, it's separate funding, as the survey is not allowed to be funded by the specific grant itself. As noted above, Eagle Park is located entirely within the SFHA. If we chose to make no changes, we could lose this funding, and in addition, we would still be required to use the permit-by-permit basis for any development, including in Eagle Park, as of December 1st.

One of the City's primary goals is to develop our Parks, and in particular, the citizens are enthusiastic about additional development in Eagle Park. Eagle Park will be a regional jewel, which we hope will also increase tourism in Harrisburg as more people bring their families to use the park. Because the City stands to possibly lose this funding, Staff reluctantly believes that the best option available is to consider adopting section 6 of the model ordinance, and some of the updates to other language in this part of the code. Notification to DLCD is required before the first evidentiary hearing, which

means that the first hearing with the Planning Commission will be on December 17th, with a second hearing for the City Council in January.

Because of the ramifications of this entire process, it's also suggested that the City applies a temporary moratorium on certain types of development in the SFHA areas. None of the citizens, or Gheen Irrigation have contacted the City with plans for further development of their properties. They will still be allowed to make repairs, including replacing a roof, or siding, or adding a window; no impervious surfacing would be allowed. The City will need to stop any further development of the park, which could include further development of parking lots, and adding signs as of December 1st. However, the City would still be able to work on the park, including planting trees and in the dog park, as this adds to the type of habitat preferred by FEMA. This would only apply until the model ordinance is adopted in January 2025. The resolution shown in **Exhibit F** states that there are certain types of development which will still be allowed.

Because there is only one meeting in November, Staff have included a resolution which the City Council can adopt at this meeting. They can also choose to deny the resolution if preferred, while still following through on the PICM motion. If approved, Staff will follow this up with notification to the citizens affected, to let them know that they still have the ability to do normal maintenance work on their property. The proposed motion at the top of this Staff report will require that Staff notifies property owners, notifies FEMA of the City's actions, and approves the Resolution in order to establish the temporary moratorium on certain types of development in the Special Flood Hazard Areas.

REVIEW AND APPROVAL:



Michele Eldridge 11.05.24
City Administrator

Oregon National Flood Insurance Program Endangered Species Act Integration

Pre-Implementation Compliance Measures Overview

Beginning this summer, FEMA will assist communities with coming changes to the National Flood Insurance Program (NFIP) in Oregon.

Why are the changes needed?

As the result of a Biological Opinion issued by the National Marine Fisheries Service, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in Special Flood Hazard Areas. Changes are needed to protect the habitat of several species of fish and the Southern Resident killer whales to comply with the Endangered Species Act (ESA). FEMA outlined these changes in the [draft Oregon NFIP-ESA Implementation Plan](#).



The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

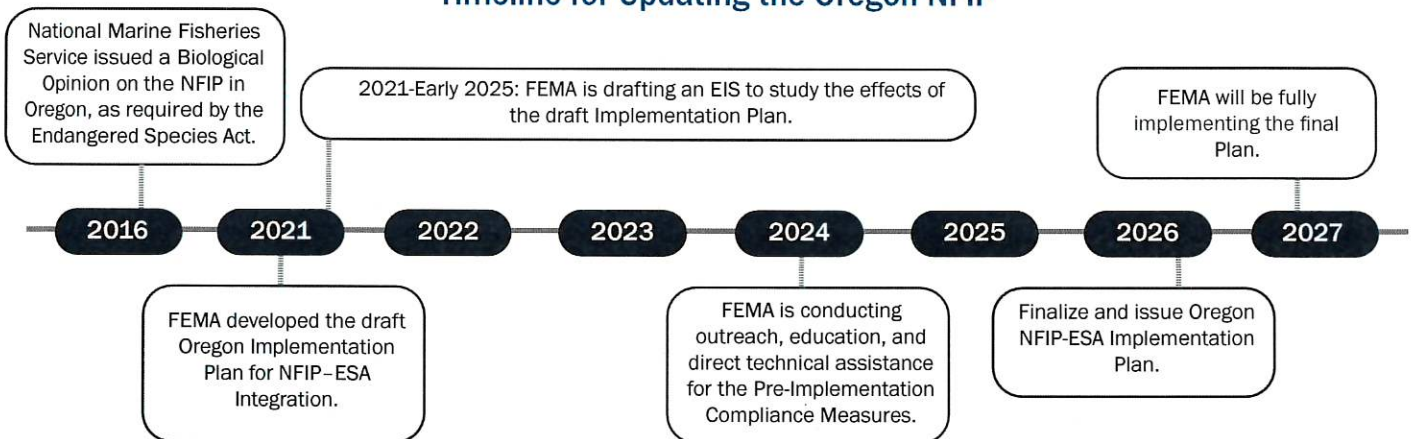
Current status

FEMA is evaluating proposed changes to the NFIP outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act (NEPA).

What is “no net loss”?
Any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

The Final Implementation Plan is anticipated by 2026 following the Record of Decision in the EIS process, then FEMA will fully implement the plan in 2027. Until then, communities need to begin taking action to protect habitat and achieve “no net loss.” FEMA is offering several resources for communities to learn more and implement interim measures, called Pre-Implementation Compliance Measures (PICMs).

Timeline for Updating the Oregon NFIP



What can communities do to comply with these changes?

Oregon communities participating in the NFIP can take short-term measures to comply with ESA requirements, known as PICMs. FEMA developed these measures in response to concerns from communities about the time and resources needed to meet requirements and ensure their future good standing in the NFIP. By implementing these measures now, communities will be better prepared for compliance audits, which will begin when the Final Implementation Plan is in place.

Communities can select one of the following three PICMs:

- Prohibit all new development in the floodplain.
- Incorporate the ESA into local floodplain ordinances.
- Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”

Communities must report to FEMA on their implementation of interim measures.

In addition to the above measures, as of August 1, 2024, FEMA is temporarily suspending processing applications for Letters of Map Revision based on Fill (LOMR-Fs) and Conditional Letters of Map Revision based on Fill (CLOMR-Fs) in NFIP communities to avoid potentially negative effects on ESA-listed species.

FEMA is here to support your community.

FEMA is offering several resources to assist communities in preparing for the Oregon NFIP-ESA Implementation Plan.

- **Informational Webinars (Summer 2024):** Learn about what FEMA is doing to revise the Implementation Plan and receive an introduction to the PICMs.
- **Questionnaire (Summer 2024):** Share what floodplain management measures your community is currently implementing to comply with the ESA, which PICMs you’re most interested in, and what support you need. Your feedback will help us plan the fall workshops and identify needs for technical assistance.
- **Workshops (Fall 2024):** Get an in-depth look at PICMs and talk through questions and concerns with FEMA staff.
- **Technical Assistance (Begins in Fall 2024):** Get support from FEMA to begin implementing PICMs.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov

Michele Eldridge

From: Oregon Department of Land Conservation and Development
<DLCD@public.govdelivery.com>
Sent: Friday, September 27, 2024 2:24 PM
To: Michele Eldridge
Subject: Governor Kotek sends letter to FEMA Requesting pause on PICM

Having trouble viewing this email? [View it as a Web page.](#)



Department of Land Conservation & Development

Oregon Floodplain Management News - September 27, 2024

Governor Kotek sends letter to FEMA Requesting pause on Pre-Implementation Compliance Measures (PICM)

On Thursday, September 26, 2024, Oregon Governor Tina Kotek sent a [letter to the Federal Emergency Management Agency](#) (FEMA) to convey concerns about how FEMA abruptly began Pre-Implementation Compliance Measures (PICM) to address the biological opinion (BiOp) on how the National Flood Insurance Program (NFIP) complies with the Endangered Species Act.

The letter included three recommendations to FEMA:

1. FEMA should pause work on Pre-Implementation Compliance Measures (PICM) and instead return to working on long-term implementation of the BiOp.
2. FEMA should meet with state agencies about existing state programs that already address the purposes of the BiOp.
3. FEMA should engage in a process convened by the governor to find solutions with representatives of the full range of interests.

NORFMA Presentation

The Northwest Regional Floodplain Management Association (NORFMA) annual conference took place September 17–20, 2024 in Pasco, Washington, and included a plenary session on the Endangered Species Act and the BiOp covering Oregon. Oregon's NFIP Coordinator, Deanna Wright, presented a state perspective on the Pre-Implementation Compliance Measures (PICM) recently announced by FEMA. The [presentation slides](#) cover: why PICM?, DLCD's role, next steps for cities and counties to

consider, concerns the state has heard from cities and counties, an overview of the three PICM pathways, and local staff needs.

DLCD staff will continue to closely monitor this issue and will share additional information with city and county staff.

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This email was sent to meldridge@ci.harrisburg.or.us using GovDelivery Communications Cloud on behalf of: Oregon Department of Land Conservation and Development · 635 Capitol St. NE, Suite 150 · Salem, OR 97301-2540



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Congress of the United States
Washington, DC 20515

August 22, 2024

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C St. SW
Washington, D.C. 20024

Dear Administrator Criswell,

We are writing to reiterate concerns about the Federal Emergency Management Agency’s (FEMA) proposed strategy to implement changes to the National Flood Insurance Program (NFIP) in Oregon, specifically regarding a new compliance requirement that communities need to select Pre-Implementation Compliance Measures (PICMs) well before FEMA makes final recommendations. NFIP is a life-saving federal program, and its administration and changes must be undertaken with the utmost care and evenhanded judgment.

All of our offices have heard serious concerns from small business leaders, local elected officials, affordable housing advocates, and economic development groups. We want to emphasize that the implementation of permitting programs is carried out primarily at the local level, and the leaders in the affected communities have valuable insights. FEMA must lead by listening to and working collaboratively with local and state officials to craft policies that can be implemented effectively and sustainably.

Our offices have heard significant concerns from these communities about the decision to abruptly cease processing Letters of Map Revision – Based on Fill (LOMR-F) and Conditional Letters of Map Revision – Based on Fill (CLOMR-F) on August 1st, 2024, with little to no notice. The timing of this action leaves communities scrambling to comply with FEMA’s plan to reach compliance with the National Marine Fisheries Service’s (NMFS) 2016 Biological Opinion (“BiOp”) and its Reasonable and Prudent Alternatives (RPAs).

We do not doubt the necessity of enhanced conservation efforts, including protection of Oregon’s declining salmon population. The worsening wildfire intensity and smoke pollution is also an urgent reminder of the scale of the climate crisis. Communities across the state share these concerns and the fundamental drive to protect the unique environment in which we live.

We respectfully request that you make several key changes to FEMA’s revised timeline. We ask that FEMA provide an additional 90 days for Oregon jurisdictions to consider the three proposed “Pre-Implementation Compliance Measures,” changing the December 1st, 2024 selection date to

March 1st, 2025. Accordingly, the automatic adoption of the permit-by-permit PICM should also be delayed until at least March 1st, 2025 and accompanied by collaborative action with the state to demonstrate compatibility with state land use law.

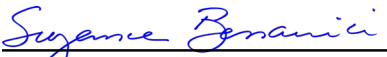
Additionally, FEMA should develop a pathway for continued review of LOMR and CLOMR cases during this period as it finalizes its Environmental Impact Statement. The pause to these processes initiated on August 1st was not sufficiently noticed to communities and future timeline changes should be announced with significantly greater notice. If applicants need additional consultation and technical assistance, FEMA should make staff available to assist.


We also request that you fully consider the State of Oregon’s request that FEMA add a pathway for the state to develop and adopt a statewide regulatory package that achieves compliance with the “no net loss” standard. Allowing state agencies with the staff and expertise to develop a policy that is consistent statewide would reduce capacity and cost burdens for local governments and simplify integration of any new requirements with existing state land use law.

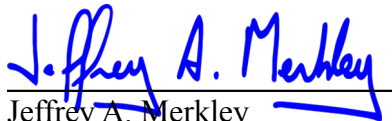
Finally, we request a written explanation of the decision-making process that led to the PICM taking effect well before the completion of the Environmental Impact Statement. Providing community members with a clear understanding of this process is key to maintaining transparency and demonstrating consistency with the NEPA process.

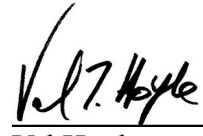
We remain committed to a collaborative path forward that responds to the dual imperatives of economic stability and environmental preservation. We appreciate FEMA’s shared commitment to these goals and thank you for your full and fair consideration of our concerns. For any questions, please contact Espen Swanson in Congresswoman Bonamici’s office at Espen.Swanson@mail.house.gov; Ree Armitage in Senator Ron Wyden’s office at Ree_Armitage@wyden.senate.gov; Gustavo Guerrero in Senator Jeff Merkley’s office at Gustavo_Guerrero@merkley.senate.gov; Olivia Wilhite in Congresswoman Val Hoyle’s office at Olivia.Wilhite@mail.house.gov or Alexander O’Keefe in Congresswoman Andrea Salinas’ office at Alexander.OKeefe@mail.house.gov.

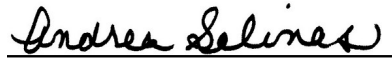
Sincerely,



Suzanne Bonamici
Member of Congress


Ron Wyden
United States Senator


Jeffrey A. Merkley
United States Senator


Val Hoyle
Member of Congress


Andrea Salinas
Member of Congress


Earl Blumenauer
Member of Congress



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area



FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 - 228th Street SW
Bothell, WA 98021

Note to Communities: This document presents the draft model ordinance that 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.

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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

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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:

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

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

49 The model flood hazard ordinance includes standards and provisions that encourage sound
50 floodplain management. The language is based on the minimum requirements of the NFIP found in
51 44 CFR 59 and 60, Oregon's statewide land use planning Goal 7, and Oregon specialty codes. The
52 new language added to the state model floodplain ordinance, highlighted in yellow, provides
53 compliance with the ESA for floodplain development in the plan area.

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

63 **1.1. How to Use this Document**

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

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

69 1.1.1. ORDINANCE LANGUAGE LEGEND:

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

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

83 1.2. Changes from the 2020 Oregon Model Flood Hazard Management 84 Ordinance

85 This 2024 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the
86 “2024 Model Ordinance”), varies from the 2020 Oregon Model Flood Hazard Management
87 Ordinance. with the addition of new content to be included for ESA compliance for NFIP-participating
88 communities in the plan area. If no part of the Special Flood Hazard Area (SFHA) in your NFIP-
89 participating community is in the Oregon NFIP-ESA Integration plan area, your community may
90 continue to use the 2020 Oregon Model Flood Hazard Management Ordinance.

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

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

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

109 1.3. Community Rating System

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

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

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

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- 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.

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SECTION 2. Regulatory Crosswalk

2 The following table presents a crosswalk of the model ordinance sections against the relevant
 3 federal and state laws, regulations, and policies. The new sections related to the Oregon NFIP-ESA
 4 integration implementation (yellow highlighted sections of the model ordinance) are not listed in this
 5 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

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*[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)

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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;

- 31 F. Minimize damage to public facilities and utilities such as water and gas mains;
32 electric, telephone and sewer lines; and streets and bridges located in special flood
33 hazard areas;
- 34 G. Help maintain a stable tax base by providing for the sound use and development of
35 flood hazard areas so as to minimize blight areas caused by flooding;
- 36 H. Notify potential buyers that the property is in a special flood hazard area;
- 37 I. Notify those who occupy special flood hazard areas that they assume responsibility
38 for their actions;
- 39 J. Participate in and maintain eligibility for flood insurance and disaster relief.

40 **1.4 METHODS OF REDUCING FLOOD LOSSES**

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

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

54 **2.0 DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90 **Flood or Flooding:**

91 (a) A general and temporary condition of partial or complete inundation of normally
 92 dry land areas from:

93 (1) The overflow of inland or tidal waters.

94 (2) The unusual and rapid accumulation or runoff of surface waters from any
 95 source.

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

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

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

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

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

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

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

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

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

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

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

147 **Historic structure:** Any structure that is:

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

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

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

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

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

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

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

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

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

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

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

210 **No Net Loss:** A standard where adverse impacts must be avoided or offset through
 211 adherence to certain requirements so that there is no net change in the function

212 from the existing condition when a development application is submitted to the state,
 213 tribal, or local jurisdiction. The floodplain functions of floodplain storage, water
 214 quality, and vegetation must be maintained.

215 **Offsite:** Mitigation occurring outside of the project area.

216 **Onsite:** Mitigation occurring within the project area.

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

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

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

229 **Recreational vehicle:** A vehicle which is:

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

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

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

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

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

249 **Special flood hazard area:** See “Area of special flood hazard” for this definition.

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

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

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

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

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

282 (b) Any alteration of a "historic structure," provided that the alteration will not
 283 preclude the structure's continued designation as a "historic structure."

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

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

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

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

297 **3.0 GENERAL PROVISIONS**

298 **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

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

301 **3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

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

312 **3.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES**

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

319 **3.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE**

320 **3.4.1 COMPLIANCE**

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

324 **3.4.2 PENALTIES FOR NONCOMPLIANCE**

325 No structure or land shall hereafter be constructed, located, extended,
326 converted, or altered without full compliance with the terms of this ordinance and
327 other applicable regulations. Violations of the provisions of this ordinance by
328 failure to comply with any of its requirements (including violations of conditions
329 and safeguards established in connection with conditions) shall constitute a
330 (INFRACTION TYPE (I.E. MISDEMEANOR) AND PENALTIES PER STATE/LOCAL LAW
331 ASSOCIATED WITH SPECIFIED INFRACTION TYPE (I.E. ANY PERSON WHO
332 VIOLATES THE REQUIREMENTS OF THIS ORDINANCE SHALL UPON CONVICTION
333 THEREOF BE FINED NOT MORE THAN A SPECIFIED AMOUNT OF MONEY...)

334 Nothing contained herein shall prevent the COMMUNITY NAME from taking such
335 other lawful action as is necessary to prevent or remedy any violation.

336 **3.5 ABROGATION AND SEVERABILITY**

337 **3.5.1 ABROGATION**

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

342 **3.5.2 SEVERABILITY**

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

348 **3.6 INTERPRETATION**

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

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

353 **3.7 WARNING AND DISCLAIMER OF LIABILITY**

354 **3.7.1 WARNING**

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

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

361 **3.7.2 DISCLAIMER OF LIABILITY**

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

366 **4.0 ADMINISTRATION**

367 **4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

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

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

373 **4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

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

376 **4.2.1 PERMIT REVIEW**

377 Review all development permits to:

- 378 A. Determine that the permit requirements of this ordinance have been
379 satisfied;
- 380 B. Determine that all other required local, state, and federal permits have been
381 obtained and approved;
- 382 C. Determine if the proposed development is located in a floodway.
 - 383 i. If located in the floodway assure that the floodway provisions of this
384 ordinance in section **5.2.4** are met; and
 - 385 ii. Determine if the proposed development is located in an area where
386 Base Flood Elevation (BFE) data is available either through the Flood
387 Insurance Study (FIS) or from another authoritative source. If BFE data
388 is not available then ensure compliance with the provisions of sections
389 **5.1.7**; and

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

428 G. All floodproofing certificates required under this ordinance.

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

430 I. All hydrologic and hydraulic analyses performed as required under section
431 5.2.4.

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

434 K. Documentation of how no net loss standards have been met (see Section
435 6.0)

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

437 **4.2.3 REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL**
438 **DATA**

439 **4.2.3.1 COMMUNITY BOUNDARY ALTERATIONS**

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

450 **4.2.3.2 WATERCOURSE ALTERATIONS**

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

457 i. A proposed maintenance plan to assure the flood carrying
458 capacity within the altered or relocated portion of the
459 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

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

501 **4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT**

502 **4.3.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED**

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

508 **4.3.2 APPLICATION FOR DEVELOPMENT PERMIT**

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

515 A. In riverine flood zones, the proposed elevation (in relation to mean sea
 516 level), of the lowest floor (including basement) and all attendant utilities of
 517 all new and substantially improved structures; in accordance with the
 518 requirements of section 4.2.2.

519 B. In coastal flood zones (V zones and coastal A zones), the proposed elevation
 520 in relation to mean sea level of the bottom of the lowest structural member
 521 of the lowest floor (excluding pilings and columns) of all structures, and
 522 whether such structures contain a basement.

523 C. Proposed elevation in relation to mean sea level to which any non-
 524 residential structure will be floodproofed.

525 D. Certification by a registered professional engineer or architect licensed in
 526 the State of Oregon that the floodproofing methods proposed for any non-
 527 residential structure meet the floodproofing criteria for non-residential
 528 structures in section 5.2.3.3.

529 E. Description of the extent to which any watercourse will be altered or
 530 relocated.

531 F. Base Flood Elevation data for subdivision proposals or other development
 532 when required per sections 4.2.1 and 5.1.6.

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

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

536 **4.4 VARIANCE PROCEDURE**

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

540 **4.4.1 CONDITIONS FOR VARIANCES**

541 A. Generally, variances may be issued for new construction and substantial
 542 improvements to be erected on a lot of one-half acre or less in size
 543 contiguous to and surrounded by lots with existing structures constructed
 544 below the base flood level, in conformance with the provisions of sections
 545 **4.4.1 (C) and (E), and 4.4.2.** As the lot size increases beyond one-half acre,
 546 the technical justification required for issuing a variance increases.

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

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

551 D. Variances shall only be issued upon:

552 i. A showing of good and sufficient cause;

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

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

560 E. Variances may be issued by a community for new construction and
 561 substantial improvements and for other development necessary for the
 562 conduct of a functionally dependent use provided that the criteria of section
 563 **4.4.1 (B) – (D)** are met, and the structure or other development is protected
 564 by methods that minimize flood damages during the base flood and create
 565 no additional threats to public safety.

566 F. **Variances shall not be issued unless it is demonstrated that the**
 567 **development will not result in net loss of the following proxies for the three**
 568 **floodplain functions in the SFHA: undeveloped space; pervious surface; or**
 569 **trees 6 inches dbh or greater (see Section 6.0 and associated options in**
 570 **Table 1).**

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

572 **4.4.2 VARIANCE NOTIFICATION**

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

579 **5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

580 **5.1 GENERAL STANDARDS**

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

583 **5.1.1 ALTERATION OF WATERCOURSES**

584 Require that the flood carrying capacity within the altered or relocated portion of
 585 said watercourse is maintained. Require that maintenance is provided within the
 586 altered or relocated portion of said watercourse to ensure that the flood carrying
 587 capacity is not diminished. Require compliance with sections **4.2.3.2 and**
 588 **4.2.3.3**.

589 **5.1.2 ANCHORING**

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

593 B. All manufactured dwellings shall be anchored per section **5.2.3.4**.

594 **5.1.3 CONSTRUCTION MATERIALS AND METHODS**

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

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

599 **5.1.4 UTILITIES AND EQUIPMENT**

600 **5.1.4.1 WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE**
 601 **DISPOSAL SYSTEMS**

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

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

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

610 **5.1.4.2 ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER**
611 **EQUIPMENT**

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

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

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

623 **5.1.5 TANKS**

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

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

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

633 **5.1.6 SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS**

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

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

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

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

648 **5.1.7 USE OF OTHER BASE FLOOD ELEVATION DATA**

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

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

673 **5.1.8 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES**

674 In coordination with the State of Oregon Specialty Codes:

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

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

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

682 **5.2 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD**

683 **ZONES**

684 These specific standards shall apply to all new construction and substantial

685 improvements in addition to the General Standards contained in section 5.1 of this

686 ordinance **and the no net loss standards (see Section 6.0).**

687 **5.2.1 FLOOD OPENINGS**

688 All new construction and substantial improvements with fully enclosed areas

689 below the lowest floor (excluding basements) are subject to the following

690 requirements. Enclosed areas below the Base Flood Elevation, including crawl

691 spaces shall:

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

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

- 695 C. Be certified by a registered professional engineer or architect or meet or
- 696 exceed all of the following minimum criteria:
 - 697 i. A minimum of two openings;
 - 698 ii. The total net area of non-engineered openings shall be not less than
 - 699 one square inch for each square foot of enclosed area, where the
 - 700 enclosed area is measured on the exterior of the enclosure walls;
 - 701 iii. The bottom of all openings shall be no higher than one foot above
 - 702 grade;
 - 703 iv. Openings may be equipped with screens, louvers, valves, or other
 - 704 coverings or devices provided that they shall allow the automatic
 - 705 flow of floodwater into and out of the enclosed areas and shall be
 - 706 accounted for in the determination of the net open area; and,
 - 707 v. All additional higher standards for flood openings in the State of
 - 708 Oregon Residential Specialty Codes Section R322.2.2 shall be
 - 709 complied with when applicable.

710 **5.2.2 GARAGES**

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

733 **5.2.3 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH**
 734 **BASE FLOOD ELEVATIONS**

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

738 **5.2.3.1 BEFORE REGULATORY FLOODWAY**

739 In areas where a regulatory floodway has not been designated, no new
 740 construction, substantial improvement, or other development (including fill)
 741 shall be permitted within Zones A1-30 and AE on the community's Flood
 742 Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect
 743 of the proposed development, when combined with all other existing and
 744 anticipated development, will not increase the water surface elevation of the
 745 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.

5.2.3.4 MANUFACTURED DWELLINGS

- 786
- 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).

5.2.3.5 RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- 800
- 801
- 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.

5.2.3.6 APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or 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:

- 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;

- 817 C. In compliance with State of Oregon Specialty Codes, appurtenant
818 structures on properties that are zoned residential are limited to one-
819 story structures less than 200 square feet, or 400 square feet if the
820 property is greater than two (2) acres in area and the proposed
821 appurtenant structure will be located a minimum of 20 feet from all
822 property lines. Appurtenant structures on properties that are zoned as
823 non-residential are limited in size to 120 square feet;

- 824 D. The portions of the appurtenant structure located below the Base Flood
825 Elevation must be built using flood resistant materials;

- 826 E. The appurtenant structure must be adequately anchored to prevent
827 flotation, collapse, and lateral movement of the structure resulting from
828 hydrodynamic and hydrostatic loads, including the effects of buoyancy,
829 during conditions of the base flood;

- 830 F. The appurtenant structure must be designed and constructed to
831 equalize hydrostatic flood forces on exterior walls and comply with the
832 requirements for flood openings in section 5.2.1;

- 833 G. Appurtenant structures shall be located and constructed to have low
834 damage potential;

- 835 H. Appurtenant structures shall not be used to store toxic material, oil, or
836 gasoline, or any priority persistent pollutant identified by the Oregon
837 Department of Environmental Quality unless confined in a tank installed
838 in compliance with section 5.1.5; and,

- 839 I. Appurtenant structures shall be constructed with electrical, mechanical,
840 and other service facilities located and installed so as to prevent water
841 from entering or accumulating within the components during conditions
842 of the base flood.

843 **5.2.4 FLOODWAYS**

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

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

856 ii. A community may permit encroachments within the adopted
 857 regulatory floodway that would result in an increase in base flood
 858 elevations, provided that conditional approval has been obtained by
 859 the Federal Insurance Administrator through the Conditional Letter
 860 of Map Revision (CLOMR) application process, all requirements
 861 established under 44 CFR 65.12 are fulfilled, and the
 862 encroachment(s) comply with the no net loss standards in section
 863 6.0.

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

867 **5.2.5 STANDARDS FOR SHALLOW FLOODING AREAS**

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

876 **5.2.5.1 STANDARDS FOR AH ZONES**

877 Development within AH Zones must comply with the standards in sections 5.1,
 878 5.2, and 5.2.5.

879 **5.2.5.2 STANDARDS FOR AO ZONES**

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

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

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

892 i. Have the lowest floor (including basement) elevated above the
 893 highest adjacent grade of the building site, at minimum to or
 894 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**.

5.3 SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD FLOOD ZONES

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

930 **5.3.1 DEVELOPMENT STANDARDS**

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

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

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

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

948 C. Obtain the elevation (in relation to mean sea level) of the bottom of the
949 lowest horizontal structural member of the lowest floor (excluding pilings
950 and columns) of all new and substantially improved structures and whether
951 or not such structures contain a basement. The floodplain administrator
952 shall maintain a record of all such information in accordance with section
953 **4.2.2.**

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

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

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

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

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

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

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

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

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

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

991 **5.3.1.1 MANUFACTURED DWELLING STANDARDS FOR COASTAL HIGH**
992 **HAZARD ZONES**

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

996 A. Comply with all of the standards within section 5.3

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

999 C. Electrical crossover connections shall be a minimum of 12 inches above
1000 the BFE.

1001 **5.3.1.2 RECREATIONAL VEHICLE STANDARDS FOR COASTAL HIGH**
1002 **HAZARD ZONES**

1003 Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or
1004 Coastal A) shall either:

- 1005 A. Be on the site for fewer than 180 consecutive days, and
- 1006 B. Be fully licensed and ready for highway use, on wheels or jacking
- 1007 system, is attached to the site only by quick disconnect type utilities and
- 1008 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

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 three 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.

1040 **6.1.1 UNDEVELOPED SPACE**

1041 A. Development proposals shall not reduce the fish-accessible and egress-able
1042 undeveloped space within the special flood hazard area.

1043 B. A development proposal with an activity that would impact undeveloped
1044 space shall achieve no net loss of fish-accessible and egress-able space.

1045 C. Lost undeveloped space must be replaced with fish-accessible and egress-
1046 able compensatory volume based on the ratio in Table 1 and at the same
1047 flood level at which the development causes an impact (i.e., plus or minus 1
1048 foot of the hydraulically equivalent elevation).

1049 i. Hydraulically equivalent sites must be found within either the
1050 equivalent 1-foot elevations or the same flood elevation bands of
1051 the development proposal. The flood elevation bands are identified
1052 as follows:

1053 (1) Ordinary High Water Mark to 10-year,

1054 (2) 10-year to 25-year,

1055 (3) 25-year to 50-year,

1056 (4) And 50-year to 100-year

1057 ii. Hydrologically connected to the waterbody that is the flooding source;

1058 iii. Designed so that there is no increase in velocity; and

1059 iv. Designed to fill and drain in a manner that minimizes anadromous
1060 fish stranding to the greatest extent possible.

1061 **6.1.2 IMPERVIOUS SURFACES**

1062 Impervious surface mitigation shall be mitigated through any of the following
1063 options:

1064 A. Development proposals shall not result in a net increase in impervious
1065 surface area within the SFHA, or

1066 B. use low impact development or green infrastructure to infiltrate and treat
1067 stormwater produced by the new impervious surface, as documented by a
1068 qualified professional, or

1069 C. If prior methods are not feasible and documented by a qualified
1070 professional stormwater retention is required to ensure no increase in peak
1071 volume or flow and to maximize infiltration, and treatment is required to

1072 minimize pollutant loading. See section 6.2.C for stormwater retention
 1073 specifications.

1074 **6.1.3 TREES**

1075 A. Development proposals shall result in no net loss of trees 6-inches dbh or
 1076 greater within the special flood hazard area. This requirement does not
 1077 apply to silviculture where there is no development.

1078 i. Trees of or exceeding 6-inches dbh that are removed from the RBZ,
 1079 Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.

1080 ii. Replacement trees must be native species that would occur naturally
 1081 in the Level III ecoregion of the impact area.

1082 **6.2 STORMWATER MANAGEMENT**

1083 Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include
 1084 the following:

1085 A. Water quality (pollution reduction) treatment for post-construction
 1086 stormwater runoff from any net increase in impervious area; and

1087 B. Water quantity treatment (retention facilities) unless the outfall discharges
 1088 into the ocean.

1089 C. Retention facilities must:

1090 i. Limit discharge to match the pre-development peak discharge rate
 1091 (i.e., the discharge rate of the site based on its natural groundcover
 1092 and grade before any development occurred) for the 10-year peak
 1093 flow using a continuous simulation for flows between 50 percent of
 1094 the 2-year event and the 10-year flow event (annual series).

1095 ii. Treat stormwater to remove sediment and pollutants from impervious
 1096 surfaces such that at least 80 percent of the suspended solids are
 1097 removed from the stormwater prior to discharging to the receiving
 1098 water body.

1099 iii. Be designed to not entrap fish and drain to the source of flooding.

1100 iv. Be certified by a qualified professional.

1101 D. Stormwater treatment practices for multi-parcel facilities, including
 1102 subdivisions, shall have an enforceable operation and maintenance
 1103 agreement to ensure the system functions as designed. This agreement will
 1104 include:

- 1105 i. Access to stormwater treatment facilities at the site by the
- 1106 **COMMUNITY TYPE (e.g., city, county)** for the purpose of inspection
- 1107 and repair.

- 1108 ii. A legally binding document specifying the parties responsible for the
- 1109 proper maintenance of the stormwater treatment facilities. The
- 1110 agreement will be recorded and bind subsequent purchasers and
- 1111 sellers even if they were not party to the original agreement.

- 1112 iii. For stormwater controls that include vegetation and/or soil
- 1113 permeability, the operation and maintenance manual must include
- 1114 maintenance of these elements to maintain the functionality of the
- 1115 feature.

- 1116 iv. The responsible party for the operation and maintenance of the
- 1117 stormwater facility shall have the operation and maintenance
- 1118 manual on site and available at all times. Records of the
- 1119 maintenance and repairs shall be retained and made available for
- 1120 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.

- 1124 A. Normal maintenance of structures, such as re-roofing and replacing siding,
- 1125 provided there is no change in the footprint or expansion of the roof of the
- 1126 structure;

- 1127 B. Normal street, sidewalk, and road maintenance, including filling potholes,
- 1128 repaving, and installing signs and traffic signals, that does not alter
- 1129 contours, use, or alter culverts. Activities exempt do not include expansion
- 1130 of paved areas;

- 1131 C. Routine maintenance of landscaping that does not involve grading,
- 1132 excavation, or filling;

- 1133 D. Routine agricultural practices such as tilling, plowing, harvesting, soil
- 1134 amendments, and ditch cleaning that does not alter the ditch configuration
- 1135 provided the spoils are removed from special flood hazard area or tilled into
- 1136 fields as a soil amendment;

- 1137 E. Routine silviculture practices that do not meet the definition of
- 1138 development, including harvesting of trees as long as root balls are left in
- 1139 place and forest road construction or maintenance that does not alter
- 1140 contours, use, or alter culverts;

- 1141 F. Removal of noxious weeds and hazard trees, and replacement of non-native
- 1142 vegetation with native vegetation;

- 1143 G. Normal maintenance of above ground utilities and facilities, such as
- 1144 replacing downed power lines and utility poles provided there is no net
- 1145 change in footprint;

- 1146 H. Normal maintenance of a levee or other flood control facility prescribed in
- 1147 the operations and maintenance plan for the levee or flood control facility.
- 1148 Normal maintenance does not include repair from flood damage, expansion
- 1149 of the prism, expansion of the face or toe or addition of protection on the
- 1150 face or toe with rock armor.

- 1151 I. Habitat restoration activities.

6.4 RIPARIAN BUFFER ZONE (RBZ)

- 1153 A. The Riparian Buffer Zone is measured from the ordinary high-water line of a
- 1154 fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream)
- 1155 or mean higher-high water of a marine shoreline or tidally influenced river
- 1156 reach to 170 feet horizontally on each side of the stream or inland of the
- 1157 MHHW. The riparian buffer zone includes the area between these outer
- 1158 boundaries on each side of the stream, including the stream channel.

- 1159 B. Habitat restoration activities in the RBZ are considered self-mitigating and
- 1160 are not subject to the no net loss standards described above.

- 1161 C. Functionally dependent uses are only subject to the no net loss standards for
- 1162 development in the RBZ. Ancillary features that are associated with but do
- 1163 not directly impact the functionally dependent use in the RBZ (including
- 1164 manufacturing support facilities and restrooms) are subject to the beneficial
- 1165 gain standard in addition to no net loss standards.

- 1166 D. Any other use of the RBZ requires a greater offset to achieve no net loss of
- 1167 floodplain functions, on top of the no net loss standards described above,
- 1168 through the beneficial gain standard.

- 1169 E. Under FEMA's beneficial gain standard, an area within the same reach of
- 1170 the project and equivalent to 5% of the total project area within the RBZ
- 1171 shall be planted with native herbaceous and shrub vegetation and
- 1172 designated as open space.
- 1173

1174 **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%

1175 Notes:

- 1176 1. Ratios with asterisks are indicated in the BiOp
- 1177 2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value
- 1178 described by the ratios above, while multipliers of 200% result in the required mitigation
- 1179 being doubled.
- 1180 a. For example, if only 500 ft² of the total 1000 ft² of required pervious surface
- 1181 mitigation can be conducted onsite and in the same reach, the remaining 500 ft² of
- 1182 required pervious surface mitigation occurring offsite at a different reach would
- 1183 double because of the 200% multiplier.
- 1184 3. RBZ impacts must be offset in the RBZ, on-site or off-site.
- 1185 4. Additional standards may apply in the RBZ (See 6.4 Riparian Buffer Zone)



Floodplain Habitat Assessment and Mitigation

Regional Guidance for Oregon

August 2024



FEMA Region 10

Regional Guidance For Floodplain Habitat Assessments and Mitigation in Oregon

**Produced by FEMA - Region 10
August 2024**



FEMA
Region 10

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This guidance document was developed by Region 10 of the Federal Emergency Management Agency, as part of its continuing effort to improve floodplain management practices and assist communities in meeting the requirements of the Endangered Species Act.

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The 2018 Update was prepared by CDM Smith and FEMA Region 10.

The 2024 Update was prepared by FEMA Region 10 to address the interim measures for implementing the Oregon Biological Opinion.

Acronyms

BA	Biological Assessment
BE	Biological Evaluation
BiOp	Biological Opinion
CMZ	Channel Migration Zone
DLCD	Oregon Department of Land Conservation
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FWHCA	Fish and Wildlife Habitat Conservation Areas
HA	Habitat Assessment
HPA	Hydraulic Project Approval
IPaC	Information for Planning and Consultation tool
JARPA	Joint Aquatic Resources Permit Application
JPA	Joint Permit Application
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
ODEQ	Oregon Department of Environmental Quality
ODSL	Oregon Department of State Lands
RBZ	Riparian buffer zone
RPA	Reasonable and Prudent Alternative
SFHA	Special Flood Hazard Area
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

1.0 Introduction

1.1 Background

This Regional Guidance is written to assist communities in meeting the requirements and criteria of the Endangered Species Act (ESA) regarding the National Flood Insurance Program (NFIP). Those requirements are described in Biological Opinions (BiOp) issued by the National Marine Fisheries Service (NMFS) April 14, 2016, and the January 2017 errata document that supplements the BiOp for most of the State of Oregon.

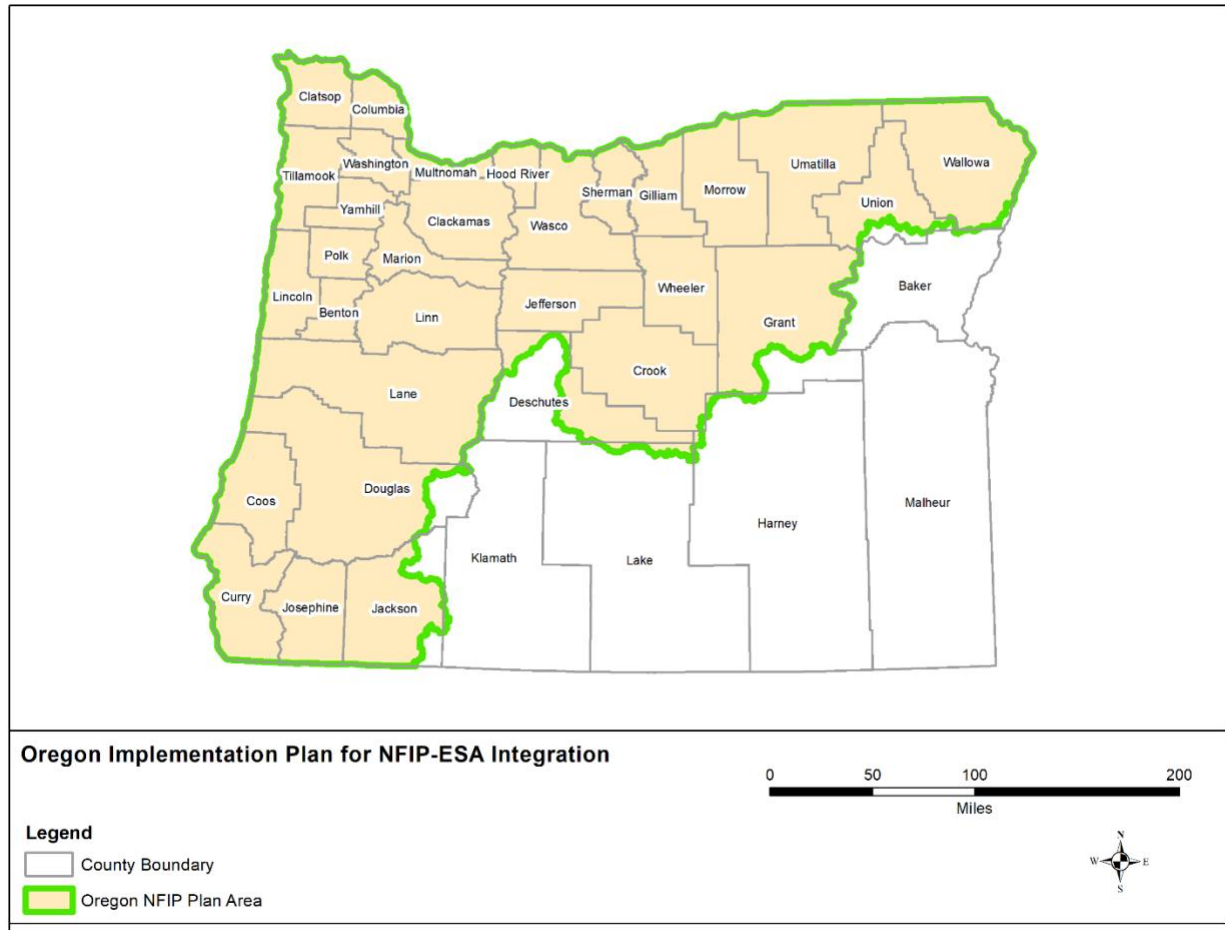


Figure 1 Oregon National Flood Insurance Program Plan Area for Endangered Species Act Integration

This guide is a companion to the BiOp for Oregon and the ESA Consultation Handbook (NMFS and USFWS 1998). It is intended to assist environmental planners, fisheries biologists, and other qualified floodplain and river management professionals who may potentially write or review habitat assessments (HAs). This document focuses on requirements specific to Oregon. It provides information on methods that communities may utilize to assess the impacts of land

management actions on ESA-listed species and their designated critical habitats within the Special Flood Hazard Area (SFHA).

This document is also designed to support the NFIP-ESA 2024 Draft Model Ordinance prepared by the Federal Emergency Management Agency (FEMA) Region 10. This guidance is offered to help communities comply with the interim measures in the Reasonable and Prudent Alternative (RPA) element 2 while FEMA works towards full implementation of the NMFS BiOp.

For further details on the BiOp’s requirements, see the [BiOp and RPA for Oregon](#). The Model Ordinance and additional guidance documents are also available from FEMA Region 10.

Communities in Oregon have two options to implement the interim measures of the BiOp: adopting the Model Ordinance under a hybrid programmatic habitat assessment approach or using a permit-by-permit approach. Sections of the Model Ordinance are referenced in this guidance to help the reader match the requirements of the BiOp with NFIP regulations. Additional references included in this guidebook are listed at the end of the document.

The RPAs set forth for Oregon under the BiOp include an expanded timeframe for implementation to account for state-wide implementation and potential changes in FEMA policy and guidance. The RPAs also allow for compensatory mitigation of adverse effects within the SFHA.

This revised 2024 habitat assessment guidance will help jurisdictions assess and document ESA compliance reviews. It is intended to be useful to those jurisdictions who are complying with the requirements of the interim elements of the RPA in Oregon through adoption of the model ordinance.

Regardless of which compliance option is selected, the objective is to avoid adverse effects and ensure no net loss to ESA-listed species and their designated critical habitats by protecting those species and the natural functions of their designated critical habitats.

The preparation of this guidance was informed by technical input from local officials, engineers, natural resource scientists, and planners. It is designed to assist qualified habitat professionals, representing both permit applicants and permit officials, in ensuring that any adverse impacts from actions occurring anywhere within the Oregon Special Flood Hazard Area will be mitigated to a no net loss standard. This guidance is focused on ESA-listed species utilizing habitats in flood-prone areas, including those areas associated with streams, lakes, and marine waters.

The 2016 BiOp and 2017 errata for the NFIP in Oregon apply to 16 ESA-listed fish species and the Southern Resident killer whale. However, the Model Ordinance and this guidance may also help guide assessment of potential impacts from project actions on bull trout (administered by the U.S. Fish and Wildlife Service [USFWS]), which are currently listed as threatened or endangered. In Oregon, bull trout are found in the Columbia River and many of its tributaries. The

assessment of impacts on other fish species that may become candidates for ESA listing may also be warranted, to ensure that project proposals adequately address their needs if they become formally listed while a project is still underway. This assessment guidance does not, however, provide details on possible methods of how to assess impacts to any ESA-listed wildlife, invertebrate, or plant species that may be present, nor impacts to their habitats.

1.2 Definitions

Three terms are used in this guidance and the Model Ordinance, that may not be the same terms used in a community’s regulations: “Riparian Buffer Zone” and “development.” These terms are defined in the Definitions section of the Model Ordinance Language (Section 2.0).

The **SFHA** is the land in the floodplain within a community subject to a 1% 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).

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 (MHHW) 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. The RBZ-fringe is the remainder of the SFHA that is outside of the RBZ.

Development is 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. The Oregon BiOp extends that definition to include subdivision of land, removal of vegetation, other alteration of natural site characteristics (including any remnant natural characteristics existing in a degraded site), substantial repairs and improvements, and the maintenance, repair, or remodel of existing buildings, facilities, and utilities when their existing footprint is expanded.

1.3 When to Conduct a Habitat Assessment

Whenever a development project is proposed in the SFHA, the property owner must obtain a floodplain development permit from the community. Certain types of projects can be permitted relatively quickly (see “Allowed Activities” below). Unless a community’s floodplain management ordinance lists a project action type as exempt from the requirement to complete an HA (see Section 1.3.1), the project applicant must complete an HA that describes the impact of the proposed development on existing floodplain and instream habitat functions and processes. The scope and detail of that assessment may vary as needed to portray possible impacts for each project. If the anticipated project effects are clearly limited in nature and extent, it may be possible to describe them in a relatively short assessment. The greater the complexity, scope, and/or risk of possible impacts to ESA-listed species or their habitats, the more likely it will be that the HA will need to be an in-depth analysis, to portray impacts and describe planned mitigation, if needed.

1.3.1 No Habitat Assessment Required

There are four general circumstances where an HA would not be required:

1. Projects that are listed as exempt from conducting a habitat assessment in the BiOp for the NFIP in Oregon. These exemptions should be listed in the community’s ordinance (exempt situations are listed below).
2. Project actions that are covered under separate consultations under Section 4(d), 7, or 10 of the ESA.
3. Projects under consideration that have already been covered by a full programmatic habitat assessment of all current and reasonably foreseeable future conditions throughout a jurisdiction. (When such an assessment already exists, and the project clearly fits within the nature and scope of those project types that were addressed by it, then the jurisdiction need only document and track how they evaluated its eligibility for coverage by that assessment).

1.3.1.1 No HA Required and No Floodplain Permit Required:

Communities may allow the following activities in the floodplain without requiring a floodplain development permit, provided all applicable federal, state, and local requirements are met. A floodplain permit is not required because these activities do not meet the NFIP definition of “development.” Note: local community regulations may be more restrictive than the minimum standards (44 CFR 59).

- Routine maintenance of existing landscaping that does not involve grading, excavation, or filling.
- Removal of noxious weeds, hazard trees, and replacement of non-native vegetation with native vegetation.
- Normal maintenance of above and below ground utilities and facilities, such as replacing power lines and utility poles.

- Normal road maintenance, such as filling potholes, repaving, installing signs and traffic signals, but not including any expansion.
- Normal maintenance of a levee or other flood control facility, as prescribed in the operations and maintenance plan for the facility. Normal maintenance does not include repair from flood damage, any expansion of the prism, face or toe expansion, or the addition of material for protection or armor.
- Plowing and other normal farm practices (other than new structures or filling) on legally existing agricultural areas. Clearing additional land for agriculture will likely require a floodplain development permit and an HA.

1.3.1.2 Floodplain Permit Required and No HA Required

Communities may allow the following activities in the floodplain without an HA, provided a floodplain development permit is obtained and all applicable federal, state, and local requirements are met.

- Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, provided such work does not constitute a substantial improvement or repair of substantial damage. To comply, the cost of such work must be less than 50 percent of the market value of the structure(s).
- Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas , provided the activities meet federal and state standards and do not include structures, grading, fill, or impervious surfaces.
- Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than 5 percent of the native vegetation on the portion of the property located in the SFHA.
- Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices (BMP) are utilized to prevent stormwater runoff and soil erosion.
- Projects that have already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the ESA, that addresses the entirety of the project in the floodplain. Examples of other such permits include but are not limited to a U.S. Army Corps of Engineers (USACE) 404 permit.
- Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High-Water Mark (OHWM) is still outside of the face of the bulkhead.

Projects that require a federal permit under Section 404 of the Clean Water Act would likely need to go through an ESA consultation process led by the USACE Regulatory Branch. The Section 404 permit process includes consultation with the U.S. Fish and Wildlife Service (USFWS),

and/or NMFS when a project may influence a federally listed species. Such consultation is required under Section 7 of the ESA. If a project has gone through this Section 7 process with USACE then a local HA would not be required.

A project is deemed to comply with the ESA if a permit applicant has prepared a Biological Evaluation (BE) or a Biological Assessment (BA) and has received concurrence from USFWS and/or NMFS as applicable for the species potentially present (via either a Letter of Concurrence or a BiOp) that covers the full scope of the proposed action. In such cases the additional HA requirements of this guidance are not required (see Section 7.7 of either of the Model Ordinances).

1.4 Habitat Assessment Overview

The habitat assessment needs to describe any impacts to habitat functions due to actions occurring within any part of the SFHA in the BiOps action area communities. The assessment must demonstrate that there will be no net loss to habitat functions in the SFHA.

The impact of a project on habitat functions and processes may be complicated to determine because there is often little or no information on the site’s baseline (pre-project) natural features. A habitat assessment is needed to identify those natural functions and to complete an analysis that estimates what effects the proposed action will have on ESA-listed species and their critical habitats.

If the assessment finds that an adverse effect may occur due to impacts from the proposed action on ESA-listed fish species, Southern Resident killer whales, or their designated critical habitats, then the permit applicant must prepare a plan identifying the steps that the applicant will take to modify the proposed action to avoid adverse effects. Avoidance measures should be applied as the first priority. Then, measures to minimize or fully mitigate any unavoidable adverse impacts must be developed and applied to the project. Jurisdictions must be able to document the details of the mitigation plan and identify which mitigation measures are required rather than recommended. They must also be able to monitor and document the implementation and measure the effectiveness of the plan, track any enforcement actions taken, and provide that information to FEMA, if requested.

Any actions that would adversely affect ESA-listed species or their critical habitats within the BiOps action area SFHA must be fully mitigated. In the required descending order of preference, the mitigation sequence is avoidance, minimization, and mitigation. Applicants must explain and document why all preferable forms of mitigation were not practicable before proposing less preferable forms (e.g., mitigation over avoidance).

1.5 Preparing and Reviewing a Habitat Assessment

This guidance provides a step-by-step approach to complete a HA when an assessment is needed. The approach described in the following sections should provide sufficient information to assess

and document the likely effects of a proposed project, but it does not have to be followed exactly as described. However, if a different approach is followed, it must provide sufficient data and analysis to describe baseline conditions and likely effects on ESA-listed species and their designated critical habitat. It must conclude with an effects determination that is well supported by that analysis.

This guidebook is not intended to represent comprehensive instructions for how a jurisdiction should complete a comprehensive “programmatic” HA of existing conditions and impacts of community’s regulations across its entire jurisdiction (e.g., conditions within all watersheds in a jurisdiction). However, it helps describe the information that would be needed to complete such an extensive and inclusive programmatic assessment. Communities may conduct programmatic assessments with differing approaches based on their unique land uses, regulatory structure, available maps and data, and community goals. Communities may request technical assistance from FEMA when they draft programmatic habitat assessments or review assessments prepared by others for projects within their jurisdictions.

The guidance is also not intended to provide complete instructions for documentation and justification of how a jurisdiction’s existing regulations (and any planned changes to those regulations) comply with all the terms and conditions within the RPAs of the BiOp. It will be the responsibility of the jurisdiction to explain and document that information. This guidance is primarily intended to assist applicants in preparing an HA under the permit-by-permit approach listed in the Pre-Implementation Compliance Measures (PICM). Applicants may seek assistance from their local jurisdiction in preparation of the HA. If the project is complex, it is recommended that applicants begin with conceptual development plans and conduct a preliminary assessment before investing in detailed project plans and specifications. Continued communication with community staff will also help identify issues before significant time and/or money is spent on a project that may require additional mitigation measures or needs to be redesigned or abandoned. It may be appropriate for some communities with limited staff to request assistance from their neighboring jurisdictions, Tribes, or other partners to help assess the adequacy of draft HAs written on their behalf. This guidance document allows for flexibility in the format of many aspects of the HA. Reviewers of draft HAs should be familiar with the range of formats that adequately portray and interpret fisheries population and habitat survey data.

A permit applicant should weigh the cost of preparing an assessment and mitigation plan, should one be needed, against the cost of locating the project outside the SFHA. It may cost less in time and money to simply avoid the SFHA

2.0 Conducting the Assessment

The process to adequately identify and address the impacts a proposed project may have on habitat within the floodplain is described in the following sections. In circumstances where an approved habitat assessment (Steps 1 through 4) determines that if no impacts on habitat functions

associated with ESA-listed species will occur, development of a mitigation plan is not necessary. However, most activities within the SFHA that require a HA are highly likely to have impacts on habitats associated with ESA-listed species. The first few steps are to describe the project area, area of potential effects (which may be larger), and whether any listed species potentially occur in that area. If ESA-listed species potentially occur within the area where project effects may occur, then the potential impacts on those species must be determined. When habitat impacts are identified, a mitigation plan must be prepared for the project, in accordance with Steps 5 and 6.

2.1 Step 1. Describe the Project Area

The project area is generally the parcel or parcels being developed. In some cases, the project may extend to a larger area, such as when a road to the parcel is to be built or improved, or when the effects of several interrelated or interdependent proposed land development actions are considered together. Step 1 should produce two documents – the project area description and a project area map.

2.1.1 Project Area Description

If an Oregon State Joint Permit Application (JPA) form has been prepared for the project, it will include the general project area description information that would be included as part of the habitat assessment. An approval under Section 401 of the Clean Water Act is required from the Oregon Department of Environmental Quality (ODEQ) and/or a removal-fill permit is required from the Oregon Department of State Lands (DSL). However, the JPA may not adequately describe all the natural functions, and habitat support processes, species distribution characteristics, hydrologic variables, and/or water quality effects that need to be addressed in a habitat assessment. At a minimum, an Oregon State JPA form would include the following information:

- **Location information:**
 - Street address
 - City and County
 - Township, section, and range
 - Latitude and longitude
 - Tax parcel number(s) of the project location
 - Type of ownership of the project (Federal, State, or locally owned public lands; tribal lands; privately owned lands)
- **Water resource information:**
 - Watershed name
 - Watershed Assessment Unit or HUC12 codes. Information on Oregon’s Watershed

Assessment Units can be found at the Oregon Department of Environmental Quality (DEQ) [Oregon 2024 Integrated Report Frequently Asked Questions](#) and the mapping webpage at:

[Oregon Explorer](#) HUC codes for the Pacific Northwest region can be found at the U.S. Geological Survey site: https://water.usgs.gov/GIS/wbd_huc8.pdf.

- Names and descriptions of the water bodies in which work will occur, including water type. For more information on water type and a map that designates the types for major water bodies, see the Oregon State Water Resources Department water typing page: <http://www.oregon.gov/ODF/Documents/WorkingForests/WaterClassificationTechNotes1.pdf>
- Coastal Management Areas are associated with the coasts of Oregon, as managed by the Oregon Coastal Zone Management Program.
- Critical Areas associated with streams, designated by the local jurisdiction pursuant to the Transportation and Growth Act in Oregon. Critical areas management information should include the critical areas designation and a description of the extent of jurisdiction.
- **Fish and Wildlife Habitat Areas**
 - Designated Goal 5 resources include riparian areas, wetlands, wildlife habitat, and natural areas in or near the project area.

2.1.2 Project Area Map

The second item needed for Step 1 is a map, drawn to scale that shows the following:

- Parcel(s) boundaries
- Full analysis area
- Area of the finished project (including roads)
- Any additional area(s) that will be disrupted during construction (including access routes, staging areas, and areas to be re-graded or filled)
- All water bodies
- Site topography, soils, and geology
- Fish and Wildlife Habitat Conservation Areas/Goal 5 resources
- Existing native vegetation by vegetation community zones. For example, a map could distinguish areas with existing coniferous forest cover from areas with shrub cover and areas with grass cover.
- Boundaries of the following regulatory areas (see Section 3 of the Model Ordinance)
 - Special Flood Hazard Area

- Floodway (if available)
- Riparian buffer zone (RBZ)
- Channel Migration Zone (CMZ) (where available)
- Depths of the 10- and 100-year floods at representative locations. These only need to be provided when flood data is available from existing studies for the community.

2.2 Step 2. Describe the Project Area’s Habitat

In Step 2 of the habitat assessment, the applicant describes the existing habitat conditions of the project area. Tasks 2.2.1 and 2.2.2 of Step 2 are largely based on existing scientific information regarding species use and current habitat functions in the project area.

2.2.1 Background Research

In order to adequately describe current population and habitat conditions, Step 2 starts with a review of existing sources of information relevant to threatened or endangered species and their habitats in or near the project area. There may be thorough inventories already available. The following sources should be checked, and appropriate sections referenced as needed:

- Critical areas inventory maps, best available science consistency studies, flood control and floodplain management plans, watershed analyses, and habitat studies that may be available from the community’s planning or environmental protection department.
 - The following sources may be helpful: Conservation Strategy Areas; Coastal Zone Management Program
- Natural area studies that may be available from the community’s parks and/or natural resources departments.
- NMFS distribution of threatened and endangered Species (www.nwr.noaa.gov)
- NMFS designated critical habitat maps (www.nmfs.noaa.gov/pr/species/criticalhabitat.htm)
- USFWS Information for Planning and Consultation tool (IPaC) at <https://ecos.fws.gov/ipac/location/index>
- USFWS critical habitat maps (<http://criticalhabitat.fws.gov/> and www.fws.gov/pacific/bulltrout/)
- USFWS National Wetland Inventory mapper (<https://www.fws.gov/wetlands/data/Mapper.html>)
- USFWS and NMFS habitat recovery plans, when published for ESA listed species in the project vicinity
 - USFWS: (www.fws.gov/pacific)

- NMFS: (www.nwr.noaa.gov)
- U.S. Department of Agriculture, Natural Resource Conservation Service soil survey maps (<http://websoilsurvey.nrcs.usda.gov/app/>)
- Oregon Department of Fish and Wildlife threatened and endangered species list (http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp)
- Oregon Department of Fish and Wildlife Crucial Habitat Database (<http://dfw.state.or.us/maps/compass/data.asp>)
- Oregon State Department of Environmental Quality Water Quality Assessment (<http://www.oregon.gov/deq/wq/Pages/WQ-Assessment.aspx>)
- Oregon Native Fish Conservation and Recovery Plans
- Stream surveys conducted by tribes or federal, state, or local agencies. Such surveys may contain detailed information on habitat conditions and fish species presence from redd surveys or from snorkeling or electroshocking surveys. Other recent projects near the project area may also have collected stream survey or other habitat data.

2.2.2 Protected Species Identification

The review of the existing research should identify all federally listed species, designated critical habitats, Essential Fish Habitat (EFH) as defined by the Magnuson-Stevens Fishery Conservation and Management Act, affected EFH species, and Fish and Wildlife Habitat Conservation Areas or Conservation Strategy Areas, that occur in or near the project area. Species or habitats that have the potential to be negatively impacted on a direct, indirect, or cumulative basis by proposed ground-disturbing actions need to be described. The appropriate spatial and temporal scales for each form of potential impact must also be identified and briefly explained. Further discussion of potentially measurable or observable impacts, and the appropriate spatial and temporal scales for an effects analysis is presented later in this guidebook.

The table below is an example of how species presence and ESA status of populations and Critical Habitat could be presented. Additional columns could also be inserted to list the status of EFH and other categories when present and convenient to describe in a tabular format.

Occurrence of Listed Species and Critical Habitat in or Near the Project Area. (Sample Display)				
Common Name	Scientific Name	ESA Status	Jurisdiction	Critical Habitat
Lower Columbia River Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened	NMFS	Yes
Lower Columbia River coho salmon	<i>O. kisutch</i>	Threatened	NMFS	Yes
Lower Columbia River steelhead	<i>O. Mykiss</i>	Threatened	NMFS	Yes
Southern Resident killer whale	<i>Orcinus orca</i>	Endangered	NMFS	Yes

Table 1. Sample Species Status Table for a Habitat Assessment

Check with the NMFS and USFWS data sources described in Section 2.1 of this document to obtain general maps of the distribution of ESA-listed or proposed species, listed critical habitats, and any areas designated Essential Fish Habitat. Please note that the maps of potential fish distribution at these websites are not necessarily the most detailed or accurate maps that exist. The regional or local offices of NMFS, USFWS, tribes, or local land management agencies may be able to provide more accurate maps based on recent fish and habitat surveys, including known migration barriers.

EFH species are managed by NMFS. On the west coast of the United States there are three EFH salmon species that potentially occur in freshwater systems, namely pink, coho, and Chinook salmon. If project actions may potentially negatively impact estuarine and marine systems, numerous species of ground fish and coastal pelagic fishes that are listed under EFH may also need to be considered.

This task should summarize the biological and ecological information that will be needed for the habitat assessment. Appropriate information on species life histories, habitat, and distributions, as well as other data necessary for species survival or possible recovery, must be included to provide sufficient background for the analyses in later sections. It is important to note that even though the 2016 BiOp for Oregon focuses on salmon and EFH species managed by NMFS, all threatened or endangered plant and animal species in or near the project area need to be addressed. If other ESA-listed species are present or are potentially present, it may be necessary to conduct additional surveys and assessments beyond those described in this guidance.

Several sources of existing information are listed above in Section 2.2.1. When a document contains relevant information, that information can simply be cited by page-specific reference. Other sources include the locally developed Best Available Science (BAS) documentation reports; the state’s Growth Management Act that requires each community to prepare such

reports for their critical area standards. Additional references are provided below as examples of the general format and guidance on how some agencies conduct biological assessments.

- The U.S. Army Corps of Engineers’ *ESA Consultation Initiation Template* (USACE 2007)
[\[http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/ESA_Template_Guidance.pdf\]](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/ESA_Template_Guidance.pdf)
- *Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale* (NMFS 1996).
[\[http://www.nwr.noaa.gov/Publications/Reference-Documents/upload/matrix_1996.pdf\]](http://www.nwr.noaa.gov/Publications/Reference-Documents/upload/matrix_1996.pdf)
- Oregon Department of Transportation *Biological Assessment and Guidance Document* (ODOT 2005).
[\[http://cms.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/docs/BAWritingDocument.pdf\]](http://cms.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/docs/BAWritingDocument.pdf)

Currently, the Northwest Region of NMFS does not formally recommend use of any specific template for Biological Assessments (other than the ‘Analytical Process’ for some specific land management actions like timber sales on Federal lands). The Region instead allows the potential use of a variety of formats.

HAs must describe existing habitat and species population conditions for each ESA-listed species that may occur in the area of potential effects. The HA should describe the habitat functions that potentially support ESA-listed species in or near the action area. It must then describe the potential impacts of the proposed actions on individuals of each species, populations of those species, and their habitats. The detail and extent of each assessment will vary by the nature and scope of the proposal and the potential for negative impacts.

This section’s narrative should include, but not necessarily be limited to, descriptions and discussions of the following topics:

- i. Factors of decline
 - a. Historical pressures on the species
 - b. Current pressures on the species
 - c. Limiting factors for recovery of the species
- ii. Local empirical information (if available)
 - a. Current local population information
 - b. Ongoing monitoring programs (if any)
 - c. Population trend of the species

A summary of the habitat needs for each protected species should follow its description. This section of the narrative should identify and describe the key factors that are important to each

protected species. These factors include the Primary Constituent Elements (PCEs) for those species with designated critical habitat. PCEs are the key habitat components that an ESA-listed species needs to survive in an area (see example in the box). For each listed species, PCEs are described in the corresponding Federal Register publication for its designated critical habitat. The PCEs must be described when critical habitat may potentially be affected. In those cases where designated critical habitat is not present near the project action area, describing the available habitat in terms of the PCE components is still a recommended means to concisely describe existing habitat features. Not all PCEs for a species may apply to a project. In the example below, PCEs related to the ocean environment would not apply to the project if the project area is on a freshwater stream.

Example Primary Constituent Elements

(Chinook salmon and steelhead trout, 50 CFR Part 226, Federal Register / Vol. 70, No. 170 / Friday, September 2, 2005)

- 1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development.
- 2. Freshwater rearing sites with water quantity and floodplain connectivity
- 3. Freshwater migration corridors free of obstruction
- 4. Estuarine areas free of obstruction
- 5. Nearshore marine areas free of obstruction
- 6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

2.2.3 Site Investigation

Tasks 2.2.1 and 2.2.2 give the applicant guidance on where to look and what to look for regarding species potentially present at the site. Following completion of the first parts of Step 2, a site visit is usually needed to determine if there are habitat areas in the project area with which identified species have a “primary association.” “Habitats of primary association” include critical habitat components (which could be PCEs), which, if altered, may reduce the likelihood that the listed species will be able to continue to live and reproduce in the area over the long term. A site visit and determination of site-specific conditions is generally necessary to determine what actual impacts on ESA-listed species, EFH, and associated habitats may occur from a proposed project.

For example, identification of Chinook salmon habitat areas of primary association should look for those PCEs listed in the box. A description of the riparian and instream habitat conditions that exist both upstream and downstream of the project action area would also be needed.

This description of existing baseline habitat functions must, at a minimum, include those habitat functions that are listed in the BiOp on the NFIP in Oregon. These functions are described in the next section on the habitat narrative. In addition, it is especially important to note the locations

and distances from the proposed project area relative to any stream reaches that may potentially support ESA-listed species or contain designated critical habitat.

The description of habitat and general conditions in the project area should also identify existing modifications to the project site within the floodplain, including existing structures, roads, impervious areas, and graded or filled areas. Any existing modification that has impaired habitat functions and/or habitats of primary association should be described (as discussed in the next section). If the project includes activities to restore the habitat in these modified areas, it could help the assessment conclude that there will be no adverse effects on habitat due to the project (see also Task 2.3.3 of Step 3).

The Oregon Department of Fish and Wildlife, through its conservation strategy includes additional actions that have the potential to result in impaired habitats. The site investigation should look for and describe these modifications when they are present. In general, actions that have the potential to result in impaired habitats involve one or more of the following:

- coastal development and associated construction
- shoreline armoring
- alteration of hydraulic regimes
- dredging and dredged materials disposal
- aquaculture
- global climate change
- habitat isolation
- the removal of riparian vegetation (except for the removal of noxious plants)

Furthermore, RPA element 2 identified in the Oregon BiOp requires communities within the implementation plan area to identify a riparian buffer zone (RBZ) that is measured 170 feet horizontally from the ordinary high-water mark of perennial or intermittent streams, including the area between these outer boundaries on each side of the stream, including the stream channel or 170 feet inland from a MHHW. Development in the RBZ must adhere to additional performance standards to comply with NFIP-ESA integration efforts as outlined in section 2.5.3.

2.2.4 Habitat Narrative

The findings of the field investigation are used to prepare a description of the habitat areas of primary association that will need to be protected. The narrative for this part of the assessment report needs to describe the presence and existing quality of the natural features that relate to the PCEs for all the species and habitat areas that were identified in Tasks 2.2.2 and 2.2.3. The habitat narrative must include descriptions of the site’s floodplain storage capabilities, water quality, and riparian vegetation. As described in the final paragraph of Task 2.2.2, PCEs are the key habitat components required for an ESA-listed species, as identified in the final rules that were published in the Federal Register when a species was listed. The narrative must identify what habitat

functions are still relatively intact and which are impaired by previous site and/or area (e.g., sub-watershed, watershed, or basin scale) modifications.

The BiOp for the NFIP in Oregon states that within the SFHA all development impacts on natural floodplain functions must be mitigated. The mitigation standards should identify the specific development activities that require mitigation including the following activities.

- 1) The addition of fill, structures, levees, or dikes, which reduces flood storage and fish refugia, impedes habitat forming processes, and increases flow volume and velocity. The latter erodes stream banks and beds and alters peak flow timing, which increases the risk of injury to redds, fry, and alevin.
- 2) The addition of impervious surfaces, which reduces hyporheic function and stream recharge, increases stormwater runoff, pollutant loading, water temperature, velocity, and scour, and modifies peak and base flows.
- 3) Vegetation removal, which reduces shade, detrital input, velocity refuge, and habitat complexity, and increases stormwater runoff and erosion.
- 4) Bank armoring, which reduces instream habitat values and impedes habitat forming processes.

The site investigation and resulting habitat narrative must also include a description of the proposed action and existing habitat conditions even when the action is outside of the High Hazard Area.

It is possible that there may be limited information available from the sources identified in Tasks 2.2.2 and 2.2.3. The habitat narrative must note the sources of data and information, and clarify which statements are based on scientific reports and data, and which statements are based on the professional opinion of the author. This is one of the most vital aspects of the assessment, and is required for reviewers to evaluate the basis and relative confidence of statements, related to current conditions and estimated environmental effects.

The variables listed below should be considered to ensure that the assessment covers all the required factors. In most cases, the analysis scale will be small and only address a small contiguous action area. However, some projects may include multiple sites in multiple watersheds. The extent and detail needed for the assessment will vary by the nature, scope, and scale of the proposed action. In many cases, the project will not have the potential to affect many (or any) of the habitat functions listed below. When that is the case, the assessment simply needs to clarify why the project does not have any significant potential to degrade some or all variables. The list below is intended to assist jurisdictions in considering all possible impacts on aquatic habitat and ESA-listed fish species, due to major land management actions. The list includes questions that should be answered in the HA with additional guidance on how to address them.

Primary Constituent Elements (PCEs)

These are identified in the final rules that designate critical habitat for listed threatened and endangered species (see the NMFS and USFWS critical habitat map links within the References and Resources section to access final rules for ESA listed species). For example, for an inland site with Chinook salmon habitat (see box on page 18), the first three sections of the habitat narrative would cover freshwater spawning sites, freshwater rearing sites, and freshwater migration corridors. In those cases where designated critical habitat is not present near the project action area, describing available habitat in terms of the PCE variables is still recommended to concisely depict key habitat features. Even if designated critical habitat is not present on a site, there still may be suitable habitat for the species and the species may be present. If suitable habitat is present, then the potential for impacts to the species from project activities needs to be evaluated. The distance and locations of the nearest designated critical habitat, relative to the project area also need to be listed, so that the potential for projects to impact these mapped areas can be evaluated (e.g. via sediment transport). Water quality, floodplain connectivity and storage, and riparian vegetative community are three PCEs of particular importance within the Oregon implementation plan area, as they have been identified as key floodplain functions by the 2016 BiOp.

Water Quality

- Does the proposed action include any activities (e.g. grading, stormwater, or road construction) that may have any potential to cause measurable degradation to water quality variables within the action area, and how was this assessed?
- If so, which water quality variables would be affected? Water quality variables that should be considered include: turbidity, pH, total dissolved gas (percent of saturation), bacteria, toxics, and pollutants. In Oregon, the numeric standards for turbidity, pH, total dissolved gas, and bacteria vary by location depending on the state’s designated uses for salmon and charr fish species listed for the river reach in question (i.e., spawning, rearing, and/or migration). These states have also adopted narrative criteria to supplement the numeric criteria for some variables. The narrative criteria are statements that describe the desired water quality goal, such as waters being "free from" pollutants including oil and scum, color and odor, and other substances that can harm people and fish.
- Is there any potential for the project to result in not meeting state water quality standards for any water quality variables (over any temporal scale) within the defined action area? If so, which variables? How was the action area selected, and how was the assessment conducted?

Reaches of streams that are known to be impaired and to not meet water quality criteria for one or more variables are required to be listed under section 303(d) of the Clean Water Act (CWA). If a river reach is not included on one of these lists, it does

not necessarily ensure that it meets all water quality standards for all variables. It may simply mean that no sampling (if any has occurred) has demonstrated that it does not meet standards. Data on water quality variables may be extremely limited or non-existent for many streams and river reaches. Water body segments only become listed via documented and repeated violations that are estimated to have likely been human-caused.

Jurisdictions in Oregon should advise the Oregon Department of Environmental Quality regarding any water quality data that they are aware of, in addition to what is cited in the current 303(d) list for a specific river reach. Information on the 303(d) list is found at: [Department of Environmental Quality : EPA Approved Integrated Report : Water Quality : State of Oregon.](#)

Water body segments (i.e., stream reaches, lakes, marine waters) that appear on the 303(d) list require the preparation of a plan to restore water quality, which often takes the form of a Total Maximum Daily Load (TMDL) study. Habitat assessments should include consideration of the status of water quality in the project action area and evaluate whether the project proposal has any potential to further degrade any variables, including any that are already listed as not meeting State standards.

- If there is any potential for degradation of any water quality variables, what are the estimated effects on ESA-listed fish species and/or their designated critical habitats within the action area, and how was this assessed? In addition, what is the maximum estimated spatial scale, and maximum time period when any possible impacts on ESA-listed fish species and/or their designated critical habitats might occur?

Water Temperature and Dissolved Oxygen

- Does the proposed action include any actions or regulations that may cause measurable changes in water temperature or changes in levels of dissolved oxygen (DO) in any locations, and how was this assessed?
- If there is any potential for measurable impacts, is there any potential for water temperature or DO (over any temporal scale) to not meet State water quality standards within the action area(s)? [see Water Quality section above for hyperlinks to standards in Washington and Oregon].
- If there is any potential for measurable impacts, what is the estimated effect (at all temporal scales) on ESA-listed fish species, and how was this assessed?
- If there is the potential for measurable impacts, what is the maximum estimated spatial scale and locations (including any downstream effects) and maximum time period when impacts on ESA-listed fish species may occur?

Low Flow Hydrologic Regimes (including hyporheic flows)

- Does the proposed action include any actions that could potentially cause changes to the magnitude, duration, or recurrence intervals of low summer baseflows at any locations, over any temporal scale, and how was this assessed?
- If there is any potential for changes, what impact would those changes have on ESA-listed fish species or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of those effects?

High Flow (flood) Hydrologic Regimes

- Does the proposed action include any actions that could potentially cause changes to the magnitude, duration, or recurrence intervals of the 10-, 50-, or 100-year flood flows in any location, and how was this assessed?
- If there is any potential for changes in flood flows, what effect would those changes have on ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of those effects?

Site flood dynamics and hydrology must be assessed to varying degrees, to ensure that the analysis is adequate and appropriate, for the nature of the proposed action and the habitat resources potentially at risk. Flood flow depths, volumes, velocities, and flow paths have an important effect on the way habitat is formed. The habitat assessment narrative should describe these factors with an emphasis placed on the effects of flood events on habitats. Tributary streams, seeps, stormwater outfalls, waterways that pass through the project site, and other water sources should be identified and described. This discussion may rely on and reference other flood and site hydrology studies prepared for the project and should be focused on how flood dynamics and hydrology impact local habitat areas.

A semi-quantitative or qualitative assessment of water quantity should usually be sufficient for projects limited in scope, scale, and overall potential to result in negative impacts on ESA-listed fish populations and their critical habitats. Projects with more potential for measurable or observable negative impacts will sometimes require more rigorous examination of hydrologic or sediment regimes, based on best available data, including correlations to existing gage stations. They may also require more intensive field surveys and possibly 1- or 2- dimensional flow modeling to describe water velocities, likely extents of inundation, and possible changes to instream and riparian habitat due to future flood events.

Flood Velocities

- Does the proposed action include any actions that could potentially cause increases in water velocities in streams or rivers during high flow events, and how was this assessed?

- If there are any potential for increases in high flow velocities, is there also any potential for measurable increases in streambed or stream bank shear or velocities in fish habitat units (e.g., pools, glides, side-channels) that provide refugia for ESA-listed species from high velocities within the channel over any temporal scale at any locations? How was this estimated?
- If there is any potential for changes in flood velocities, what impact would those changes have upon ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of effects?

Sediment Delivery (erosion) and Sediment Regime (in-stream transport)

- Does the proposed action include any actions that could potentially increase rates of surface erosion, delivery of sediments to water bodies, or total loading (volumes) of sediment transported in rivers that provide habitat for ESA-listed species? How was this assessed?
- If there is any potential for sediment increases, what impact would those changes have on ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of those effects?

Stream Substrate

The quality, quantity, and general distribution of substrate particle size needs to be described in those cases where there is the potential for spawning, rearing, feeding, or refugia substrate habitat to be degraded by project actions. In some cases, this may include impacts from transport of sediments downstream from the project site.

If the proposed action has the potential to deliver significant quantities of fine-sediments to stream reaches in designated critical habitat or in those areas that may otherwise provide potential habitat to ESA-listed species, the percent fines (e.g. per %) would need to be estimated and the analysis methods described. This information is required to describe current habitat conditions and estimate how (if) any additional inputs of fine sediments may degrade the current quality of stream substrate habitat.

In those cases where sediment impacts may be a significant concern, it may also be necessary to fully describe current substrate conditions in those stream reaches that could be impacted. If this is the case, the description should include the general range of substrate types that currently exist across each different channel type in potentially affected stream reaches.

The specific questions that need to be addressed are:

- Does the proposed action include any actions that could potentially cause increased rates of aggradation of fine or coarse sediments on potential substrates

for spawning, feeding, rearing, or migration? How was this assessed?

- If there is any potential for increased sedimentation, what impact would those changes have on ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of effects?

Floodplain Connectivity and Storage

Disconnecting a river from its floodplain impacts several other functions that directly affect the quality and quantity of habitat that supports ESA-listed species. Disconnection affects the potential for natural lateral migration and hydrologic connectivity between the stream and its floodplain. It also affects groundwater systems and the production and utilization of organic matter by riparian and aquatic communities.

Hydrologic connections provide temporary storage of floodwaters, while also providing key off-channel habitats and a source of water during dry summer base-flow periods. Many urbanized watersheds have lost these functions to varying degrees. If the stream is largely disconnected from its floodplain, the stream ecosystem cannot maintain its biological diversity, nor can it recover from major episodic disturbances. Some of these diverse habitat types also provide refuge from high velocity flows during flood events (see discussion below).

The habitat assessment needs to describe the current condition of floodplain connections and processes. This can usually be accomplished in a brief narrative via a combination of a site visit and examination of aerial photography and FIRM maps (if they exist). Some of the conditions that should be noted include, but are not necessarily limited to, the extent of the channel migration zone, general channel geometry in potentially affected stream reaches, including the distribution and size of riffles and pools, and identification of any side-channels and tributaries. Specific questions that need to be addressed include:

- Does the proposed action include any actions that could potentially affect the extent and level of the connection of stream channels to their floodplain? How was this assessed?
- If there is any potential for changing the extent or level of floodplain connectivity, what impact would those changes have upon ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of effects?

Refugia for ESA-listed Fish Species from High Velocity Flows

- Does the proposed action include any actions that could potentially affect the location, extent, or quality of refugia from high velocity flows available for ESA-listed fish

species in side channels and other areas across the floodplain when over-bank flows occur? How was this assessed?

- If there is any potential for changes in the extent or quality of refugia, what impact would those changes have upon ESA-listed fish species and/or their designated critical habitats in the project action area, and what is the maximum estimated spatial and temporal scale of those effects?

Riparian Vegetative Community

The riparian vegetation along a stream provides many functions including bank stability, food input to streams, nutrient cycling, potential for recruitment of large woody debris to streams, shade, buffering of sediment and pollutants. The habitat assessment should include, but not necessarily be limited to, a description of existing conditions throughout any mapped channel migration area. Freshwater riparian conditions should be characterized by describing conditions as they relate to the riparian habitat functions. The habitat functions affected by riparian communities include water temperature control, recruitment of large woody debris, filtering of sediment and pollutants, erosion control, bank stability, and influence on microclimatology.

Characterization of marine shoreline conditions should be consistent with guidance from state agencies, such as the Oregon’s Department of Land Conservation and Development (DLCD) Coastal Management Program. Questions that should be addressed include:

- Does the proposed action include any actions that could potentially degrade the quantity or quality of the riparian vegetative community? How was this assessed?
- If the project has any potential to affect riparian vegetation, describe the general species, sizes, areas, and percent cover of the existing levels of riparian vegetation as well as the percent cover resulting from the proposed action.
- If there is any potential for degradation of the riparian vegetative community, how would:
 - The extent, rate, and quality of nutrient cycling, buffering, food input from terrestrial sources to streams (i.e. allochthonous food), and recruitment of large woody debris be impacted?
 - The extent and quality of bank stability and stream shading to be impacted?
- If there is any potential for degradation of some of the functions that the riparian community provides, what impact would those changes have on ESA-listed fish species and/or their designated critical habitat in the project action area, and what

is the maximum estimated spatial and temporal scale of those effects?

2.2.5. Habitat Area Map

Once all habitat areas of primary association are identified and described, they should be delineated on a map. The map should be at the same scale as the project area map (Task 2.1.2) to facilitate comparison of the habitat to be protected with the extent of the Special Flood Hazard Area, Floodway, the riparian buffer zone, and other relevant features such as watercourses and wetlands.

2.3 Step 3. Describe the Project

There are two key parts of the project that need to be described at this stage of the assessment report: 1) the final project, i.e., what the area will look like and how it will be used when the project is completed; and 2) the construction process that will be followed to get there. The description of the final project should be covered first. Measures taken by the proponent to avoid, minimize, replace, or compensate (the descending order of preference of the mitigation sequence) for degradation to the habitat functions must be described in enough detail to allow assessment of all the effects of the proposed action. It needs to be clear whether each measure is required, or if it is only recommended. It can't be assumed that recommended actions will occur, so their potential positive impacts should not be part of the assured result.

As described for Task 2.1.1, if an Oregon State JPA form has been prepared for the project, it will include general project description information, but usually additional information will be needed for the habitat assessment. More information regarding the Oregon application process and JPA form template can be found at the Oregon Department of State Lands website at: <http://www.oregon.gov/DSL/WW/Pages/Permits.aspx>.

If the information that is already being provided in the JPA includes the level of detail described in this guidance, then the community may accept the application form as sufficient for the project description. If a JPA has not been prepared for the project, the project area description should, at a minimum, include the information included in Tasks 2.3.1 and 2.3.2 of this section.

2.3.1 Final Project

All features of the proposed completed project must be described. This includes, but is not necessarily limited to:

- A summary of the project, including all features that will be present when construction is finished
- Project category (industrial, commercial, residential, institutional, transportation, recreational, maintenance, agriculture, or environmental restoration)
- A description of the general design, location relative to nearest water bodies, and general dimensions of the footprints of any structures and facilities including, but not

necessarily limited to: buildings, boat launches, docks, pilings, fences, roads, bridges, culverts, trails, roads, or paved areas

- Detailed descriptions of all structures or facilities that would potentially impact water bodies or wetlands including, but not necessarily limited to: aquaculture, buoys, mining, bank stabilization, channel modifications, culverts, dams, levees, ditches, fishways, moorage, or outfall structures
- Above and underground utilities
- Water supply
- Wastewater disposal
- Stormwater management facilities
- Non-native landscaping

The level of detail needed for these descriptions will vary according to the nature, scope, and scale of the project, and its location relative to ESA-listed species and their potential habitats. Assessments should include as much information as is needed to adequately describe and estimate potential environmental effects. In some cases, there may be little or no potential for adverse effects; therefore, in those cases, it may require relatively less information and discussion to document potential effects.

Project details, nearby stream courses, and any key floodplain features need to be mapped, and those features should be shown on the project area map(s) (Task 2.1.2). Maps should show how project details relate to stream conditions appearing on the habitat area map(s) (Task 2.2.5).

There should also be a description of:

- Any ongoing activities that will be conducted at the site after construction is complete.
- Any ongoing activities that will affect adjacent areas, including, but not necessarily limited to, increases in traffic, stormwater runoff from the site, and noise, and changes air quality.

2.3.2 Construction Process

At a minimum, the description of the construction methods should cover the following points:

- Land clearance (areas to be cleared and native vegetation that will be removed)
- Any work in-water, including a description of the methods and materials used
- Grading and filling
- Stormwater management measures to be taken during construction
- Utility installation (including any on-site wastewater treatment)
- Methods and techniques for construction of structures, including buildings, roads,

bridges, paved areas, retaining walls, shoreline modifications, and types of equipment to be used

- Construction phasing and anticipated construction timing
- Mobilization and staging plans
- Temporary construction access and staging areas

Maps and a timeline should be included to show where and when each activity will occur.

2.3.3 Protection Measures

There are several federal, state, and local regulatory requirements that require development projects to include measures that avoid, minimize, replace, or compensate for negative effects on populations or habitat functions due to project impacts. The applicant may propose additional measures. The habitat assessment must list the protective measures that will be implemented and clarify which are required and which are recommended. All required and recommended measures should be described. They could include, but are not necessarily limited to, the examples below:

- Preserving a setback area from any disturbances, or any other measures that avoid negative impacts on ESA-listed species or their habitats.
- Drainage/erosion control plans to be implemented during construction.
- Post-construction stormwater and erosion control plans.
- Use of low impact development techniques (which may eliminate or reduce runoff from areas to be developed).
- Any other measures that minimize negative impacts on ESA-listed species or their habitats.
- Actions to implement wetland mitigation plans.
- Any other measures proposed to reduce potential negative impacts during or after construction is complete, such as sedimentation basins, should be included and described as part of the project design and included in the project timeline.
- Compensatory storage provisions to replace lost floodplain storage¹ that demonstrate that they will not potentially strand fish.
- Any other forms of on-site or off-site compensation for degradation of habitat functions that support ESA-listed species.
- A description of any adaptive management program that will be utilized. This should

¹ Compensatory floodplain storage requirements are included in Section 7.6 of the Model Ordinance. This section requires that compensatory storage areas must be graded and vegetated to allow fish passage during flood events without creating fish stranding sites. Areas of compensatory flood storage should be designed to create floodplain habitat whenever feasible. Compensatory storage should not be used in areas prone to avulsions because lowering floodplain elevations or digging pits in these areas may increase the probability of an avulsion.

include, but not necessarily be limited to, a description of what monitoring would be conducted to track both implementation and effectiveness of mitigation measures, what would trigger adaptive measures, what those measures would be, and what method will be used to determine if they are sufficient and successful.

Adaptive management refers to a structured, iterative process intended to enable decision-making under conditions that include some uncertainty. The goal is to reduce that uncertainty over time by monitoring project site conditions before, during, and after construction, as well as the effectiveness of project design elements and mitigation measures. Possible components of an adaptive management plan include, but are not necessarily limited to, the following topics.

- How monitoring and resultant possible changes in project management (e.g., variations in mitigation measures) are based on spatial and temporal scales of analysis that are appropriate for the project in question, and how the basis for those scales is explained. This includes the location(s), duration, and frequency of monitoring.
- Why the variables selected for monitoring are appropriate and practical to track project impacts and the effectiveness of best management practices and mitigation measures.
- How monitoring results can and will be used in a direct way to decide what, if any, changes need to be made to achieve the desired future condition for the project. For many projects the desired future condition is obvious and can be easily stated. For more complex projects, the minimum parameters needed to adequately define the desired future condition will need to be determined and clearly described.
- How adaptive changes to the project would be based on existing best management practices and best available science to the greatest extent possible.

2.4 Step 4. Assess the Environmental Effects

The habitat assessment must analyze the direct and indirect effects of the proposed action on ESA-listed species and their aquatic, riparian, and floodplain habitat areas identified in Step 2, as well as the cumulative effects of future actions that are reasonably certain to occur. Primary factors to be considered in the assessment include, but are not necessarily limited to, the following considerations:

- The proximity of the action to individuals of the species present, habitat management units, or designated critical habitat units. This includes assessing the likelihood of measurable or observable impacts on fish or their designated critical habitats based on the relative location(s) of the action and nearby populations and habitats. For example, habitats located well downstream of an action that is expected to deliver significant volumes of sediment to a stream near the project site may still be measurably impacted

if those sediments may be routed (transported) downstream to areas of concern. The appropriate temporal and spatial scales of analysis will vary by the variables of concern and nature of the project and must be described in the assessment.

- The spatial distribution of an action over one or more action areas or sub-watersheds. The analysis should consider the accumulated effects of impacts in multiple locations and/or cumulative effects due to the combination of project effects added to the effects of other nearby, reasonably foreseeable future, non-federal actions.
- The timing of the proposed action relative to sensitive periods of the lifecycles of any potentially impacted ESA-listed species, and how that timing may result in negative impacts.
- The nature, scale, scope, and duration of the effects of the proposed action on the sub-population size, growth and survival, life cycle, diversity, isolation, and genetic integrity of ESA-listed species that could potentially be affected. Assessments should include as much information as is needed to adequately describe these population variables. In some cases, there may be little or no potential for adverse effects with respect to these variables, so relatively little discussion will be needed.
- The nature, scale, scope, and duration of the effects of the proposed action on the PCEs of any designated critical habitat, including any direct, indirect, interdependent, interrelated, or cumulative effects. In freshwater systems, PCEs generally include adequate water quality, water quantity, and substrate (free of fine sediments) for spawning, incubation, and larval development, floodplain connectivity for rearing, and stream channels free of man-made obstructions (obstructions may include physical, water temperature, or chemical barriers). The habitat assessments should include as much information as is needed to adequately estimate potential effects on these habitat variables. In some cases, there may be little or no potential for adverse effects on these variables, so relatively little discussion will be needed.
- There are three potential categories of effect on designated critical habitat that relate to the duration of the effect: 1) a short-term events where effects reduce to negligible levels soon after construction activities cease; 2) actions that may result in sustained long-term negative effects that are measurable or observable after the proposed action is completed; and 3) actions that cause permanent changes, resulting in a new threshold (condition) for some population or habitat functions of an a ESA-listed species and/or its critical habitat. Note that ‘Short-term’ effects will never persist more than one year beyond the duration of construction duration (e.g., removal of native vegetation due to construction that is replaced within one year), and in the case of significant inputs of sediment or pollutants, may not persist for more than a few hours to a few days at most.
- The frequency of any negative impacts due to the proposed action, described as the mean number of events per an appropriate time basis for the proposed action. This rate must then be compared against best available data on the estimated recovery rates of

any potentially affected species to assess how those species would likely be impacted by multiple disturbances (if such occurs). The duration of each event may vary. A recurring event of short duration will in some cases result in a smaller net impact than a single event of a much longer duration, but the opposite may also be true depending on the nature of the disturbance.

- The severity of any negative effects on ESA-listed fish or their designated critical habitats that may potentially occur due to the actions of the proposed project. In this context severity is not analogous to intensity or scale, but it is closely related. With a “severe disturbance,” affected fish would take a longer time to recover, due to both the intensity of effects as well as the cumulative effects of the other variables described above.

2.4.1 Types of Environmental Effects

The References and Resources section at the end of this document lists resources that have additional guidance for the assessment of environmental effects. The habitat assessment should assess direct, indirect, and cumulative effects.

Direct effects: According to ESA rules and regulations, direct effects occur at or very close to the time of the action itself. Examples include, but are not limited to: construction noise disturbance, loss of habitat, or sedimentation that results from the construction activity. Direct effects include the effects of interrelated actions. Such actions are part of the proposed action and depend on the proposed action for their justification. Direct effects also include interdependent actions, which are activities that have no independent utility apart from the action under consideration. Neither interdependent nor interrelated actions would occur ‘but for’ the implementation of the proposed action.

The discussion of direct effects must include information on the temporal and spatial limits of the effects, species tolerances, severity of effect, mortality, and other forms of take (including harm) and expected habitat loss as a result of the proposed action. Identification of the appropriate estimated temporal and spatial scales of potential impacts are key to assessing environmental consequences. It is recommended that a table or list of appropriate scales for each pertinent issue (e.g., possible erosion and delivery of sediments to stream channels, water pollutants, changes in instream or riparian habitat, changes in hydraulics, etc.) be created to document appropriate scales of analysis for the nature and location of the proposed action. Habitat assessments only need to address those habitat functions and processes that the project has the potential to affect, while also explaining (as briefly as is practicable) why those are the only functions that may be impacted.

The direct impacts a project might have on a habitat area include, but are not limited to:

- Permanent clearing and grading of any habitat area
- Temporary clearing and grading of any habitat area during construction
- Permanent structures, pavements, etc., constructed within or placed within a habitat

area

- Modification of a stream channel or side channel, including bank stabilization measures and removal or changes to large woody debris (other than stream restoration efforts)
- Diversion of water that will change the hydrologic or sediment regime in the project action area

Indirect effects: Indirect effects are also caused by or result from the proposed action; however, they are likely to occur later in time. They may occur outside of the area directly affected by the action. Indirect impacts include, but are not limited to:

- Disrupting high or low stream flows, including impacts from stormwater runoff
- Contributing to sedimentation that fills in substrate
- Blocking a corridor that connects habitat areas
- Increases in water temperature or degradation of chemical or biologic water quality parameters through removal of riparian vegetation or other actions
- Disturbance of riparian vegetation (for example, clearing vegetation to the edge of a forested riparian area)
- Moving or removing large woody debris
- Destabilizing banks or altering natural lateral or vertical channel migration or channel forming processes
- Degrading wetland areas through disturbance of adjacent vegetation or modification of hydrology

Cumulative effects: Under the National Environmental Policy Act (NEPA) cumulative effects include the lingering effects of past and current actions (as depicted in the environmental baseline) that overlap in time and space with the proposed action, as well as estimates of the effects of future state, federal, tribal, local, or private actions that are reasonably certain to occur in the action area. However, under the ESA’s distinct definition, cumulative effects include the effects of foreseeable future state, tribal, local, or private actions that are reasonably certain to occur in the project action area, but federal actions (i.e. actions permitted or partially funded by one or more federal agencies) are not part of the assessment nor are any past projects.

Project assessment cannot be segmented under either NEPA or ESA. It is not permitted to break the project down into small segments that may have low levels of impacts when considered separately. The entire scope of the direct, indirect, interdependent, and interrelated actions must be considered, including any possible lingering effects that may overlap with other reasonably foreseeable projects that could result in cumulative effects in the area(s) defined for analysis.

Permit officials are required to review the cumulative effects of all projects when the proposed action has the potential to produce any measurable or observable negative effects. The cumulative effects section should not simply be a list of other projects. It must in some manner describe the estimated accumulated impacts of future projects that are reasonably certain to occur, superimposed upon the baseline of current conditions and the expected impacts of the proposed action.

2.4.2 Report Format

There is no single required format for a NFIP habitat assessment, but such assessments must contain sufficient information and analysis to fully describe the impacts of the proposed action on ESA-listed species and their habitats. Similarly, neither NMFS nor USFWS (often jointly referred to as the ‘Services’) requires a specific format that biological assessments must follow. The main reference that the Services refer to and recommend applicants fully comply with is the Consultation Handbook (NMFS, USFWS 1998). [Endangered Species Consultation Handbook \(noaa.gov\)](http://noaa.gov)

The Handbook is a large document that includes chapters and appendices that stress the contents (versus format) needed in a biological assessment, along with examples of such assessments. However, there are also several examples of formats sometimes employed by various agencies that may be helpful for jurisdictions to reference as they can supplement the recommendations in this guidance. One format often used in the Pacific Northwest is the [Matrix of Pathways and Indicators \(NMFS 1996 and USFWS 1998\)](#). This approach assesses both the current condition and the estimated effect of the proposed action on 18 ‘indicators’ of population and habitat conditions that fall under six broader ‘pathway’ categories. This approach is useful because it breaks down the assessment into a repeatable, manageable number of specific topics.

The only significant difference between the NMFS and USFWS versions is that the suggested thresholds for when the current condition of an indicator is ‘properly functioning’, ‘at risk’, or ‘not properly functioning’ varies between the Services. The narrative for the matrices emphasizes that these specific threshold metrics do not need to be used and can be replaced by other metrics that are more appropriate for the watershed in question, if the deviation can be explained.

The outline below is a variation on the U.S. Army Corps of Engineers (USACE) Biological Assessment Template guidance regarding how to describe the effects of a proposed action in a biological assessment. It is included in the Endangered Species Section of USACE Permit Guidebook online resource at: <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook.aspx>. All the components of this USACE outline must be covered in some manner, but the format may vary.

- A. Direct effects
 - 1. First PCE (e.g., freshwater spawning sites)
 - 2. Second PCE (e.g., freshwater rearing sites)

- 3. Third PCE (e.g., freshwater migration corridors)
 - 4. Additional PCEs as appropriate
 - 5. Essential Fish Habitat designated by the National Marine Fisheries Service
 - 6. Fish and Wildlife Habitat Conservation Areas
 - 7. Vegetation communities and habitat structures
 - 8. Water quality
 - 9. Water quantity, including flood and low flow depths, volumes, and velocities
 - 10. The channel’s planform pattern and migration processes
 - 11. Spawning substrate, if applicable
 - 12. Floodplain refugia, if applicable
- B. Indirect effects - see the list on the previous pages of this document and include consideration of indirect effects with respect to items A.1 through A.12, above, that are applicable to the proposed project
 - C. Effects from interdependent and interrelated actions
 - D. Cumulative Effects
 - E. Effects determinations – see following section
 - F. Summary

2.4.3 No Net Loss Determination

Actions in the SFHA of the implementation plan area will have a May Affect -- Not Likely to Adversely Affect (NLAA) determination. However, the RPAs set forth in the 2016 BiOp and 2017 errata allow for compensatory mitigation of adverse effects within the SFHA through abundance with no net loss standards. No net loss is a standard where adverse impacts must be avoided or offset through mitigation so that there is no net change in function from the condition when development begins. The no net loss standards ensure that the implementation of the NFIP avoids jeopardy of listed species and adverse modification of habitat, including essential fish habitat (EFH) under the jurisdiction of NMFS within the plan area. They apply to three floodplain functions (i.e., floodplain storage, water quality, and riparian vegetation) essential to the survival of the 16 ESA-listed fish species and Southern Resident killer whale in the plan area.

2.4.4 Preparing the Mitigation Plan

The following sections (Steps 5 and 6) provide guidance on preparing a mitigation plan, including reference to any other pertinent habitat-specific restoration and mitigation guidance materials developed for the area under consideration. The final objective of floodplain habitat mitigation is to ensure that there is no adverse effect on quality or quantity of natural habitat functions and processes within the Special Flood Hazard Area through no net loss standards. Step 6, Task 2.6.1

of this guidance provides guidance on mitigation objectives to achieve no net loss, including specific requirements for mitigation within riparian buffer zones and through the remainder of the SFHA.

For many development proposals, the permit conditions and mitigation actions required to meet other local and state permit requirements may also provide sufficient mitigation for the impacts identified through Step 4 of this guidance. In such instances, permit conditions and required mitigation actions may overlap to serve as mitigation for impacts on floodplain habitats, as required by the local floodplain management ordinance. However, the conditions and mitigation proposed, must be sufficient to mitigate for all floodplain habitat impacts, in order to meet the objective of no adverse effect on habitat for ESA-listed species.

2.5 Step 5. Review Mitigation Alternatives (Mitigation Sequencing)

There are three major types of mitigation approaches to rectify an adverse effect. In descending order of preference and effectiveness they are: avoidance, minimization, and mitigation. This mitigation sequence hierarchy requires minimization of those impacts that can't be avoided and directs that any impacts remaining after taking steps to minimize shall be fully mitigated. On-site, in-kind compensation is preferred over off-site and/or out-of-kind compensation. The necessity for use of the latter must be explained and justified. Successful mitigation is dependent upon adequate monitoring of both the actual (versus planned) implementation of mitigation measures as well as the effectiveness of those measures to accomplish the stated objectives in the Mitigation Plan (see Step 6 below). The results of that monitoring may trigger adaptive management to accomplish those goals.

2.5.1 Avoidance

Avoidance of adverse effects is the preferred approach. FEMA recommends that new land development actions remain outside of the SFHA. Avoidance prevents additional adverse effects on aquatic and riparian habitats, while also precluding any risks to public safety and property from increased frequency, duration, or magnitude of flooding that would possibly result from further development in the floodplain. Avoidance also largely eliminates the expense of adhering to no net loss within the SFHA. The permit applicant should strongly consider relocating or redesigning proposed projects to minimize the impacts on floodplain habitat functions and the corresponding need for a mitigation plan.

Communities should consider disincentivizing development within the floodplain. Many communities currently use a variety of strategies to encourage conservation of sensitive areas by allowing for development at a more intense level in other areas. These measures are usually implemented through provisions of a zoning ordinance or separate development regulations. Here are three incentives for floodplain conservation that some jurisdictions use:

- 1. Providing density incentives to individual property owners: A density incentive or

density credit system would allow specified land uses to occur at a more intense level within the portion of a parcel outside of the floodplain as compensation for conservation of flood-prone areas within the parcel. For example, if a 20-acre parcel is zoned for one acre lots and half of the parcel is in the floodplain, the community might consider allowing the ten “dry” acres to be developed with half acre lots, allowing the developer to still construct 20 homes. This would allow for a higher density of development in a portion of the property and would require the remaining, high-habitat-value floodplain to be conserved as a dedicated tract. This strategy is similar to the approach of clustering development, which is provided as a case study in Figure 6-3 of the FEMA 480 manual “Floodplain Management Requirements” and is often used in planned unit developments. Under either the density incentive or density credit approach, the overall project does not exceed the development density allowed by the zoning district.

2. **Transfer of development rights:** Transfer of development rights (TDR) programs allow for the transfer of development density from one parcel of land (with some conservation value, such as a floodplain or wetland) to another parcel or area that is planned for higher density development. Implementation and administration of TDR systems has proven challenging in many circumstances due to the required coordination in establishing density receiving and density giving areas and the required negotiation to set density credit values. However, a community, regional, or watershed-based TDR system may be a successful strategy for floodplain avoidance.
3. **Tax relief for conservation lands:** Tax relief is a financial incentive proven to help discourage development of sensitive lands. Such systems could provide an additional venue to encourage conservation of floodplain lands. However, tax relief systems generally do not provide permanent protection for natural resources as they often are terminated when the property ownership transfers.

2.5.2 Minimization

If the entire project cannot avoid some development within the SFHA, it may be able to minimize the physical area and magnitude of impacts on the three floodplain functions. Some ideas for minimizing impacts include:

- Elevating structures in the SFHA on posts and piers to reduce the amount of fill/structure volume below the BFE.
- Reducing the amount of new impervious surface and using pervious surfaces where possible.
- Reducing the number of trees with a dbh of 6 inches or larger to be removed.

Many adverse effects result from degradation of natural processes or functions caused by actions during the construction period. Some best management practices to avoid these types of problems include, but are not necessarily limited to:

- Perform all work in dry weather and/or during the dry season.
- Incorporate erosion and sedimentation control measures.
- Use vegetable oil-based hydraulic fluids in all equipment working in water.
- Prepare and train crews on a spill prevention and pollution control plan and require that all equipment needed to contain a possible spill is available on-site before construction activities begin.
- Store, stage, and refuel equipment outside the riparian buffer zone.
- Inspect equipment daily for leaks.
- Time specific phases of work to occur during “species work windows,” when the species are not present or will not be affected.

2.5.3 Mitigation

Mitigation must be conducted for any loss to floodplain storage, water quality, and riparian vegetation in the SFHA. This is commonly measured through an increase in fill or structures below the BFE, an increase in impervious surfaces, and the removal of trees 6 inches dbh or higher. Mitigation may include both natural methods (e.g., replanting of trees) or engineered methods (e.g., green infrastructure) depending on the floodplain function impacted.

Mitigation is recommended to occur on the same site and reach as which the impact occurs. Mitigation that does not occur within the same reach as where impacts occurred is subject to higher ratios that increase mitigation required to achieve no net loss. Mitigation must occur within the same watershed (i.e., within the same 10-digit hydrologic unit code area) and the same jurisdictional boundaries as the impact. For communities within the plan area of Oregon’s BiOp, FEMA requires that all development in the SFHA to be mitigated to achieve no net loss of the natural floodplain functions of floodplain storage, water quality, and vegetation through the ratios below.

Basic Mitigate Ratios	Undeveloped Space (ft³)	Pervious Surface (ft²)	Trees (6”<dbh≤20”)	Trees (20”<dbh≤39”)	Trees (39”<dbh)
Floodway and/or RBZ	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)	200%	200%	200%	200%	200%

Table 2: Mitigation Ratios Required to Achieve No Net Loss

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 ft² of the total 1000 ft² of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 ft² of required pervious surface mitigation occurring offsite at a different reach would double as a result of the 200% multiplier.

In instances where pervious surface replacement is not possible, mitigation can be achieved through infiltration of stormwater using low impact development (LID) or green infrastructure practices (e.g., rain gardens, bioswales). Or, where pervious surface replacement is not possible, due to impermeable soils or high-water tables, then through stormwater detention, to ensure no increase in peak volume of flow, followed by treatment to minimize pollutant loading.

In addition to higher mitigation ratios established by the no net loss standards, development in the RBZ is subject to the following conditions and performance standards:

- Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
- Functional-dependent uses are subject to the no net loss standards for development in the RBZ. Ancillary features in the RBZ (including manufacturing support facilities) are subject to the beneficial gain standard in addition to no net loss standards.
- 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.

- 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.

2.5.4 Select the Best Approach

Selecting the best mitigation approach for the proposed project is an iterative process. Avoidance should be considered first as the preferred choice. If work must be done in a sensitive area, the project proponent should consider the costs of restoration and compensation. If those costs are too high, then avoidance should be reconsidered.

Selecting the best mitigation approach should be done in conjunction with the local, state, and federal regulatory offices for technical assistance regarding the discussion of preliminary project designs and assessment of environmental effects. Assistance from these sources, as well as possible review and assistance from neighboring tribal representatives, can greatly aid in designing an appropriate sequence of mitigation of actions. Early and periodic meetings with appropriate regulatory agencies will increase the likelihood that a mitigation plan will meet all regulatory requirements and can reduce total project costs and the probability of schedule delays during the approval process.

2.6 Step 6. Prepare the Mitigation Plan

2.6.1 Objective

As noted in Step 5, the objective of the mitigation plan is to assure that actions are taken to sufficiently and appropriately mitigate for negative impacts on ESA-listed populations and the natural functions and processes that support their habitats. The mitigation plan needs to provide sufficient detail to demonstrate how this will be done, using avoidance, minimization, replacement (rectify), and/or compensatory measures.

For all mitigation, the final plan (construction level detail) should not be drafted until the local permitting office(s), in coordination with state and federal agencies, as necessary, has agreed that the conceptual mitigation plan would meet the objectives. Coordination with local permitting officers will ensure that the scope of the planned mitigation will be commensurate with the scale of the impacts and will meet the objectives identified above.

2.6.2 Format

Many communities have established formats that they have used to document mitigation plans within environmental or biological assessments. These formats are likely adequate for purposes of the NFIP. In Oregon, refer to Chapter 3 of [Wetland Mitigation Banking Guidebook for Oregon: Approval Process and Documentation](#). For detailed guidelines regarding what to include in a mitigation plan.

Here is an example mitigation plan outline:

1. Introduction, background, objectives
2. The project area, with map (taken from Step 1 of the assessment)
3. The project area's habitat, with map (taken from Step 2 of the assessment)
4. Project description (taken from Step 3 of the assessment)
5. Impact on habitat (taken from Step 4 of the assessment)
6. Alternatives considered (taken from Step 5, this should note why some alternatives, especially avoidance, were not selected)
7. Mitigation concept (an overall explanation of the measures)
8. Construction measures
 - a. Grading plan, with existing and post-construction topographical maps
 - b. Construction methods (e.g. equipment to be used)
 - c. Construction schedule
9. Permanent measures
 - a. Surface water management
 - b. Vegetation plan
 - c. Permanent buffer areas
 - d. Etc.
10. Post-construction monitoring and maintenance plan
11. Bond arrangements

2.6.3 Minimum Standards

At a minimum, the mitigation plan's components 7, 8, 9, 10, and 11 of the outline above, should be consistent with the mitigation guidance requirements of the Army Corps of Engineers, and Chapter 3 of [Wetland Mitigation Banking Guidebook for Oregon: Approval Process and Documentation](#). In Oregon, mitigation plans must also be consistent with the community's critical areas regulations or Goal 5 implementation plans. If there are inconsistencies between these requirements, the standards that provide the highest level of environmental protection and the greatest likelihood of mitigation success take precedence.

3.0 Reviewing Habitat Assessments and Mitigation Plans

This section provides guidance for the local permit official. The following strategies may be used to ensure that habitat assessments and mitigation plans are prepared by a qualified individual or company and meet the intent of the Model Ordinance and this guidance.

Establishing a List of Qualified Professionals: The community could provide a list of qualified professionals who have experience in the area to developers and landowners. Another strategy for ensuring that qualified professionals are used could include developing qualification criteria for authors of habitat assessments and mitigation plans; see the box below for an example of qualifying criteria.

Public Comment Period: After habitat assessments and mitigation plans are submitted, the permitting official may require a public comment period before assessment conclusions and/or mitigation plans are approved. This approach could include a requirement that a public notice be posted in a publication of record. The intent of the public comment period would be to ensure that interested third parties would have ample opportunity to review and comment on proposed projects. This could alert the local permit official to issues or impacts not adequately addressed by an assessment or mitigation plan.

Third Party Review: The community may establish a system of third-party review(s) by qualified consultants or agencies. Third party review is frequently implemented by local jurisdictions for other environmental permits and approvals. The cost of third-party review could be passed on to the applicant. This may require establishment of a third-party review system in the local ordinance. Establishing a system of third party review could augment internal review within the local jurisdiction. Another option that may work for certain jurisdictions could be formalizing a system of internal review where qualified staff would determine the adequacy of submitted materials.

Example Qualification Criteria

The following criteria could be used by a community as part (likely not all) of the minimal criteria needed to conduct habitat assessment to ensure assessments and mitigation plans are prepared by a qualified consultant:

Reports and plans shall be prepared by persons who have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years' experience as a practicing fish or wildlife habitat biologist.

Qualifying criteria should include further specifications for all wildlife, fisheries, habitat, and environmental professionals that could be relied upon to address the broad array of habitats and conditions that occur in flood-prone areas.

3.1 Review Checklists

Permit staff could develop a review checklist for assessment and mitigation plan submittals. A checklist would likely need to be tailored to specific types of development activity due to the site

and habitat-specific nature of habitat assessments and mitigation plans. See the worksheet attached to this guidance document for an example of a review checklist.

4.0 References and Resources

4.1 Federal and State Regulations and Guidance

National Flood Insurance Program- Endangered Species Act Integration in Oregon, FEMA Region 10. <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>

CRS Credit for Habitat Protection, FEMA, 2010. <http://training.fema.gov/EMIWeb/CRS/>

Endangered Species Consultation Handbook, National Marine Fisheries Service, 1998. https://media.fisheries.noaa.gov/dam-migration/esa_section7_handbook_1998_opr5.pdf

Endangered Species Act (ESA) Section 7(a)(2) Jeopardy and Adverse Modification of Critical Habitat Biological Opinion, ESA Section 7(a)(2) "Not Likely to Adversely Affect" Determination, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Implementation of the National Flood Insurance Program in the State of Oregon. April 14, 2016. <https://media.fisheries.noaa.gov/2022-01/2016-04-14-fema-nfip-nwr-2011-3197.pdf>

Mitigation guidance and JPA permit information, Oregon State Department of Lands. <http://www.oregon.gov/DSL/WW/Pages/Permits.aspx>

National Flood Insurance Program Floodplain Management Requirements A Study Guide & Desk Reference for Local Officials, FEMA 480, 2005. <https://library.floods.org/cgi-bin/koha/opac-detail.pl?biblionumber=5219>

4.2 Maps and Databases

Critical habitat maps:

National Marine Fisheries Service: <http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

U.S. Fish and Wildlife Service: <http://criticalhabitat.fws.gov/>

Forest Water Typing System, Oregon State Water Resources Department. <http://www.oregon.gov/ODF/Documents/WorkingForests/WaterClassificationTechNote1.pdf>

Threatened and Endangered Species List, Oregon Department of fish and Wildlife. http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

[Oregon Natural Heritage Program, Oregon State University Institute for Natural Resources.](http://inr.oregonstate.edu/orbic)
<http://inr.oregonstate.edu/orbic>

Washington and Oregon State Soil Survey data, see the USDA Natural Resource Conservation Service maps or online *Web Soil Survey*. <http://websoilsurvey.nrcs.usda.gov/app/>

Regional Guidance for Hydrologic and Hydraulic Studies in Support of the Model Ordinance for Floodplain Management under the National Flood Insurance Program and the Endangered Species Act, FEMA Region 10, 2010.

https://www.fema.gov/pdf/about/regions/regionx/draft_handh_guide.pdf

4.3 Water Quality and Quantity

Section 401 Water Quality Certification: Post-Construction Stormwater Management Plan Submission Guidelines, State of Oregon Department of Environmental Quality, 2016,

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401.aspx>

Standards for surface water quality in Oregon State, Department of Environmental Quality. <http://www.oregon.gov/deq/wq/Pages/WQ-Standards.aspx>

Routine Road Maintenance | Water Quality and Habitat Guide, Best Management Practices, State of Oregon Department of Transportation, 2020.

<http://www.oregon.gov/ODOT/GeoEnvironmental/Pages/Stormwater.aspx>

Oregon State Water Quality Assessment, Department of Environmental Quality.

<http://www.oregon.gov/deq/wq/Pages/WQ-Standards.aspx>

Water level data:

- U.S. Geological Survey: <http://wa.water.usgs.gov/data/>

4.4 Mitigation

Engineering with Nature – Alternative Techniques to Riprap Bank Stabilization, FEMA Region 10, 2009.

https://www.fema.gov/pdf/about/regions/regionx/Engineering_With_Nature_Web.pdf

Habitat Conservation Planning Handbook, US Fish & Wildlife Service and National Marine Fisheries Service, 1996. <https://www.fws.gov/library/collections/habitat-conservation-planning-handbook>

Purpose of Mitigation and Mitigation Steps in Oregon State, Oregon State Department of State Lands. <http://www.oregon.gov/dsl/WW/Pages/Mitigation.aspx>

Wetland Mitigation Banking Guidebook for Oregon: Approval Process and Documentation, Oregon Division of State Lands, 2000, http://oregonexplorer.info/data_files/OE_topic/wetlands/documents/mitbank_guidebk.pdf

A Guide to the Removal-Fill Permit Process: Compensatory Mitigation Planning, Oregon Division of State Lands, 2016, https://www.oregon.gov/dsl/wetlands-waters/Documents/Removal_Fill_Guide.pdf

Oregon Aquatic Habitat: Restoration and Enhancement Guide, Oregon Plan for Salmon and Watersheds, 1999, <https://digital.osl.state.or.us/islandora/object/osl:16552>

4.5 Additional References

Invasive species information: Oregon Department of Agriculture. <http://www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx>

Low Impact Development, Oregon Environmental Council. <http://www.oeconline.org/tag/low-impact-development/>

October 18, 2024



Oregonians for Floodplain Protection

Oregon NFIP Biological Opinion,
FEMA's Pre-Implementation Plan, and
Impacts to Communities and Property
Owners





Background on Oregon NFIP Biological Opinion

- In 2009, FEMA was sued by several environmental groups in Oregon for failing to consider the effects of the NFIP on ESA listed species and their habitat in Oregon
- In 2010, FEMA settled; agreed to consult regarding the effects of the NFIP in Oregon on T&E species and designated critical habitat
- In April 2016, NMFS issued the Oregon NFIP Biological Opinion (BiOp)
- The BiOp concluded FEMA's implementation of the NFIP in Oregon jeopardizes the continued existence of T&E species and adversely modifies designated critical habitat



Oregon NFIP BiOp (April 2016)

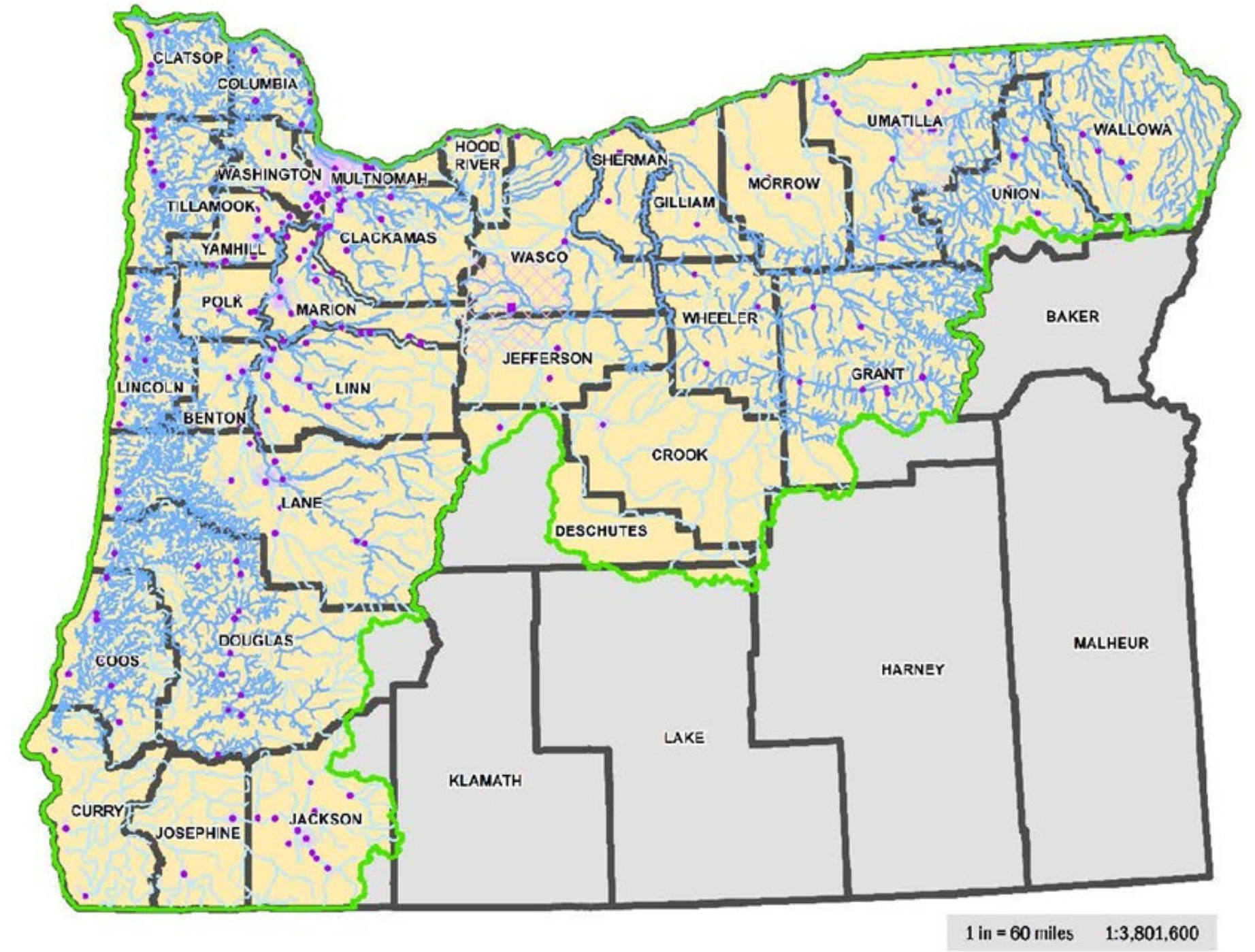
- BiOp includes a six element “Reasonable and Prudent Alternative” (RPA)
- RPA = NMFS’s roadmap to FEMA about how to change its implementation of the NFIP to avoid violating the ESA
- RPA is one option available to FEMA; FEMA may take an alternative course of action if it also avoids jeopardy and adverse modification
- Original deadline for RPAs 1 and 2 (not requiring regulatory change) in response to the BiOp was 2016 and 2018 respectively
- Additional deadlines for other RPAs continued through 2021 (FEMA says 2024)
- Congress, through Representative DeFazio, extended implementation period three years





Areas Subject to Oregon NFIP BiOp

- Applies within 31 of Oregon's 36 counties
- Applies to more than 230 NFIP-participating communities (counties, cities and towns)



OREGON NFIP BIOP ACTION AREA

2021.09.28

LEGEND

- OREGON NFIP ACTION AREA
- CRITICAL HABITATS (SALMON/STEELHEAD)*
- MAJOR STREAMS
- COUNTIES
- NFIP PARTICIPATING TRIBES
- NFIP PARTICIPATING COMMUNITIES

ABOUT

This map displays the Oregon NFIP BIOP Action Area where critical habitats for salmon and steelhead (and areas upstream of those habitats) are displayed in relation to NFIP participating tribes and jurisdictions. Most NFIP-participating communities within Oregon have all or a portion of land within the BiOp Action Area, with the exception of Baker, Harney, Klamath, Lake, and Malheur Counties.

*Critical Habitats are via NOAA Fisheries: <https://www.fisheries.ncaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>



OFP's First Lawsuit Challenging BiOp and FEMA's implementation

In 2017, OFP filed suit in the DC District Court challenging:

- The accuracy/legality of the BiOp itself => BiOp does **not** comply with the requirements of the ESA
- The legality of the RPA => RPAs do **not** meet the requirements of the ESA
- FEMA's authority to implement the RPA =>
 - Nothing in the NFIP authorizes FEMA to act to protect T&E species and habitat; only people and property; and
 - Even if such authority did exist, FEMA has not adopted regulations that enable it to implement the RPA or other measures aimed at protecting T&E species or habitat
- FEMA failed to complete NEPA regarding any proposed action to implement the RPA or other measures





OFP's First Lawsuit Challenging BiOp and FEMA's implementation

- Lawsuit dismissed in 2018 on the grounds that:
 - OFP members could not demonstrate an injury in fact since FEMA had not taken any action to implement the BiOp/RPA; and
 - FEMA had not taken any action yet so the claim was not ripe
- FEMA represented to the court and OFP that it would not take any action toward implementing the RPA or other measures until after FEMA had completed NEPA environmental review and issued a Record of Decision (ROD).





FEMA's Draft Implementation Plan

- In October 2021, FEMA issued its Draft Implementation Plan
- Draft Plan varies from RPA and focuses on preserving and restoring three main floodplain functions:
 - Flood storage => limit new fill or require compensatory flood storage to offset any new fill
 - Water Quality => limit new impervious surface and heightened stormwater requirements (LID and non-structural approaches)
 - Riparian Vegetation => restrict removal within 170-feet of a water feature
- Draft Plan includes direction to avoid new non-water dependent development in the floodplain
 - Restricts future land divisions in floodplain
 - Allowance for one unit per existing parcel to avoid takings claims provided the development preserves three floodplain functions



FEMA's Draft Implementation Plan

- In March 2023, FEMA began the NEPA process to evaluate the impacts of its Draft Plan.
- FEMA elected to prepare an EIS recognizing that the impacts of its Plan are likely significant to NFIP-participating jurisdictions and floodplain property owners.
- FEMA's schedule for balance of EIS has slipped
 - Original plan:
 - Draft EIS – Summer 2024
 - Final EIS/ROD – Spring 2025
 - Community Implementation – beginning Fall 2025 with 18 month roll out
 - Revised plan:
 - Draft EIS – “early 2025”
 - Planning 75-day comment/public outreach period
 - Final EIS and ROD expected in 2026
 - Full community implementation expected by 2027
- Find FEMA's Quarterly updates at:
 - www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration



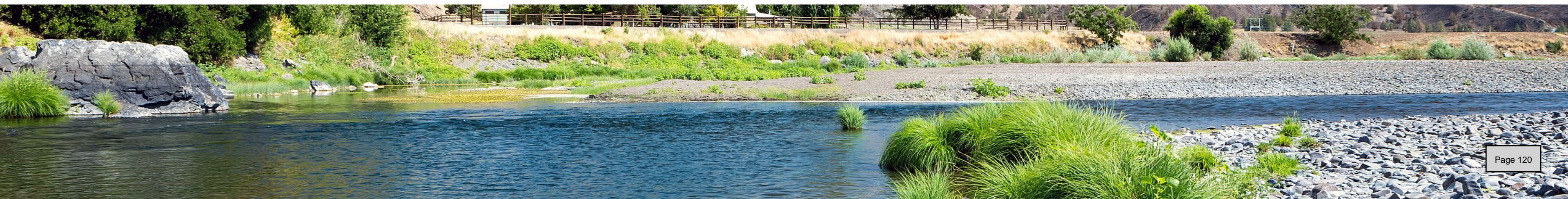
Key Concerns with FEMA's Approach

- Consultation between FEMA and NMFS – but resulting requirements imposed on state and local governments
- No regulatory basis for the proposed requirements; FEMA has declined to go through rulemaking
- FEMA eager to shift the burden to local governments irrespective of whether the new standards work with existing Oregon policies and laws
- Unclear whether NMFS will accept FEMA's Implementation Plan
- Communities who decline to adopt the new standards will be removed from the NFIP. Result:
 - NFIP flood insurance no longer available
 - Community will not qualify for federal disaster assistance
 - Community will not qualify for federal funding for projects in the FEMA floodplain



FEMA's "Pre-Implementation Compliance Measures"

- In response to pressure from lawsuit filed by the Northwest Environmental Defense Center and the Center for Biological Diversity, **FEMA has abandoned its prior commitment to complete EIS before implementing any changes.**
- FEMA has stated that NFIP participating communities in Oregon must select a PICM option by Dec. 1, 2024. The options include:
 - Adopting a model ordinance that considers impacts to T&E species and their habitat and requires mitigation to a "no net loss standard,"
 - Choosing to require a habitat assessment and mitigation plan for floodplain development on a permit-by-permit basis, or
 - Prohibiting floodplain development in the Special Flood Hazard Area.
- Communities must begin collecting information on their floodplain permitting to document compliance beginning Jan. 31, 2025.





FEMA's Pre-Implementation Measures

- Additionally, as of August 1, 2024, FEMA stopped processing new applications for Letters of Map Revision based on Fill (LOMR-F) and Conditional Letters of Map Revision based on Fill (CLOMR-F)
 - This will impact owners who seek to have their properties removed from the SFHA after placing fill on a lot to raise the building pad above BFE
 - Exception for projects that are undergoing ESA Section 7 consultation due to a federal nexus (non-FEMA federal permit/authorization or funding)





FEMA's Pre-Implementation Measures

Key Components of the FEMA's Model Ordinance

- “No Net Loss” standard. Includes:
 - No Net New Fill in areas of the floodplain that could be fish habitat
 - No Net New Impervious Surface in the floodplain
 - If no net increase in impervious surface is “not feasible,” impose restrictive stormwater management standards (e.g., LID, green infrastructure, or professional stormwater retention)
 - No Net Loss of trees 6” dbh or larger in the floodplain
- Exceptions: Normal maintenance of roads, utilities, levees and other structures (e.g., re-roofing or replacing siding), routine agricultural and silviculture practices. Exception does not include expansion of paved areas.





Major Concerns with FEMA's PICMs

- The BiOp itself remains invalid and should not be implemented
- PICMs exceed FEMA's legal authority and address issues outside the scope of the NFIP
- By implementing the PICMs before completing environmental review under NEPA, FEMA is violating federal law and its commitment to Oregon's NFIP-participating communities
- FEMA is implementing the PICMs without first evaluating their environmental consequences or hearing from the public or NFIP-participating communities
- PICMs were announced with no warning and no involvement from State or local jurisdictions
- Any of the PICM options will be devastating to housing production, economic development, critical infrastructure and other community development in the floodplain
- FEMA's model ordinance is untested and difficult to implement
- Smaller communities with fewer resources will prohibit all new development in the floodplain in the near term, compromising the vitality of those communities





Cities' Options in the face of FEMA's PICMs

- Comply with FEMA's call for action by implementing one of the PICMs
- Respond that you are considering your options, but do not believe that FEMA has authority to require implementation of the PICMs. Default into permit-by-permit habitat assessment approach.
- Respond that you are considering your options, but are awaiting the results of the Environmental Impact Statement before making a decision. Default into permit-by-permit habitat assessment approach.





Cities' Options in the face of FEMA's PICMs – cont'd

From FEMA's PICM Fact Sheet:

What if a community's adoption process timeline does not allow us to meet the December 1st deadline for implementing a PICM?

While FEMA recognizes that the time it takes to implement a PICM varies by community, there is still an obligation to abide by ESA requirements. If a community cannot implement a PICM by the December 1st deadline, **FEMA will work with the community to consider alternative options to remain compliant with the ESA requirements in the interim.**

What penalties are communities looking at if they cannot meet the December deadline?

Communities will default to the permit-by-permit option if no selection was given to FEMA by December 1st. If FEMA does not hear from a community, the agency will contact them to identify what technical assistance is needed to implement PICM. **If a community has no PICM implemented by July 31st, 2025, FEMA will prioritize an audit of floodplain development activities that occurred in the community, specifically focused on the PICM time-period to assess what has occurred and any mitigation that would have been required for development that occurred.**





Cities' Options in the face of FEMA's PICMs – cont'd

- FEMA has explained that they will not request documentation of compliance for communities that select the permit-by-permit approach ***until January 2026***.
- For communities that do not implement a PICM, FEMA's plan is to begin the standard Community Assistance Visit/Community Assistance Contact approach.
- **BOTTOM LINE: While FEMA is using strong language (saber rattle), the consequences of taking a slow approach (wait and see) presents a **LOW RISK*** to local jurisdictions.**

** Of course, I am not currently your attorney, but this is what I am telling my clients based on extensive discussions with FEMA and review of FEMA's materials.*





| 44 CFR 60.3(a)(2) does NOT require jurisdictions to implement the PICMs.

- NFIP-participating communities must adopt floodplain development standards at least as restrictive as those set forth at 44 CFR 60.3
- FEMA has cited 44 CFR 60.3(a)(2) as the legal basis for requiring compliance with the PICM
- *But* 44 CFR 60.3(a)(2) provides only that local governments “assure that all necessary **permits** have been received from those governmental agencies from which approval is **required** by Federal or State law”
- *No basis in the regulations for requiring implementation of the PICMs – and FEMA knows that but they are hoping NFIP-participating jurisdictions will comply*





Coalition and Renewed Challenge

NFIP-participating communities may also join with OFP in a renewed challenge to the BiOp and FEMA's implementation efforts

Dozens of public and private sector entities have formed the [Oregonians for Floodplain Protection](#) coalition to assist coalition partners in

- Engaging with federal and state elected leaders,
- Supporting NFIP participating jurisdictions in responding to FEMA,
- Increasing awareness among property owners and members of the public, and
- Evaluating options for challenging the NFIP BiOp and FEMA's implementation efforts

Learn more at www.floodplainprotection.org





Have questions or want more information?

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Van Fess Feldman



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Sarah Absher
Tillamook County



503- 842-3408 x. 3412



Sarah.Absher@tillamookcounty.gov

RESOLUTION NO. 1297**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISBURG
CREATING A TEMPORARY MORATORIUM FOR CERTAIN KINDS OF
DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS**

Whereas, in July 2024, FEMA issued the Pre-Implementation Compliance measures (PICM) for the National Flood Insurance Program (NFIP) participating communities in Oregon to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA); and,

Whereas, the changes are intended to protect endangered and threatened species and habitat by requiring 'no net loss' of habitat functions. Those functions are:

- Flood storage (impacts from placing fill in the Special Flood Hazard Area (SFHA))
 - Water Quality (impacts from adding new impervious surface in the SFHA that creates pollutant runoff);
 - Riparian habitat (impacts from removing vegetation near rivers and streams);
- and,

Whereas, The City of Harrisburg was notified by FEMA that it must choose and implement one of three Pre-Implementation Compliance Measures (PICM) options, which are:

1. Prohibit all new development within the SFHA;
2. Adopt a model ordinance that incorporates the requirements of the Endangered Species Act (ESA) into the City's floodplain code;
3. Require applicants on a permit-by-permit basis to prepare a Habitat Assessment to verify that no net loss of floodplain functions will occur as part of their proposed development; and,

Whereas, by December 1, 2024, jurisdictions must choose and implement a Pre-Compliance Implementation Measure (PICM); and,

Whereas, if a community does not choose and implement a PICM by December 1, 2024, it will be required to default to PICM #3 – permit-by-permit habitat assessment; and,

Whereas, it is necessary to implement a temporary moratorium (PICM #1) on all new development within the SFHA from December 1, 2024 until the model ordinance adoption has been completed; and,

Whereas, notice will be sent to all affected property owners in the SFHA, and the State DLCD to notify them of the City's decision, and to start the public notification process; and,

Whereas, the temporary moratorium is sufficiently limited to ensure that proper notice and public hearings are provided for the general public and those affected, and development in the SFHA is not unreasonably restricted by the adoption of the temporary moratorium; and,

Whereas, the City of Harrisburg has determined that the challenges which would be caused by failure to impose a temporary moratorium outweighs the overall impact of the moratorium on affected property owners, which in particular includes the cost of the permit-by-permit process; and,

Whereas, the City of Harrisburg has determined that a sufficient time period is available to complete the implementation of the model codes, regulations or procedures.

Now, therefore, be it Resolved that a temporary moratorium shall be enacted for development in the Special Flood Hazard Area (SFHA) on December 1, 2024, until the flood ordinance has been amended and approved by the City Council.

Further, development shall be allowed for post-disaster substantial development replacement dwellings, street or bridge repairs, routine agricultural practices, habitat restoration activities and maintenance of utility facilities where these activities are not subject to the new no net loss standards.

Adopted by the City Council of the City of Harrisburg, Oregon on November 12, 2024, and effective December 1, 2024.

Mayor

ATTEST:

City Recorder

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

THE MATTER OF INITIAL STEPS TO START PLANNING THE 2026-2030 STRATEGIC PLAN

STAFF REPORT:

Exhibit A: The current Strategic Plan is available on the website by following the link below:

<https://www.ci.harrisburg.or.us/administration/page/citys-strategic-plan>

ACTION: NO ACTION AT THIS TIME

THIS AGENDA BILL IS DESTINED FOR: Agenda – November 12, 2024

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

STAFF RECOMMENDATION:

Staff recommends Council starts to think about the goals that the City of Harrisburg has in preparation for future meeting discussions

BACKGROUND INFORMATION:

The City Council is asked to review the Strategic Plan on an annual basis, in order to make sure that goals are in-line with the needs of the City. The City Council might want to reacquaint themselves with the current Strategic Plan, which is valid for the 2024-2029 fiscal years. We will review these during the work sessions in January, and/or February.

Some of the issues we should start to consider could include the following:

- Establishment of an Ad-Hoc Committee to start determining how the City will replace the current Senior Center & HART Community Center structure. (The City took possession more than 22 years ago from the School District, and Staff attended classes in these buildings 41 years ago at Harrisburg High School. The buildings were used before the school obtained them in 1980 and are nearing the end of their useful life without spending thousands of more dollars.)
- Starting the Conceptual Design process for a new Community Center containing a Library, New Council Chambers, and a Community Room that can be rented for weddings and events. (This building is included in the formal HRA Plan) The proposed location is the gravel lot next to City Hall.

- Consideration of creating a new revenue source for the City by creating fairgrounds at the wastewater facility that can be rented by other groups.

REVIEW AND APPROVAL:



11.05.24

Michele Eldridge Date
City Administrator

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

**THE MATTER OF APPROVING THE 1ST QUARTER 2024/2025 EXPENSE REPORT
STAFF REPORT:**

Exhibit A: 1st Quarter Expense Report Ending September 30,
2024

**ACTION: MOTION TO APPROVE THE 1ST QUARTER 2024/2025
EXPENSE REPORT.**

THIS AGENDA BILL IS DESTINED FOR: Regular Session Agenda – November 12,
2024

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

STAFF RECOMMENDATION:

**Staff recommend Council reviews and approves the 1st Quarter 2024/2025
Expense Report.**

BACKGROUND INFORMATION:

The City’s Finance Officer has prepared the 1st Quarter 2024/2025 Expense Report for review by the City Council. The report shows all revenues and expenditures for the 1st quarter for fiscal year 2024/2025 ending September 30, 2024. We have only received less than 1% of budgeted property taxes. This is common as we start receiving property taxes in November. Also, our intergovernmental Revenue across all funds is also lower than 25%, this is because a majority of our payments are made annually and generally come in after the 1st of the year as most of them are on a calendar budget and not fiscal.

When looking at percentages, please remember we are only 25% of the way through the fiscal year. All fund revenues and expenditures are presenting as projected during the budget process. The Council should review the document and raise any questions or concerns they may have to city staff. **Be aware that these numbers could change after fiscal year 2023-2024 is audited due to any auditor adjustments or reclassifications.**

REVIEW AND APPROVAL:


11/6/2024

Cathy Nelson, Finance Officer Date

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

GENERAL FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	1,190,160.00	1,190,160.00	1,190,160.00	0.00	100.00%
TAXES	5,565.68	5,565.68	732,050.00	(726,484.32)	0.76%
FRANCHISE FEES	87,806.77	87,806.77	381,880.00	(294,073.23)	22.99%
LICENSES AND PERMITS	7,087.50	7,087.50	10,900.00	(3,812.50)	65.02%
INTERGOVERNMENTAL REVENUE	28,958.26	28,958.26	201,970.00	(173,011.74)	14.34%
FINES AND FORFEITURES	20,511.35	20,511.35	45,050.00	(24,538.65)	45.53%
INVESTMENT REVENUE	8,853.67	8,853.67	18,210.00	(9,356.33)	48.62%
MISCELLANEOUS REVENUE	7,244.55	7,244.55	14,000.00	(6,755.45)	51.75%

TOTAL FUND REVENUE 1,356,187.78 1,356,187.78 2,594,220.00 (1,238,032.22) 52.28%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PERSONNEL	122,029.79	122,029.79	607,425.00	485,395.21	20.09%
MATERIALS & SERVICE	176,421.49	176,421.49	905,150.00	728,728.51	19.49%
CAPITAL OUTLAY	0.00	0.00	40,000.00	40,000.00	0.00%
SPECIAL PAYMENTS	0.00	0.00	10,000.00	10,000.00	0.00%
TRANSFERS OUT	137,124.99	137,124.99	413,500.00	276,375.01	33.16%
CONTINGENCY	0.00	0.00	265,000.00	265,000.00	0.00%

TOTAL FUND EXPENDITURES 435,576.27 435,576.27 2,700,630.00 2,265,053.73 16.13%

NET REVENUES OVER EXPENDITURES 920,611.51 920,611.51 (106,410.00)

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

STREET FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	213,815.00	213,815.00	213,815.00	0.00	100.00%
INTERGOVERNMENTAL REVENUE	69,846.07	69,846.07	537,515.00	(467,668.93)	12.99%
INVESTMENT REVENUE	7,743.18	7,743.18	35,770.00	(28,026.82)	21.65%
MISCELLANEOUS REVENUE	50.00	50.00	1,000.00	(950.00)	5.00%
TRANSFERS IN	42,499.98	42,499.98	170,000.00	(127,500.02)	25.00%
TOTAL FUND REVENUE	333,954.23	333,954.23	958,100.00	(624,145.77)	34.86%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PERSONNEL	14,517.85	14,517.85	62,955.00	48,437.15	23.06%
MATERIALS & SERVICE	30,927.24	30,927.24	126,200.00	95,272.76	24.51%
CAPITAL OUTLAY	258,908.00	258,908.00	657,235.00	398,327.00	39.39%
TRANSFERS OUT	6,575.01	6,575.01	26,300.00	19,724.99	25.00%
CONTINGENCY	0.00	0.00	175,000.00	175,000.00	0.00%
TOTAL FUND EXPENDITURES	310,928.10	310,928.10	1,347,690.00	1,036,761.90	23.07%

NET REVENUES OVER EXPENDITURES **23,026.13** **23,026.13** **(389,590.00)**

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

BIKE FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	46,695.00	46,695.00	46,695.00	0.00	100.00%
TAX REVENUE	705.51	705.51	2,900.00	(2,194.49)	24.33%
INVESTMENT REVENUE	322.55	322.55	1,490.00	(1,167.45)	21.65%
TOTAL FUND REVENUE	47,723.06	47,723.06	51,085.00	(3,361.94)	93.42%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	54,825.00	54,825.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	54,825.00	54,825.00	0.00%
NET REVENUES OVER EXPENDITURES	47,723.06	47,723.06	(3,740.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

COMMUNITY AND ECONOMIC DEVELOPMENT FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	558,650.00	558,650.00	558,650.00	0.00	100.00%
INVESTMENT REVENUE	2,553.27	2,553.27	11,795.00	(9,241.73)	21.65%
MISCELLANEOUS REVENUE	2,070.00	2,070.00	13,500.00	(11,430.00)	15.33%
INTERFUND TRANSFER	7,749.99	7,749.99	31,000.00	(23,250.01)	25.00%
TOTAL FUND REVENUE	571,023.26	571,023.26	614,945.00	(43,921.74)	92.86%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
MATERIALS & SERVICE	17,829.03	17,829.03	264,000.00	246,170.97	6.75%
CAPITAL OUTLAY	0.00	0.00	324,910.00	324,910.00	0.00%
TOTAL FUND EXPENDITURES	17,829.03	17,829.03	588,910.00	571,080.97	3.03%
NET REVENUES OVER EXPENDITURES	553,194.23	553,194.23	26,035.00		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

LIBRARY FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	114,625.00	114,625.00	114,625.00	0.00	100.00%
INVESTMENT REVENUE	537.93	537.93	2,485.00	(1,947.07)	21.65%
MISCELLANEOUS REVENUE	4,140.59	4,140.59	16,900.00	(12,759.41)	24.50%
TRANSFERS IN	21,875.01	21,875.01	87,500.00	(65,624.99)	25.00%
TOTAL FUND REVENUE	141,178.53	141,178.53	221,510.00	(80,331.47)	63.73%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PERSONNEL	16,616.63	16,616.63	57,745.00	41,128.37	28.78%
MATERIALS & SERVICE	14,639.63	14,639.63	49,890.00	35,250.37	29.34%
CAPITAL OUTLAY	0.00	0.00	8,000.00	8,000.00	0.00%
CONTINGENCY	0.00	0.00	21,800.00	21,800.00	0.00%

TOTAL FUND EXPENDITURES	31,256.26	31,256.26	227,450.00	196,193.74	13.74%
NET REVENUES OVER EXPENDITURES	109,922.27	109,922.27	(5,940.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

STORM DRAIN FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	239,245.00	239,245.00	239,245.00	0.00	100.00%
STORM WATER ASSESSMENT REVENUES	18,766.88	18,766.88	70,725.00	(51,958.12)	26.54%
INVESTMENT REVENUE	3,011.11	3,011.11	13,910.00	(10,898.89)	21.65%
TOTAL FUND REVENUE	261,022.99	261,022.99	323,880.00	(62,857.01)	80.59%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
MATERIALS & SERVICE	11,634.43	11,634.43	21,750.00	10,115.57	53.49%
CAPITAL OUTLAY	106,245.29	106,245.29	393,025.00	286,779.71	27.03%
TOTAL FUND EXPENDITURES	117,879.72	117,879.72	414,775.00	296,895.28	28.42%
NET REVENUES OVER EXPENDITURES	143,143.27	143,143.27	(90,895.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

BUILDING PERMIT FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	28,125.00	28,125.00	28,125.00	0.00	100.00%
PERMIT REVENUE	29,057.37	29,057.37	35,200.00	(6,142.63)	82.55%
TOTAL FUND REVENUE	<u>57,182.37</u>	<u>57,182.37</u>	<u>63,325.00</u>	<u>(6,142.63)</u>	<u>90.30%</u>

**EXPENDITURES
(REQUIREMENTS)**

REVENUES (RESOURCES)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
MATERIALS & SERVICE	8,647.36	8,647.36	20,700.00	12,052.64	41.77%
INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00%
CONTINGENCY	0.00	0.00	75,300.00	75,300.00	0.00%
TOTAL FUND EXPENDITURES	<u>8,647.36</u>	<u>8,647.36</u>	<u>96,000.00</u>	<u>87,352.64</u>	<u>9.01%</u>
NET REVENUES OVER EXPENDITURES	<u>48,535.01</u>	<u>48,535.01</u>	<u>(32,675.00)</u>		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

ELECTRICAL PERMIT FUND

REVENUES (RESOURCES)

NET REVENUES OVER EXPENDITURES	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	5,845.00	5,845.00	5,845.00	0.00	100.00%
PERMIT REVENUE	2,075.70	2,075.70	2,700.00	(624.30)	76.88%
TOTAL FUND REVENUE	<u>7,920.70</u>	<u>7,920.70</u>	<u>8,545.00</u>	<u>(624.30)</u>	<u>92.69%</u>

**EXPENDITURES
(REQUIREMENTS)**

CITY OF HARRISBURG	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
MATERIALS & SERVICE	(141.19)	(141.19)	2,300.00	2,441.19	-6.14%
INTERFUND TRANSFERS	0.00	0.00	0.00	0.00	0.00%
CONTINGENCY	0.00	0.00	9,440.00	9,440.00	0.00%
TOTAL FUND EXPENDITURES	<u>(141.19)</u>	<u>(141.19)</u>	<u>11,740.00</u>	<u>11,881.19</u>	<u>-1.20%</u>
NET REVENUES OVER EXPENDITURES	<u>8,061.89</u>	<u>8,061.89</u>	<u>(3,195.00)</u>		

CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024

DEBT SERVICES FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	165,650.00	165,650.00	165,650.00	0.00	100.00%
TAXES	3,102.91	3,102.91	456,615.00	(453,512.09)	0.68%
INVESTMENT REVENUE	2,338.97	2,338.97	10,805.00	(8,466.03)	21.65%
TOTAL FUND REVENUE	171,091.88	171,091.88	633,070.00	(461,978.12)	27.03%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PRINCIPLE	0.00	0.00	120,000.00	120,000.00	0.00%
INTEREST	0.00	0.00	321,215.00	321,215.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	651,105.00	651,105.00	0.00%

NET REVENUES OVER EXPENDITURES 171,091.88 171,091.88 (18,035.00)

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

OFFICE EQUIPMENT FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	20,080.00	20,080.00	20,080.00	0.00	100.00%
INVESTMENT REVENUE	161.26	161.26	745.00	(583.74)	21.65%
TRANSFERS IN	75,000.00	75,000.00	75,000.00	0.00	100.00%
TOTAL FUND REVENUE	95,241.26	95,241.26	95,825.00	(583.74)	99.39%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
MATERIALS & SERVICE	35,361.17	35,361.17	78,625.00	43,263.83	44.97%
CAPITAL OUTLAY	1,380.04	1,380.04	20,910.00	19,529.96	6.60%
TOTAL FUND EXPENDITURES	36,741.21	36,741.21	99,535.00	62,793.79	36.91%
NET REVENUES OVER EXPENDITURES	58,500.05	58,500.05	(3,710.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

EQUIPMENT FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	334,665.00	334,665.00	334,665.00	0.00	100.00%
INVESTMENT REVENUE	2,095.44	2,095.44	9,680.00	(7,584.56)	21.65%
TRANSFERS IN	19,725.03	19,725.03	78,900.00	(59,174.97)	25.00%
TOTAL FUND REVENUE	356,485.47	356,485.47	423,245.00	(66,759.53)	84.23%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	4,778.41	4,778.41	495,800.00	491,021.59	0.96%
TOTAL FUND EXPENDITURES	4,778.41	4,778.41	495,800.00	491,021.59	0.96%
NET REVENUES OVER EXPENDITURES	351,707.06	351,707.06	(72,555.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

WATER FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	4,928,880.00	4,928,880.00	4,928,880.00	0.00	100.00%
SERVICES REVENUE	215,001.89	215,001.89	668,680.00	(453,678.11)	32.15%
INVESTMENT REVENUE	(76,650.85)	(76,650.85)	306,300.00	(382,950.85)	-25.02%
MISCELLANEOUS REVENUE	6,685.00	6,685.00	25,500.00	(18,815.00)	26.22%
INTERFUND TRANSFERS	24,999.99	24,999.99	100,000.00	(75,000.01)	25.00%

TOTAL FUND REVENUE 5,098,916.03 5,098,916.03 6,029,360.00 (930,443.97) 84.57%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PERSONNEL SERVICES	133,406.11	133,406.11	616,780.00	483,373.89	21.63%
MATERIALS & SERVICE	110,465.05	110,465.05	309,180.00	198,714.95	35.73%
CAPITAL OUTLAY	70,851.82	70,851.82	6,540,000.00	6,469,148.18	1.08%
DEBT SERVICES	0.00	0.00	0.00	0.00	0.00%
TRANSFERS OUT	24,075.00	24,075.00	51,300.00	27,225.00	46.93%
CONTINGENCY	0.00	0.00	27,410.00	27,410.00	0.00%

TOTAL FUND EXPENDITURES 338,797.98 338,797.98 7,774,670.00 7,435,872.02 4.36%

NET REVENUES OVER EXPENDITURES 4,760,118.05 4,760,118.05 (1,745,310.00)

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

SEWER FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	374,270.00	374,270.00	374,270.00	0.00	100.00%
SERVICES REVENUE	207,733.22	207,733.22	868,115.00	(660,381.78)	23.93%
INVESTMENT REVENUE	5,861.12	5,861.12	27,075.00	(21,213.88)	21.65%
MISCELLANEOUS REVENUE	6,432.00	6,432.00	7,430.00	(998.00)	86.57%
TOTAL FUND REVENUE	594,296.34	594,296.34	1,276,890.00	(682,593.66)	46.54%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
PERSONNEL SERVICES	133,405.92	133,405.92	619,280.00	485,874.08	21.54%
MATERIALS & SERVICE	51,322.73	51,322.73	249,635.00	198,312.27	20.56%
CAPITAL OUTLAY	14,565.69	14,565.69	36,000.00	21,434.31	40.46%
DEBT SERVICES	0.00	0.00	119,400.00	119,400.00	0.00%
TRANSFERS OUT	24,075.00	24,075.00	51,300.00	27,225.00	46.93%
CONTINGENCY	0.00	0.00	10,000.00	10,000.00	0.00%
TOTAL FUND EXPENDITURES	223,369.34	223,369.34	1,204,615.00	981,245.66	18.54%
NET REVENUES OVER EXPENDITURES	370,927.00	370,927.00	72,275.00		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

WATER RESERVE FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	195,590.00	195,590.00	195,590.00	0.00	100.00%
INVESTMENT REVENUE	2,337.89	2,337.89	10,800.00	(8,462.11)	21.65%
TOTAL FUND REVENUE	197,927.89	197,927.89	206,390.00	(8,462.11)	95.90%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	212,970.00	212,970.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	212,970.00	212,970.00	0.00%
NET REVENUES OVER EXPENDITURES	197,927.89	197,927.89	(6,580.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

SEWER RESERVE FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	254,515.00	254,515.00	254,515.00	0.00	100.00%
INVESTMENT REVENUE	2,337.89	2,337.89	10,800.00	(8,462.11)	21.65%
TOTAL FUND REVENUE	256,852.89	256,852.89	265,315.00	(8,462.11)	96.81%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	328,620.00	328,620.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	328,620.00	328,620.00	0.00%
NET REVENUES OVER EXPENDITURES	256,852.89	256,852.89	(63,305.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

TRANSPORTATION SDC FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	292,010.00	292,010.00	292,010.00	0.00	100.00%
ASSESSMENTS	33,091.45	33,091.45	33,490.00	(398.55)	98.81%
INVESTMENT REVENUE	3,753.61	3,753.61	17,340.00	(13,586.39)	21.65%

TOTAL FUND REVENUE 328,855.06 328,855.06 342,840.00 (13,984.94) 95.92%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	132,530.32	132,530.32	304,395.00	171,864.68	43.54%

TOTAL FUND EXPENDITURES 132,530.32 132,530.32 304,395.00 171,864.68 43.54%

NET REVENUES OVER EXPENDITURES 196,324.74 196,324.74 38,445.00

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

PARKS SDC FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	143,220.00	143,220.00	143,220.00	0.00	100.00%
ASSESSMENTS	14,400.00	14,400.00	19,790.00	(5,390.00)	72.76%
INVESTMENT REVENUE	2,284.85	2,284.85	10,555.00	(8,270.15)	21.65%
TOTAL FUND REVENUE	159,904.85	159,904.85	173,565.00	(13,660.15)	92.13%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	12,970.40	12,970.40	247,805.00	234,834.60	5.23%
UNAPPROPRIATED FUND BALANCE	0.00	0.00	0.00	0.00	0.00%
TOTAL FUND EXPENDITURES	12,970.40	12,970.40	247,805.00	234,834.60	5.23%
NET REVENUES OVER EXPENDITURES	146,934.45	146,934.45	(74,240.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

STORM DRAIN SDC FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	50,105.00	50,105.00	50,105.00	0.00	100.00%
ASSESSMENTS	7,657.68	7,657.68	4,945.00	2,712.68	154.86%
INVESTMENT REVENUE	652.66	652.66	3,015.00	(2,362.34)	21.65%
TOTAL FUND REVENUE	58,415.34	58,415.34	58,065.00	350.34	100.60%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	40,100.00	40,100.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	40,100.00	40,100.00	0.00%
NET REVENUES OVER EXPENDITURES	58,415.34	58,415.34	17,965.00		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

WATER SDC FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	374,355.00	374,355.00	374,355.00	0.00	100.00%
ASSESSMENTS	33,776.00	33,776.00	46,440.00	(12,664.00)	72.73%
INVESTMENT REVENUE	5,222.37	5,222.37	24,125.00	(18,902.63)	21.65%
TOTAL FUND REVENUE	413,353.37	413,353.37	444,920.00	(31,566.63)	92.91%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	477,845.00	477,845.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	477,845.00	477,845.00	0.00%
NET REVENUES OVER EXPENDITURES	413,353.37	413,353.37	(32,925.00)		

**CITY OF HARRISBURG
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 3 MONTHS ENDING SEPTEMBER 30, 2024**

SEWER SDC FUND

REVENUES (RESOURCES)

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	DIFFERENCE	PERCENTAGE
BEGINNING FUND BALANCE	739,730.00	739,730.00	739,730.00	0.00	100.00%
ASSESSMENTS	28,720.00	28,720.00	39,485.00	(10,765.00)	72.74%
INVESTMENT REVENUE	4,406.27	4,406.27	20,355.00	(15,948.73)	21.65%
TOTAL FUND REVENUE	772,856.27	772,856.27	799,570.00	(26,713.73)	96.66%

**EXPENDITURES
(REQUIREMENTS)**

OBJECT CLASSIFICATION (DESCRIPTION)	PERIOD ACTUAL	YTD ACTUAL	BUDGET	REMAINING	PERCENTAGE
CAPITAL OUTLAY	0.00	0.00	922,370.00	922,370.00	0.00%
TOTAL FUND EXPENDITURES	0.00	0.00	922,370.00	922,370.00	0.00%
NET REVENUES OVER EXPENDITURES	772,856.27	772,856.27	(122,800.00)		

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

THE MATTER OF APPROVING THE CONSENT LIST

STAFF REPORT:

- Exhibit A: City Council Minutes for September 24, 2024 and October 8, 2024
- Exhibit B: Payment Approval Report for October 2024
- Exhibit D: Municipal Court Collections Report October 2024
- Exhibit E: Municipal Court Citation Report October 2024

ACTION: MOTION TO APPROVE THE CONSENT LIST

A motion to approve the consent list will approve the following:

- 1. Minutes from the September 24, 2024 and October 8, 2024 City Council Meeting**
- 2. The Payment Approval Report for October 2024**

THIS AGENDA BILL IS DESTINED FOR: Consent Agenda –November 12, 2024

STAFF RECOMMENDATION:

Staff recommends the City Council approve the consent list.

Building Permits:

October 2024:	Submitted: 9
	Issued: 7
New Homes:	0 Issued

Residential Valuation: \$895,377.00
Commercial Valuation: \$357,000.00
2024 YTD Valuation: \$4,448,274.00

Please note valuation is not added to the City’s property tax base until the fall period following when the permit is finalized. As such, the typical timeframe for most construction to show up on our tax base is the following year in November. The valuation figure includes new home values, the value of commercial or industrial construction, and the value of extensive remodels.

Business Licenses Issued:

- None

Harrisburg Municipal Court:

- Collection Report (**EXHIBIT C**) for the month of October 2024 is \$14,130.16 which includes \$7,147.02 from collections.
- There were 32 citations issued in the month of October 2024 for a total of 33 offenses. There were six Driving While Operating a Cell Phone citations issued and four Failure to Use Safety Belt citations issued. (**EXHIBIT D**). There were no new Criminal Citations issued in October

Committee Minutes: *Please note all committee/board minutes are approved by the individual committee, and not by the City Council consent agenda approval.*

Harrisburg and HRA Budget Committee Chairperson: Randy Klemm

The Harrisburg and HRA Budget Committee last met on May 13, 2024. Those minutes are not yet available.

Next Scheduled Meeting: TBD

Library Board: Chairperson: Desria Hansen

The Library Board last met on November 5, 2024. Those minutes are not yet available.

Next Scheduled Meeting: January 7, 2025

Personnel Committee: Chairperson; Kimberly Downey

The Personnel Committee last met February 2, 2024

Next Scheduled Meeting: TBD

Planning Commission: Chairperson; Todd Culver

The Planning Commission last met on October 15, 2024. Those minutes are not yet available.

Next Scheduled Meeting: October 15, 2024

REVIEW AND APPROVAL:

Lori Ross

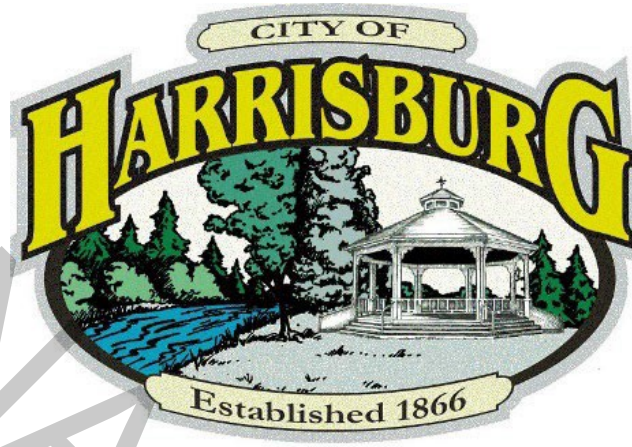
11/05/2024

Lori Ross

Date

City Recorder

This document is supplemented by agenda packet materials, meeting materials distributed and audio recordings of the meeting and may be reviewed upon request to the City Recorder.



Harrisburg City Council Minutes
September 24, 2024

Mayor: Robert Duncan, Presiding
 Councilors Present: Kimberly Downey, Randy Klemm, Robert Boese, Cindy Knox and Youth Advisor Taylor Tatum
 Councilors Absent: Charlotte Thomas (Excused) and Mike Caughey (Excused)
 Staff Present: City Administrator Michele Eldridge, Finance Officer/Deputy City Recorder Cathy Nelson and Public Works Director Chuck Scholz
 Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

Mayor Robert Duncan led the Pledge of Allegiance

CALL TO ORDER AND ROLL CALL by Mayor, Robert Duncan at the hour of 6:30pm

CONCERNED CITIZEN(S) IN THE AUDIENCE:

Public Works Foreman, Rick Nelson addressed council. He notified them that he was retiring after 27.5 years of service. His last day will be October 1, 2024. Eldridge said there will be an open house at the Municipal Center for him on October 1st, 2024 at noon. Mayor Duncan thanked him for his service.

THE MATTER OF MEETING WITH A REPRESENTATIVE FROM LCSO IF ONE IS AVAILABLE:

Sergeant Frambes reviewed the stats for August 2024. Some of the highlights included:

- A death investigation. Frambes clarified that whenever a person is declared dead before arrival at the hospital, it triggers a death investigation.
- Served two (2) warrants.
- Addressed littering by waterway.
- LSCO is working with schools to practice lock-down drills.

September 24, 2024

- LSCO assisted with the fentanyl & narcotics awareness forums.
- Downey shared that she saw citizens complaining about a homeless person living on private property and asked what could be done. Frambes replied they are aware of it and that it is an extremely complicated issue.

THE MATTER OF HOLDING A PUBLIC HEARING TO OFFICIALLY UPDATE THE HARRISBURG BUILDING PERMIT FEES TO MATCH THOSE OF JUNCTION CITY, AND UPDATING OTHER FEES AT THIS TIME, BY APPROVING RESOLUTION NO. 1295:

Mayor Duncan opened a Public Hearing at 6:57pm.

- **Staff Report:** Eldridge gave a brief history of the building permit process. Junction City provides our building inspection services, and they have not increased their fees since we started with them in 2017. Harrisburg needs to bring our fees up to match theirs. The new fees will become effective September 25, 2024 if approved. We are also updating a few other fees to reflect the actual time staff spend on specific permits. Library services have been added and those fees have also been included in the schedule.
- No comments from the public were provided.

Mayor Duncan closed the Public Hearing at 7:03pm.

- Klemm **motioned to approve Resolution No. 1295, “A Resolution Updating the Harrisburg Standard Fee Schedule” and was seconded by Downey. The motion passed unanimously by a vote of 4-0.** (Yes: Klemm, Downey, Boese and Knox. Tatum also voted in favor. No: None.)

THE MATTER OF APPROVING A BONUS FOR A CITY EMPLOYEE:

- Scholz told council that Steve Ensley started doing construction inspections back on the 5th Street project. Since then, he has been the inspector for 9 other projects over the last 5 years. This is outside of the job description for a Utility II staff member. Scholz is asking for a \$2,500 bonus, which would be \$500 a year, for the extra services Ensley has provided to the city.
- Downey said that the citizens have great things to say about Ensley and loved him on 5th Street.
- Eldridge said she supports this bonus and pointed out that Ensley has saved the city tons of money by acting as the construction project inspector.
 - Downey **motioned to approve a one-time bonus of \$2500 for Steve Ensley for his over and above normal job duty performance and was seconded by Klemm. The motion passed unanimously by a vote of 4-0.** (Yes: Klemm, Downey, Boese and Knox. Tatum also voted in favor. No: None.)

OTHER ITEMS:

- Eldridge attended the LCSO Quarterly meeting. They reviewed the deflection process. Tatum asked if this was because of the measure 101 repeal and that it was 7 steps before possible jail. Eldridge said that was correct.
- Nelson notified council that she was accepted into the NWWLA (North West Women Leadership Academy).
- Scholz said they had a pressure sewer line break and were in the process of fixing it.
- Scholz updated council on the water bond project. The general contractor has been out doing surveys. Tomorrow the job trailer will be placed. The city is almost through the permit process with Linn County.
- The tree across from the municipal center is being seen by an arborist tomorrow to see the full level of rot and if it needs to be fully removed.
- Scholz let council that Matt Renfro was rehired back in May as a Utility III. He is doing an excellent job supervising the team and will be past his probation period at the end of the month.

September 24, 2024

- Dog Park in Eagle Park is still in progress. Public works crew found over 80,000 lbs. concrete blocks. They decided to form mounds in the small dog park rather than removing them. The fence is up, but the gates are not in yet and it needs to be seeded. There will be signage added tomorrow.
- Eldridge updated council on progress of Eagle Park. The cultural resource survey for the southern portion of the park. The University of Oregon and Oregon Museum gave estimates that fell under the formal bid price. We will start the process of applying for the larger grant in stages due to matching funds regulations.
- Jackson Street Outreach Project will hold another event at the skate park on October 30, 2024. They are teaming up with the HART Center.
- Tatum reminded council about the Homecoming noise parade on October 11th, 2024. She asked if it could be added to the city newsletter and reader board.

With no further discussion, the City Council Meeting adjourned at the hour of 7:46pm

Mayor

City Recorder

UNAPPROVED

This document is supplemented by agenda packet materials, meeting materials distributed and audio recordings of the meeting and may be reviewed upon request to the City Recorder.



Harrisburg City Council Minutes October 08, 2024

Mayor: Robert Duncan, Presiding
 Council President: Mike Caughey, Absent (Excused)
 Councilors Present: Kimberly Downey, Robert Boese, Randy Klemm, and Charlotte Thomas (via Phone)
 Councilors Absent: Cindy Knox (Excused) and Youth Advisor Taylor Tatum (Excused)
 Staff Present: City Administrator Michele Eldridge, Public Works Director Chuck Scholz, Finance Officer/Deputy City Recorder Cathy Nelson and City Recorder/Municipal Court Clerk Lori Ross
 Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

The Pledge of Allegiance was led by Mayor Robert Duncan

CALL TO ORDER AND ROLL CALL by Mayor, Robert Duncan at the hour of 6:30pm

CONCERNED CITIZEN(S) IN THE AUDIENCE: Troy Jones of Gap Rd, and member of Friends of Gap Rd (FOGR) updated Council on the status of the Muddy Creek Energy Park proposal which included the following:

- Qcell has not yet filed an application, and they have until May of 2025 to submit, or to file an extension.
- There are still lots of questions regarding the wetlands and the ODFW is requiring a two-year study before construction can begin.
- Jones stated that Brownsville is supporting FOGR as neighbors of the organization and they would like to ask the same from Harrisburg. Jones will give a copy of their letter of support to Michele to present to Council for review. He further commented that FOGR would like Council to support them in their cause.

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- Downey once again informed Jones that she has two conflicts and won't be commenting on the matter.
- **THE MATTER OF APPROVING A RESOLUTION ADOPTING COUNCIL POLICY 24-1.05 – NEW FRANCHISE PROCEDURES:** Eldridge informed Council that she did look at different resources regarding new Franchise Procedure Policies and didn't get any responses. Eldridge referred to **Addendum 1**, an updated version of Exhibit A for Ordinance No. 1296. Knox had requested the word "technology" be removed from the last line of 24-1.05.020 and just say "services" instead. Eldridge informed Council the agreement was created by our City Attorney, Sean Kidd and pointed out section "C" under Procedures which outlines the questions asked and section "A"; City Staff Procedures which outlines staff involvement and responsibilities.
- Jason Robinson, with Hunter Communications, commented that these are questions they like to be asked, and they appreciate it.
 - **Klemm motioned to approve Resolution No. 1296, "A RESOLUTION ESTABLISHING CITY COUNCIL POLICY 24-1.05: NEW FRANCHISE PROCEDURES" AND THEREBY ADOPTING COUNCIL POLICY NO. 24-1.05 as amended and was seconded by Boese. The motion passed unanimously by a vote of 4-0.** (Yes: Downey, Klemm, Klemm and Thomas. No: None.)

THE MATTER OF ESTABLISHING A FRANCHISE AGREEMENT WITH HUNTER COMMUNICATIONS BY ADOPTING ORDINANCE NO. 1005, "AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT FOR FIBER INTERNET SERVICES WITH HUNTER COMMUNICATIONS":

Eldridge introduced Stephen Parac and Jason Robinson with Hunter Communications. She reviewed the staff report. Some highlights included:

- Hunter Communications is an Oregon grown company, they offer faster services, and she likes the idea of providing competitive pricing for our residents.
- Eldridge referred to page 12 of the agenda showing the rates compared to Xfinity for residential customers and noted that commercial rates will be presented by Hunter.
- Eldridge stated the plan is to go underground with connections for the majority of town with the older parts of town being piggy backed with other utilities.
- The above ground utility boxes will be similar to what Xfinity and Pacific Power provide.
- Eldridge pointed out that there could be a drop in revenue from Xfinity with customers switching but feels it will offset from revenues received from Hunter.
- Eldridge reached out to two other City Managers, including Oakridge, and was told they have no issues with Hunter Communications.
- Scholz spoke with several communities and received neutral feedback.
- Nelson reached out to three communities and received feedback from one stating no issues or concerns.

Parac reviewed his presentation as shown in Exhibit C. Some of his highlights included:

- Hunter Communications is celebrating 30 years in business.
- Hunter has an overall rating of 4.8 out of 5 on Google.
- Teacher/Military discounts available.
- Hunter is a member of the Tri-County Chamber of Commerce and is involved in community events.
- Once approved, connections could begin in early/mid 2025.
- Hunter offers business internet and phone services, and depending on level of service needed, cost ranges from \$99 to mid-\$200 for 300 or 500 MPS's, or 1 or 2 Gigs.
- Klemm asked if the upload and download speeds were the same. Parac answered yes.

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- Parac stated that due to the cost of fiber, rural areas have wireless components including towers and antenna's. Fiber connections are used in and between towns.
- Mayor Duncan asked about the difference between Hunter and Xfinity. Parac replied they don't offer TV services, but you can purchase your choice of any streaming service, often at a cheaper price and not just what Xfinity offers.
- Dana Henry, of Whitledge Place, asked about the effects of ice for above ground wires. Parac responded that under extreme circumstances, and if the power goes out, there is no service until Pacific Power can restore service. This would also affect fiber connections. Henry also asked about installation fees. Parac replied that Hunter doesn't charge installation fees.
- Klemm asked if there would be a change in the aerial appearance of the town with this new connection. Parac replied that he is confident that when they make their connections, they will leave it looking better than they found it. Robinson added that they take pride in their work.
- Eldridge reviewed the changes made to the agreement as shown in Exhibit B. She noted the recent change to section 2.3.2, as per the request of Caughey, and the addition of more words under the term "Conduit" as shown in **Addendum 2**.
 - **Klemm motioned to approve Ordinance No. 1005, "AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT FOR FIBER INTERNET SERVICES WITH HUNTER COMMUNICATIONS" as amended and was seconded by Downey. The motion passed unanimously by a vote of 4-0.** (Yes: Downey, Klemm, Klemm and Thomas. No: None.)
- Klemm asked to be updated on the business services that are offered by Hunter.

THE MATTER OF APPROVING THE CONSENT LIST: Nelson pointed out page 93 of the agenda and referred to the payment for \$177,684.03 to the United States Treasury. She informed Council the amount was interest for the Water Bond Project that was over the capped limit. She doesn't see it happening in the future since we are now spending the funds.

- No further comments or concerns.
 - Downey **motioned to approve the consent list and was seconded by Klemm. The motion passed unanimously by a vote of 4-0,** (Yes: Downey, Klemm, Klemm and Thomas. No: None.) **A motion to approve the consent list approved the following:**
 - **Minutes from August 27, 2024 & September 10, 2024 City Council Meeting**
 - **The Payment Approval Report for September 2024**

CITY ADMINISTRATOR VERBAL REPORT:

- **Skatepark After Dark:** Eldridge referred to **Addendum 3** commenting that this is an outreach program for at-risk and homeless children. This year they have reached out to the HART Center.
- **Flushing:** Routine fall flushing is scheduled for October 21st to the 25th.
- **Water Plant Construction:** Scholz informed Council they have broken ground on the North Plant, and they will be building the plant next to Well No. 8
 - Klemm asked that if the price of steel increases significantly, would that extra cost come back on us. Scholz replied that once the contract is signed, if there is a skyrocket in cost, that doesn't get passed on to the contractor, but to the City. Scholz further commented that most of the items, besides the tanks and construction materials, have already been purchased. Scholz doesn't think an

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increase will be a factor in completing the project. Worse case would be the project becoming operational in the summer of 2027 instead of 2026.

- Eldridge added the City still has available for financing the Special Public Works Funds, through the State of Oregon, \$2M in HRA Funds as well as another \$2M available before reaching our maximum indebtedness. The City Bond Funds and HRA Funds will be spent before borrowing any additional funding.
- **Dog Park:** Scholz stated the Park is leveled, fenced, signed, the grass seed is planted, and work will begin on the gravel parking area tomorrow. Scholz noted that residents are already using the park and encouraged Council to visit the impressive park.

OTHER ITEMS:

- Nelson noted we have capped out on investment interest and the rate is going down from 5.3% to 5.15%
- Scholz informed Council the sidewalk on 6th street, by the new playground, is completed.
- Scholz also updated Council on a pressure sewer line replacement at the main lift station. They were able to bore through existing pipe at Knife River and pull the new pipe behind it from Knife River to Eagle Mart and replaced under Gheen Irrigation's property. They still have about 7,000 ft to replace, but the nasty part of the project is complete.

With no further business, the City Council Meeting adjourned at the hour of 7:59pm.

Mayor

City Recorder

RESOLUTION NO. 1296

A RESOLUTION ESTABLISHING CITY COUNCIL POLICY 24-1.05: 'NEW FRANCHISE PROCEDURES'

WHEREAS, the City Council that the City hasn't worked with a company requesting a new franchise agreement for at least 25 years; and,

WHEREAS, the City Council also has the responsibility of working on behalf of the citizens to obtain more efficient and better services; and

WHEREAS, the adoption of this resolution will provide City Staff with the procedures that will guide the City on partnering with a new company, while also best protecting the City's assets.

NOW, THEREFORE BE IT RESOLVED that City Council Policy, 'CP 24-1.05' is hereby adopted as presented to the City Council as shown in 'Exhibit A'.

Adopted by the City Council of the City of Harrisburg, OR on this 8th day of October, 2024 and made effective this same day.

Mayor, City of Harrisburg

ATTEST:

City Recorder

EXHIBIT A

CITY OF HARRISBURG COUNCIL POLICY MANUAL

POLICY AREA 1 – GENERAL

CP 24-1.05 New Franchise Procedures

Adopted:

24-1.05.010 Purpose

The City is being approached by companies who desire to use our infrastructure and to establish a franchise agreement with the City of Harrisburg. This policy states the city's process for establishing a new partnership for a franchise request.

24-1.05.020 Policy

It is the City Council's decision as to whether or not the City will establish a new relationship with a company who is seeking a franchise agreement. Preferences shall be based upon companies that are from the State of Oregon. All new franchise agreements shall have non-exclusive rights.

- A new franchise agreement should be based on and provide a minimum of two of the following:
 - Additional revenue for the City
 - Competitive rates that save citizens money
 - Provide new services for citizens

24-1.05.030 Procedure

- a. A letter requesting a franchise agreement with the City should be submitted a minimum of (1) one month ahead of the meeting it desires to be considered in. It should include contact information for other municipalities where it is currently operating.
- b. The City Administrator shall schedule a meeting with a company representative to provide this policy, review procedures, and to obtain more information from the franchisee.
- c. The City Attorney will provide the initial franchise agreement language.

- c. A company requesting to use the city’s infrastructure shall provide a presentation and report to the City Council based on what kind of services it will offer to the City and our citizens. The report is due on Monday two weeks before the City Council meeting. The report shall include the following:
 - What kind of infrastructure the franchisee is adding
 - Which existing franchisee’s is the company partnering with in Harrisburg, if any
 - What kinds of rates and services will be charged to citizens, and details on how it will benefit them.
 - What the ultimate build-out will look like.
 - How will Customer Services be provided to consumers in this area, and where will they be located?

24-1.05.040 City Staff Procedures

- a. The City Administrator shall contact a minimum of 3 City Administrators or City Attorneys for the municipalities in which the franchisee is already present for references.
 - Staff will also verify with the Harrisburg City Attorney that there are no problems that they have heard about in relation to the franchisee
 - Staff should provide a brief analysis of what other current franchisees might be affected by the additional franchise proposal in the future staff report.
- b. The Public Works Director will contact a minimum of 3 Public Works Directors/PW Foreman in municipalities in which the franchisee is already present. Focus shall be on work done in the right-of-way, and utility problems.
- c. The Finance Officer shall contact 2 municipalities to verify financial obligations have been met.

24-1.05.050 Review and Update

This policy shall be reviewed every five years by the City Administrator and updated as appropriate.

Approved on _____

Resolution No. _____

1.2 This Agreement and the grant of authority conferred herein are not exclusive. The City reserves the right to grant the authority to others to use the Franchise Area during the term of this Agreement. The Franchisee shall respect the rights and property of the City and other authorized users of the Rights-of-Way. This Agreement does not confer on Franchisee any right, title or interest in any Right-of-Way beyond that expressly conferred herein. This Agreement does not confer any right or privilege to use or occupy any other property of the City or any other entity.

1.3 Nothing in this Agreement shall be construed to prevent the City from constructing sewers; from grading, paving, repairing or altering any Right-of-Way or from constructing, installing, repairing or removing water mains or any other public work or improvement. If any of the Franchisee's Telecommunications System interferes with the work described in this subsection, the Franchisee's Telecommunications System shall be removed or replaced according to Section 4 of this Agreement.

SECTION 2. RULES OF CONSTRUCTION; DEFINITIONS.

2.1 Throughout this Agreement, captions are intended solely to facilitate reading and reference and shall not affect the meaning and interpretation of this Agreement.

2.2 When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" will always mean mandatory and not merely directory.

2.3 For the purpose of this Agreement, the following terms, phrases, and their derivations shall have the meanings given below unless the context indicates otherwise.

2.3.1 "City" means the City of Harrisburg, Oregon and the area within its boundaries as extended in the future.

2.3.2 "Conduit" is an electrical raceway for the enclosure of electrical conductors and may consist of rigid conduit of electrical metallic tubing, ~~or~~ plastic tubing, cable, fiber optics, optical fiber and other transmission facilities.

2.3.3 "Council" means the legislative body of the City.

2.3.4 "Customer," "user" or "subscriber" shall mean any person or entity lawfully receiving telecommunications service.

2.3.5 "Facility" means any tangible component of the Franchisee's Telecommunications System including, but not limited to, fiber, wires, cables, pipes, mains, ducts, conduits, vaults, pedestals, poles, antennas, power boxes, cabinets and electronic equipment.

SKATE PARK after dark

4.

Free, public events at FIVE local skateparks!
For youth ages 10-24 and their families

All Events 5-7pm!

Harrisburg - 10/30

Pumpkin + Face Painting,
Costumes, Photo Booth

Sweet Home - 11/6

Karaoke and
Glow-in-the-dark shirts!

Albany - 11/12

Youth Vigil +
Friendship Bracelets

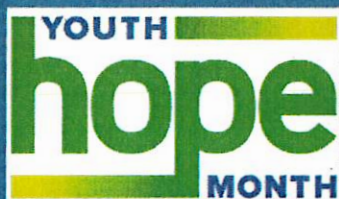
Lebanon - 11/14

Scavenger Hunt and
Yard Games!

Corvallis - 11/20

Live Music &
Community Art Project

Serving hot food, hot drinks, winter gear,
cool clothes, and tons of resources for youth!



Questions?
Text 541-745-4591
or DM us on
Facebook/Instagram



Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
1206						
1206	Analytical Lab & Consultants	169802	Water Testing	09/05/2024	265.00	51-65-4200
1206	Analytical Lab & Consultants	169803	Water Testing	09/05/2024	126.00	52-65-4200
1206	Analytical Lab & Consultants	169830	Water Testing	09/05/2024	155.00	52-65-4200
1206	Analytical Lab & Consultants	169873	Water Testing	09/10/2024	155.00	52-65-4200
1206	Analytical Lab & Consultants	170094	Water Testing	09/17/2024	126.00	52-65-4200
1206	Analytical Lab & Consultants	170189	Water Testing	09/20/2024	281.00	52-65-4200
1206	Analytical Lab & Consultants	170228	Water Testing	09/24/2024	155.00	52-65-4200
1206	Analytical Lab & Consultants	170291	Water Testing	09/27/2024	126.00	52-65-4200
1206	Analytical Lab & Consultants	170460	Water Testing	09/30/2024	155.00	52-65-4200
Total 1206:					1,544.00	
2225						
2225	B & I Hardware & Rental	5586/1	P/W Misc Supplies.	09/25/2024	11.99	52-65-2400
2225	B & I Hardware & Rental	5783-1	P/W Misc Supplies.	10/02/2024	389.97	10-72-4000
Total 2225:					401.96	
1474						
1474	Barncraft Building Supply	2410	Public Works Supplies	09/30/2024	27.38	10-72-4000
Total 1474:					27.38	
3693						
3693	Branch Engineering Inc	22264	Engineering Services	09/27/2024	76,355.90	51-78-8015
3693	Branch Engineering Inc	22265	Engineering Services	09/27/2024	680.20	10-41-4000
3693	Branch Engineering Inc	22266	Engineering Services	09/27/2024	2,431.95	11-60-7975
3693	Branch Engineering Inc	22268	Engineering Services	09/27/2024	3,216.25	11-42-2100
Total 3693:					82,684.30	
4070						
4070	Caleb Smith	PER DIEM 10.	PER DIEM	10/01/2024	153.00	10-63-2200
Total 4070:					153.00	
3732						
3732	Cash	10.29.24	Haloween Cash Prizes	10/29/2024	150.00	23-70-2500
3732	Cash	9.30.24	Change Order	09/30/2024	5.00	10-60-2400
3732	Cash	9.30.24	Change Order	09/30/2024	20.00	10-53-2000
Total 3732:					175.00	
3920						
3920	Cathy Nelson	PER DIEM 10.	Per Diem	10/01/2024	153.00	10-63-2200
Total 3920:					153.00	
3773						
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	18.72	10-69-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	42.54	52-65-3500

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	46.19	52-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	40.73	10-69-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	46.19	52-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	42.54	52-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	46.19	52-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	40.99	51-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	40.73	51-65-3500
3773	CenturyLink	SEPT 2024	Phone Bill	09/28/2024	44.64	51-65-3500
Total 3773:					409.46	
3797						
3797	Chuck Scholz	9.4.24	Per Diem	10/23/2024	100.00	52-76-2300
3797	Chuck Scholz	9.4.24	Per Diem	10/23/2024	100.00	51-76-2300
Total 3797:					200.00	
3914						
3914	City of Coburg	QRT 3, 2024	Law Enforcement Services	10/01/2024	10,828.12	10-66-3050
Total 3914:					10,828.12	
4069						
4069	Clark Coswell	8.31.24	Victim Restitution	08/31/2024	50.00	10-42-2200
4069	Clark Coswell	SEPT 2024	Victim Restitution	09/30/2024	50.00	10-42-2200
Total 4069:					100.00	
2939						
2939	Cobalt Computer Services, Inc.	29727	Computer Service	09/30/2024	291.20	40-65-8015
2939	Cobalt Computer Services, Inc.	29853	Computer Service	09/30/2024	101.25	52-74-2100
2939	Cobalt Computer Services, Inc.	29853	Computer Service	09/30/2024	101.25	51-74-2100
2939	Cobalt Computer Services, Inc.	29853	Computer Service	09/30/2024	405.00	40-65-8015
Total 2939:					898.70	
3348						
3348	Code Publishing, Inc.	GCI0015714	Web Hosting	10/21/2024	220.50	10-60-2900
Total 3348:					220.50	
2720						
2720	Comcast	OCT 2024	Internet Service	10/02/2024	441.26	10-60-2000
2720	Comcast	OCT 2024 LIB	Internet Service	09/23/2024	286.95	24-60-2525
2720	Comcast	OCT 2024 PW	Internet Service	10/01/2024	153.93	51-65-3550
2720	Comcast	OCT 2024 PW	Internet Service	10/01/2024	153.92	52-65-3550
Total 2720:					1,036.06	
3913						
3913	DataBar Inc	268429	Utility Billing Statements	10/02/2024	393.05	51-74-2200
3913	DataBar Inc	268429	Utility Billing Statements	10/02/2024	393.05	52-74-2200
3913	DataBar Inc	268429	Utility Billing Statements	10/02/2024	72.12	23-70-2500
3913	DataBar Inc	268433	Utility Billing Statements	10/02/2024	399.70	23-70-2500
Total 3913:					1,257.92	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
3966						
3966	DCBS Fiscal Services	SEPTEMBER 2	State Surcharge - Building/Electric	09/30/2024	1,242.09	26-70-1050
3966	DCBS Fiscal Services	SEPTEMBER 2	State Surcharge - Building/Electric	09/30/2024	226.04	27-70-1050
Total 3966:					1,468.13	
3896						
3896	Delapoer Kidd PC	2057	Attorney Fees	10/01/2024	735.00	10-42-2500
3896	Delapoer Kidd PC	2057	Attorney Fees	10/01/2024	997.50	10-42-2700
Total 3896:					1,732.50	
1000						
1000	DEQ	WQ25DOM-08	Water Quality Permit	10/08/2024	2,829.00	52-65-5000
Total 1000:					2,829.00	
3835						
3835	Display Sales	INV4200	Misc P/W Exp	09/25/2024	2,141.00	11-44-6000
3835	Display Sales	INV4326	Misc P/W Exp	10/04/2024	1,650.00	23-70-2500
Total 3835:					3,791.00	
4053						
4053	Ennis-Flint Inc.	285930	PW Misc	09/20/2024	133.80	11-44-6000
Total 4053:					133.80	
4032						
4032	Excel Electric LLC	5280	Electrician	09/22/2024	2,811.95	11-44-6000
4032	Excel Electric LLC	5286	Electrician	09/22/2024	873.00	10-72-6700
Total 4032:					3,684.95	
1946						
1946	Ferguson Waterworks	1280519	P/W Misc. Expense	09/05/2024	761.76	51-78-7400
1946	Ferguson Waterworks	1280519	P/W Misc. Expense	09/05/2024	761.75	52-78-7400
1946	Ferguson Waterworks	1283983	P/W Misc. Expense	09/25/2024	720.85	51-65-4600
Total 1946:					2,244.36	
1218						
1218	Grainger	9277883790	Misc. P/W Supplies	10/10/2024	39.46	52-65-3300
1218	Grainger	9277883790	Misc. P/W Supplies	10/10/2024	39.46	51-65-3300
Total 1218:					78.92	
1947						
1947	H & J Construction, Inc.	23-009A#3	6th Street Reconstruct	09/30/2024	180,813.58	11-60-7800
Total 1947:					180,813.58	
4071						
4071	HP Civil, Inc.	20-009C#1	Water Treatment Project	10/06/2024	300,200.00	51-78-8015
Total 4071:					300,200.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
1220						
1220	Hurd's Custom Machinery, Inc.	43121	Public Works Supplies	09/03/2024	142.32	10-72-4000
1220	Hurd's Custom Machinery, Inc.	43210	Public Works Supplies	09/11/2024	113.18	10-72-4000
1220	Hurd's Custom Machinery, Inc.	43237	Public Works Supplies	09/16/2024	137.08	10-72-4000
1220	Hurd's Custom Machinery, Inc.	43242	Public Works Supplies	09/17/2024	44.90	10-72-4000
1220	Hurd's Custom Machinery, Inc.	43294	Public Works Supplies	09/24/2024	118.11	10-72-4000
Total 1220:					465.79	
2543						
2543	Industrial Source	2337153	Misc. P/W Supplies	09/30/2024	24.89	10-72-4000
Total 2543:					24.89	
3964						
3964	Jamie Knox	10.17.24	Milage	10/17/2024	29.48	10-63-2200
3964	Jamie Knox	9.30.24	Reimbursement	09/30/2024	24.99	10-53-2200
3964	Jamie Knox	PER DIEM 10.	Per Diem	10/01/2024	95.00	10-63-2200
Total 3964:					149.47	
3432						
3432	John Deere Financial	5613349	Misc P/W Exp	09/12/2024	145.94	52-65-4600
Total 3432:					145.94	
3968						
3968	Junction City	SEPTEMBER 2	Building/Electrical Permit Fees	09/30/2024	10,428.11	26-70-1000
3968	Junction City	SEPTEMBER 2	Building/Electrical Permit Fees	09/30/2024	442.78	27-70-1000
Total 3968:					10,870.89	
4048						
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	149.90	10-53-2200
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	6,214.38	51-78-8015
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	225.20	51-78-8015
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	50.56	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	8.14	10-72-4000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	25.00	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	27.98	11-45-3000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	269.86	61-70-7600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	441.96	61-70-7600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	135.00	11-43-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	72.48	10-72-4000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	16.79	10-72-4000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	4.28	52-65-4600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	204.84	51-65-4600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	204.84	52-65-4600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	13.28	51-65-4600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	13.28	52-65-4600
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	124.00	51-65-2500
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	124.95	61-70-7000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	57.98	61-70-7000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	291.20	52-76-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	6.70	52-76-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	184.00	61-70-7000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	4.29	51-65-4600

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	6.99	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	117.70	51-76-2300
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	117.70	52-76-2300
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	227.96	61-70-7000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	132.49	52-65-2400
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	134.77	61-70-7000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	7.39	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	4.97	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	22.99	24-60-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	11.98	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	80.46	10-72-4000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	47.62	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	49.49	24-60-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	161.51	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	2.36	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	30.00	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	1,413.33	24-60-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	33.98	24-60-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	91.92	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	40.67	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	25.18	24-60-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	184.21	24-60-3200
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	13.99	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	9.99	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	117.70	52-76-2300
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	17.99	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	6.99	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	19.96	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	16.99	24-60-2800
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	37.60	24-60-3050
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	75.00	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	1.00	10-53-2000
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	26.96	23-70-2500
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	13.16	23-70-2500
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	34.97	23-70-2500
4048	KeyBank Key Card	SEPT 2024	Misc Credit Card Charges	09/30/2024	117.70	51-76-2300
Total 4048:					12,326.56	
3770						
3770	Keyhole Locksmith, The	107410	Misc P/W Exp	10/14/2024	265.00	10-72-4000
Total 3770:					265.00	
4027						
4027	Kristen Norris	10.13.24	Library Program	10/13/2024	500.00	24-60-3050
Total 4027:					500.00	
3957						
3957	Library Ideas LLC	115448	Books	09/26/2024	255.00	24-60-2000
Total 3957:					255.00	
3819						
3819	Linn County Treasurer	AUGUST 2024	Court Revenue Payout	08/31/2024	212.05	10-42-2200
3819	Linn County Treasurer	SEPTEMBER 2	Court Revenue Payout	09/30/2024	48.00	10-42-2200

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
Total 3819:					260.05	
2489						
2489	Lori Ross	PER DIEM 10.	Per Diem	10/01/2024	95.00	10-63-2200
Total 2489:					95.00	
4012						
4012	Luis Tomas Ruiz	SEPT 2024	Restitution	09/30/2024	100.00	10-42-2200
Total 4012:					100.00	
3799						
3799	M.R. Tree Service	2472	Tree Service	09/16/2024	750.00	10-72-6700
Total 3799:					750.00	
1077						
1077	Michele Eldrdige	10262024A	Reimbursements	10/26/2024	67.97	10-53-2200
Total 1077:					67.97	
2644						
2644	Net Assets	54-202409	Lien Searches	10/01/2024	63.00	10-53-2250
Total 2644:					63.00	
1102						
1102	NW Natural Gas Co.	OCT 2024	Utilities	10/08/2024	19.21	10-69-2000
1102	NW Natural Gas Co.	OCT 2024 PU	Utilities	10/08/2024	51.34	52-65-2700
1102	NW Natural Gas Co.	OCT 2024 PW	Utilities	10/08/2024	32.05	51-65-2700
Total 1102:					102.60	
1245						
1245	One Call Concepts, Inc.	4090383	Locates	09/30/2024	40.98	51-65-4600
1245	One Call Concepts, Inc.	4090383	Locates	09/30/2024	40.97	52-65-4600
Total 1245:					81.95	
1033						
1033	Oregon Department of Revenue	AUGUST 2024	Court Revenue Payout	08/31/2024	1,312.80	10-42-2200
1033	Oregon Department of Revenue	SEPT 2024	Court Revenue Payout	09/30/2024	1,635.00	10-42-2200
Total 1033:					2,947.80	
1862						
1862	Oregon DMV	L0059909720	Record Inquiry	09/30/2024	6.85	10-42-2800
Total 1862:					6.85	
3962						
3962	Oregon State Treasury	ARU00430999	Unclaimed Property	10/30/2024	3,023.90	10-37-2100
Total 3962:					3,023.90	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
3963						
3963	OverDrive, Inc.	H-0105256	Digital Library	07/01/2024	5,506.61	24-60-3200
Total 3963:					5,506.61	
3082						
3082	Overhead Door	023822-IN	Misc P/W Exp	10/15/2024	450.00	51-65-2400
Total 3082:					450.00	
3096						
3096	Pacific Office Automation	5031738270	Copier Contract	10/14/2024	162.23	10-60-2100
3096	Pacific Office Automation	5031738270	Copier Contract	10/14/2024	345.01	40-67-8000
3096	Pacific Office Automation	5031738270	Copier Contract	10/14/2024	162.24	51-74-2000
3096	Pacific Office Automation	5031738270	Copier Contract	10/14/2024	162.24	52-74-2000
3096	Pacific Office Automation	741293	Telephone	09/23/2024	120.64	52-65-3500
3096	Pacific Office Automation	741293	Telephone	09/23/2024	120.64	51-65-3500
3096	Pacific Office Automation	741293	Telephone	09/23/2024	120.65	10-69-3500
3096	Pacific Office Automation	741293	Telephone	09/23/2024	35.21	24-60-2500
Total 3096:					1,228.86	
1079						
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	49.83	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	21.29	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	8.12	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	13.31	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	26.61	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	83.38	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	40.62	11-44-2000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	5,179.59	51-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	965.97	51-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	66.16	51-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	1,052.79	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	48.60	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	146.40	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	249.14	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	17.96	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	409.41	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	31.55	25-65-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	81.09	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	56.77	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	15.93	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	414.40	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	48.64	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	45.15	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	19.09	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	39.56	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	40.01	10-72-6700
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	60.71	25-65-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	19.78	25-65-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	25.20	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	36.99	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	362.44	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	44.10	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	72.80	52-65-2600
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	1,172.39	52-65-2600

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	40.54	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	95.64	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	24.30	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	19.17	10-69-3000
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	371.28	10-69-2500
1079	Pacific Power & Light Company	OCT 2024	UTILITIES	10/14/2024	17.96	10-69-2500
Total 1079:					11,534.67	
1657						
1657	Rexius	842096	Misc P/W Exp	10/03/2024	2,280.00	61-70-7600
1657	Rexius	842328	Misc P/W Exp	10/04/2024	3,420.00	61-70-7600
Total 1657:					5,700.00	
3985						
3985	Schneider Water Services	15026	Well Repair	10/17/2024	17,967.00	55-60-3000
Total 3985:					17,967.00	
3582						
3582	Sierra Springs	21792967 1012	Bottled Water	10/12/2024	81.19	10-53-2200
Total 3582:					81.19	
2927						
2927	Staples Business Advantage	6012212006	Office Supplies	09/20/2024	1.60	10-60-2300
2927	Staples Business Advantage	6012212006	Office Supplies	09/20/2024	1.60	51-74-2400
2927	Staples Business Advantage	6012212006	Office Supplies	09/20/2024	1.59	52-74-2400
Total 2927:					4.79	
4026						
4026	The Western Agency	22-T-0029	Collection Fee	09/27/2024	82.79	10-42-2200
4026	The Western Agency	22-T-0029A	Collection Fee	10/23/2024	82.79	10-42-2200
Total 4026:					165.58	
4043						
4043	TWGW, Inc. Napa Auto Parts	713651	Repairs	09/06/2024	9.00	11-45-2100
4043	TWGW, Inc. Napa Auto Parts	713651	Repairs	09/06/2024	10.49	51-73-2100
4043	TWGW, Inc. Napa Auto Parts	713651	Repairs	09/06/2024	10.50	52-73-2100
Total 4043:					29.99	
3866						
3866	Umpqua Valley Financial, LLC	8668	Audit Services	10/01/2024	930.00	10-41-2000
3866	Umpqua Valley Financial, LLC	8668	Audit Services	10/01/2024	390.00	11-42-2000
3866	Umpqua Valley Financial, LLC	8668	Audit Services	10/01/2024	810.00	51-60-2000
3866	Umpqua Valley Financial, LLC	8668	Audit Services	10/01/2024	870.00	52-60-2000
Total 3866:					3,000.00	
3663						
3663	Water Refunds	#1095.05	Utility Billing Overpayment	09/30/2024	58.94	01-1075
3663	Water Refunds	#11754.10	Utility Billing Overpayment	09/30/2024	39.06	01-1075
3663	Water Refunds	#445.02	Utility Billing Overpayment	10/22/2024	40.47	01-1075

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	GL Account Number
3663	Water Refunds	#513.13	Utility Billing Overpayment	10/02/2024	46.96	01-1075
3663	Water Refunds	#5505.09	Utility Billing Overpayment	10/09/2024	82.63	01-1075
Total 3663:					268.06	
1239						
1239	WECO	CP-00283216	PW Gas Exp	09/30/2024	476.80	11-45-2000
1239	WECO	CP-00283216	PW Gas Exp	09/30/2024	556.27	51-73-2000
1239	WECO	CP-00283216	PW Gas Exp	09/30/2024	556.26	52-73-2000
Total 1239:					1,589.33	
4045						
4045	Wilbur-Ellis Company LLC	16804381	PW Misc Supplies	09/25/2024	650.30	10-72-6700
Total 4045:					650.30	
3879						
3879	Wilson Equipment, LLC	02-98970	Misc P/W Expense	10/01/2024	2,507.91	11-44-6000
3879	Wilson Equipment, LLC	02-98970	Misc P/W Expense	10/01/2024	2,507.91	51-65-4600
3879	Wilson Equipment, LLC	02-98970	Misc P/W Expense	10/01/2024	2,507.91	52-65-4600
Total 3879:					7,523.73	
Grand Totals:					685,268.41	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Payment Approval Report
Expense Account Key

	Fund Number	G.L. Number Acct
General Fund	10	10-XX-XXXX
Street Fund	11	11-XX-XXXX
CED Fund	23	23-XX-XXXX
Library Fund	24	24-XX-XXXX
Storm Fund	25	25-XX-XXXX
Building Permit Fund	26	26-XX-XXXX
Electrical Permit Fund	27	27-XX-XXXX
Debt Services Fund	30	30-XX-XXXX
Office Equip. Fund	40	40-XX-XXXX
Equipment Fund	41	41-XX-XXXX
Water Fund	51	51-XX-XXXX
Sewer Fund	52	52-XX-XXXX
Sewer Resv Fund	56	56-XX-XXXX

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Code	Description	Count	Amount	GL Account
Court Costs				
AF	ATTORNEY FEE	3	161.70	
CF	COLLECTION FEE	14	865.22	
COSTS	COURT COSTS	12	420.82	
DEF-ADJUD	DEF ADJUDICATION	12	1,424.76	
LPF	LATE PAYMENT FEE	20	106.99	
PA	PAYMENT ARRANGEMENT- FEE	12	115.77	
SCF	SHOW CAUSE FEE	10	196.48	
SUSP	SUSPENSION FEE	13	85.01	
WF	WARRANT FEE	27	502.27	
Total Court Costs:		123	3,879.02	
Fines				
AMD	CHARGE AMENDED	9	1,027.54	
DIV	DIVERSION AGREEMENT	2	90.00	
GBD	GUILTY BY DEFAULT	82	6,369.81	
GUILTY	FOUND GUILTY	20	1,460.79	
Total Fines:		113	8,948.14	
Surcharges				
COUNTY	COUNTY ASSESSMENT	8	128.00	
DIV STATE	STATE ASSESSMENT	1	40.00	
STATE	STATE ASSESSMENT	15	720.00	
STATE-DUII	SAD	1	150.00	
Total Surcharges:		25	1,038.00	
Unapplied				
	Unapplied payments	1	265.00	011095
Total Unapplied:		1	265.00	
Grand Totals:		262	14,130.16	

Report Criteria:

Case.Violation date = 10/01/2024-10/31/2024

Agency	Case Number	Citation Numbers	Violation Date	Primary Offense	Location
LCS	24-T-0176	228131	10/01/2024	OPERATE VEHICLE WHILE USING CELL PHONE	199 N. 3RD ST & MONROE ST
LCS	24-T-0170	228132	10/01/2024	EXPIRED VEHICLE REGISTRATION	153 N. 3RD ST
LCS	24-T-0171	228136	10/01/2024	EXPIRED VEHICLE REGISTRATION	299 KESLING ST & S. 3RD ST
LCS	24-T-0175	228142	10/01/2024	EXPIRED VEHICLE REGISTRATION	299 SCHOOLING ST & S. 3RD ST
COBURG PD	24-T-0184	1163	10/02/2024	NO OPERATORS LICENSE	DIAMOND HILL & N. 9TH ST
LCSO	24-T-0177	228164	10/04/2024	FAILURE TO USE SAFETY BELT	448 S 3RD ST HARRISBURG
LCSO	24-T-0178	228168	10/04/2024	OPERATE VEHICLE WHILE USING CELL PHONE	199 N 3RD ST/MONROE ST HARRISBURG
LCSO	24-T-0179	228173	10/04/2024	FAILURE TO OBEY TRAFFIC CONTROL DEVICE-SIGN	843 SMITH ST HARRISBURG
LCSO	24-T-0180	228177	10/05/2024	DWS/REVOKED; DRIVING UNINSURED	100 N 3RD ST/SMITH ST HARRISBURG
LCSO	24-T-0181	228180	10/05/2024	DRIVE WHILE SUSPENDED/REVOKED	260 N 3RD ST HARRISBURG
LCSO	24-T-0182	228183	10/05/2024	EXPIRED VEHICLE REGISTRATION	199 N 3RD ST/MONROE ST HARRISBURG
LCSO	24-T-0183	228188	10/05/2024	EXPIRED VEHICLE REGISTRATION	699 S 3RD ST/LASALLE ST HARRISBURG
LCSO	24-T-0185	228221	10/08/2024	NO OPERATORS LICENSE	722 S 3RD ST HARRISBURG
LCSO	24-T-0186	228223	10/08/2024	OPERATE VEHICLE WHILE USING CELL PHONE	132 S 3RD ST HARRISBURG
COBURG PD	24-T-0187	1069	10/12/2024	VIOLATING DESIGNATED SPEED 11-20 MPH	S. 6TH ST & SOMMERVILLE
COBURG PD	24-T-0188	1070	10/12/2024	VIOLATING DESIGNATED SPEED 1-10 MPH	S. 6TH ST & SOMMERVILLE
LCSO	24-T-0189	228289	10/14/2024	FAILURE TO USE SAFETY BELT	299 MACY ST/S 3RD ST HARRISBURG
LCSO	24-T-0190	228294	10/14/2024	OPERATE VEHICLE WHILE USING CELL PHONE	199 N 3RD ST/MONROE ST HARRISBURG
LCSO	24-T-0191	228295	10/14/2024	OPERATE VEHICLE WHILE USING CELL PHONE	199 N 3RD ST/MONROE ST HARRISBURG
LCSO	24-T-0192	228296	10/14/2024	FAILURE TO USE SAFETY BELT	141 N 3RD ST HARRISBURG
LCSO	24-T-0193	228317	10/16/2024	DRIVING WHILE UNINSURED	499 LASALLE ST/S 5TH ST HARRISBURG
LCS	24-T-0198	228380	10/22/2024	DRIVE WHILE SUSPENDED/REVOKED	199 N. 3RD ST & MONROE ST
LCS	24-T-0194	228381	10/22/2024	INOPERABLE SEAT BELTS	199 N. 3RD ST & MONROE ST
LCS	24-T-0199	228382	10/22/2024	FAILURE TO USE SAFETY BELT	157 N. 3RD ST
LCS	24-T-0195	228385	10/22/2024	DRIVE WHILE SUSPENDED/REVOKED	678 N. 3RD ST
LCS	24-T-0196	228387	10/22/2024	OPERATE VEHICLE WHILE USING CELL PHONE	199 N. 3RD ST & MONROE ST
LCSO	24-T-0197	228394	10/23/2024	FAIL TO CARRY PROOF OF INSURANCE	24287 HWY 99E & SUBSTATION DR
COBURG PD	24-T-0202	1167	10/24/2024	VIOLATING DESIGNATED SPEED 21-30 MPH	S. 6TH ST & PRICEBORO
COBURG PD	24-T-0200	1168	10/24/2024	VIOLATING DESIGNATED SPEED 11-20 MPH	S. 6TH ST & PRICEBORO
COBURG PD	24-T-0201	1169	10/24/2024	VIOLATING DESIGNATED SPEED 11-20 MPH	S. 6TH ST & PRICEBORO
COBURG PD	24-T-0203	1172	10/30/2024	VIOLATING DESIGNATED SPEED 11-20 MPH	DIAMOND HILL & N. 9TH ST

Grand Totals:

31 FOR A TOTAL OF 32 OFFENSES