



Falls City Oregon City Council Meeting

Monday, November 4, 2024 at 6:00 pm

Meeting Location

320 N Main St • Falls City, OR 97344

How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1-253-215-8782 b. Meeting ID: 878 7406 4319
You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319>
You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

a. RARE Participant Introduction

4. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive

language will not be tolerated.

Please limit your commentary to 3 minutes or less.

5. REPUBLIC SERVICES PRESENTATION

Attachments:

- **Presentation** (Republic_Services_2025_Falls_City_Rate_Packet.pdf)

6. CONSENT AGENDA

a. October 7, 2024 Minutes

Attachments:

- **Minutes** (2024.10.07_Council_Minutes.pdf)

7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

a. Mayor's Report

b. Councilor Comments

c. Historic Landmark Committee Report

Attachments:

- **Minutes** (HLC_Minutes.pdf)

8. REPORTS FROM CITY MANAGER & STAFF

a. Polk County Sheriff Report

Attachments:

- **Report** (SD_September_Stats.pdf)

b. Falls City Fire Report

Attachments:

- **Report** (FD_October_Report.pdf)

c. Code Enforcement Report

Attachments:

- **Report** (Code_Report.pdf)

d. City Manager's Report

Attachments:

- **Report** (2024.11.04_Monthly_Manager_s_Report.pdf)

e. Flood Plain Discussion

Attachments:

- **Staff Report** (2024.11.04_SR_FEMA_Floodplain_Insurance_Update.pdf)
- **Exhibit A** (Exhibit_A_2024-09-12c_Memo_CMs-CRs_ESA_early_implementation_final.pdf)
- **Exhibit B** (Exhibit_B_FEMA_-_Region_10_issued_NFIP-ESA_PICM_Fact_Sheet.pdf)

- **Exhibit C** (Exhibit_C_FEMA_PICM_Options.pdf)

9. GOOD OF THE ORDER

10. ADJOURN

Posted for Public at the City Hall Bulletin Board, Community Center, Falls City Website, Falls City Market, LCB Bulletin Board, and City Facebook page

Contact: Jeremy Teal, City Recorder (jteal@fallscityoregon.gov 503.787.3631) | Agenda published on 10/31/2024 at 11:03 AM



Sustainability in Action

October 2, 2024

Mayor Bailey
Falls City Council
City Staff

Dear Mayor Bailey, City Council and Staff,

Republic Services is proud to serve the City of Falls City as your waste hauler. Along with our day-to-day work in the City, we have been involved in some exciting things in the past year:

- As you may be aware, there has been a flurry of activity surrounding recycling in Oregon that will result in innovative changes in 2025. You have heard us talk about the Oregon Recycling Modernization Act for several years. It will come to fruition on July 1, 2025. Republic Services worked with the City of Falls City, Polk County and many other communities in 2024 to assist in two surveys from DEQ and their contractor, who will operate the new program. Watch for more news about changes to recycling in 2025.
- We were glad to partner with the City and clean up nearly 30 tons of bulky trash, one 30-yard dumpster of freon appliances, and two 40-yard dumpsters of scrap metal, valued at more than \$8,700 during the annual Fall City clean up in June. 165 residents took advantage of the opportunity to help clean up their city.

In this packet you will find information about the Refuse Rate Index for 2025. The index of 4.1% for residential service is due to a combination of CPI and the increased cost of operations and disposal at Coffin Butte Landfill. This new rate will go into effect January 1, 2025.

We look forward to discussion about this,

Bret Davis
General Manager
Bret.davis@republicservices.com

Kenneth Larson
Municipal Administrator
klarson4@republicservices.com

Republic Services - Falls City RRI

	Index: June 30, 2023	Index: June 30, 2024	% Change	Weight	Refuse Index
CPI - West Size Class B/C All Urban Consumers	187.354	193.555	3.3%	75%	2.5%
Coffin Butte Disposal Rate	\$ 56.00	\$ 58.25	4.0%	15%	0.6%
PRC Disposal Rate	\$ 59.00	\$ 65.00	10.2%	10%	1.0%
Rate Adjustment %					4.1%
					100.0%
Adjustment Factor					104.1%

New Service Increase Rates Effective 1/1/2025	
Residential Rate:	4.10%
Commercial Rate:	4.10%
Industrial Rate:	4.10%

RESIDENTIAL SERVICE RATES:				
Residential Roll Cart	Current Monthly	Current Bi-Monthly	New Monthly	New Bi-monthly
1 Can (hand pickup)	\$25.26	\$50.52	\$26.30	\$52.59
2 Can	\$50.46	\$100.92	\$26.53	\$105.05
3 Can	\$75.65	\$151.31	\$78.76	\$157.51
35g	\$24.89	\$49.79	\$25.91	\$51.82
35g on-call (over pickup)	\$17.97	NA	\$18.71	NA
90g	\$41.37	\$80.76	\$43.07	\$86.13
Up the drive	\$21.13	\$42.27	\$22.00	\$43.99

Misc. Charges and Limited Services			
	Current Rate	New Rate	
APP-Appliance Without Freon	\$32.51	\$33.84	
APN-Appliance With Freon	\$42.30	\$44.03	
FUR-Furniture	\$34.61	\$36.03	
MAT - Mattress or Boxspring	\$29.78	\$31.00	
EXB-Extra 32 gal can/bag/box/heavy	\$10.89	\$11.34	
IRK-Tires w/o rim	\$12.62	\$13.14	
BLK-Tires w/o rim	\$18.92	\$19.40	
TRK-Tires w/o rim	\$31.93	\$32.92	
TRK-Tires with rim	\$37.84	\$39.29	
Residential Extra Pickup (same day)	\$17.87	\$18.71	
Residential Container Exchange (one time per year no charge)	\$46.67	\$48.58	

Falls City Rates

COMMERCIAL SERVICE RATES:

Commercial Roll Cart		New Rate	
Container Size	Monthly	Monthly	Monthly
35g	\$ 23.05	\$24.00	
90g	\$38.31	\$39.88	

Temporary Commercial		REG		New Rate	
Container Size	Delivery	REG	Delivery	REG	Delivery
Zyd	\$ 81.27	\$ 73.02	\$84.60	\$76.01	\$84.60
Prepayment	\$81.27				
NO SOD, DIRT, SHEETROCK, CONCRETE, ROOFING					

Commercial Rear Load - Manual		Weekly Collection Frequency (# Collections Per Week)																		
Container Size	1	2	3	4	5	6	7	8	ON CALL / EXT	RENT	1	2	3	4	5	6	7	8	ON CALL / EXT	RENT
1 Yd	\$127.74	\$240.92	\$384.20	\$467.44	\$580.68	N/A	N/A	N/A	N/A	N/A	\$132.98	\$230.80	\$368.72	\$486.61	\$604.49	N/A	N/A	N/A	N/A	N/A
1.5 Yd	\$163.10	\$311.10	\$491.12	\$607.22	\$755.12	N/A	N/A	N/A	N/A	N/A	\$169.79	\$323.86	\$477.94	\$622.12	\$766.08	N/A	N/A	N/A	N/A	N/A
2 Yd	\$198.60	\$381.98	\$564.16	\$746.81	\$929.64	N/A	N/A	N/A	N/A	N/A	\$206.74	\$397.22	\$587.29	\$777.43	\$967.76	N/A	N/A	N/A	N/A	N/A

Misc. Charges and Limited Services		Current Rate		New Rate	
Each Extra Person Req'd To Put Loose Garbage Per Min-EPI		\$1.09	\$1.13	\$1.13	
Time per minute to put loose garbage-MIN		\$2.17	\$2.26	\$2.26	
EPI - Container Off-route pickup- in area (25 min)		\$32.76	\$34.10	\$34.10	
EPI - Container Off-route pickup- out of area (25 min)		\$32.76	\$34.10	\$34.10	
Extra loose garbage per yard-EXY		\$25.26	\$26.30	\$26.30	
EXY - Extra Yardage (Commercial)		\$24.65	\$25.66	\$25.66	

Falls City Rates

INDUSTRIAL SERVICE RATES:

Drop Box - Solid Waste - Open Top/Lidded	New Rate			
	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$62.19	\$62.19	\$62.19	\$62.19
Haul	\$291.21	\$291.21	\$291.21	\$291.21
Disposal	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$62.19	\$62.19	\$62.19	\$62.19
Temp Rent - starts day after delivery	\$497.45	\$497.45	\$497.45	\$497.45
Perm Rent	\$122.55	\$122.55	\$122.55	\$122.55
Perm Rent Lidded	\$150.55	\$150.55	\$150.55	\$150.55

Drop Box - Asbestos	New Rate			
	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$65.55	\$65.55	\$65.55	\$65.55
Haul	\$439.86	\$439.86	\$439.86	\$439.86
Disposal	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$65.55	\$65.55	\$65.55	\$65.55
Temp Rent - starts day after delivery	\$524.31	\$524.31	\$524.31	\$524.31
Perm Rent	\$129.17	\$129.17	\$129.17	\$129.17
Perm Rent Lidded	\$158.68	\$158.68	\$158.68	\$158.68

Drop Box - Concrete/Driv/Brick	New Rate			
	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$62.19	\$62.19	\$62.19	\$62.19
Haul	\$291.21	\$291.21	\$291.21	\$291.21
Disposal (if container is contaminated, cust will be charged)	Pass Thru	Pass Thru	Pass Thru	Pass Thru
MSW (rate)	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$62.19	\$62.19	\$62.19	\$62.19
Temp Rent - starts day after delivery	\$497.45	\$497.45	\$497.45	\$497.45
Perm Rent	\$122.55	\$122.55	\$122.55	\$122.55
Perm Rent Lidded	\$150.55	\$150.55	\$150.55	\$150.55

Drop Box - Woodwaste/Yardwaste	New Rate			
	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$62.19	\$62.19	\$62.19	\$62.19
Haul	\$291.21	\$291.21	\$291.21	\$291.21
Disposal (if container is contaminated, cust will be charged)	Pass Thru	Pass Thru	Pass Thru	Pass Thru
MSW (rate)	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$62.19	\$62.19	\$62.19	\$62.19
Temp Rent - starts day after delivery	\$497.45	\$497.45	\$497.45	\$497.45
Perm Rent	\$122.55	\$122.55	\$122.55	\$122.55
Perm Rent Lidded	\$150.55	\$150.55	\$150.55	\$150.55

Falls City Rates

	New Rate			
	30	35	40	40
Compactor - Solid Waste/Cardboard	30	35	40	40
PREPAYMENT	\$350.00	\$350.00	\$350.00	\$350.00
Delivery	\$65.55	\$65.55	\$65.55	\$68.24
Haul	\$88.99	\$88.99	\$88.99	\$92.64
Disposal	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$65.55	\$65.55	\$65.55	\$68.24
Temp Rent - starts day after delivery	\$524.31	\$524.31	\$524.31	\$545.81
Perm Rent	\$129.17	\$129.17	\$129.17	\$134.46
Perm Rent Lidded	\$158.68	\$158.68	\$158.68	\$165.19
Security Box				
Delivery per hour, one hour minimum			40	40
Removal			\$67.50	\$70.27
Rent			\$67.50	\$70.27
			\$130.00	\$135.33

	Current		New	
Fee				
Account Origination Fee	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00
Cart Recovery/Replacement	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
Commercial Container Recovery Fee	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00
Industrial Container Recovery Fee	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Contaminated Recycle or Yard Waste Cart	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00
Late Fee	0.75%	0.75%	0.75%	0.75%
Monthly Recycle Processing Surcharge	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Returned Check Fee	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
Service Interrupt Fee	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00

FALLS CITY CITY COUNCIL		MONDAY, OCTOBER 7, 2024	
The Falls City City Council met in regular session on Monday, October 7, 2024 at 6:00 p.m. in the Community Center located at 320 N. Main Street			
Council Members Present: Council President Amy Houghtaling joined via phone, Councilor Nick Backus, Councilor Tony Meier, Councilor Dennis Sickles and Councilor Lori Jean Sickles at 6:01 p.m., Councilor Martha Jirovec was excused			
Staff Present: City manager AJ Foscoli and City Recorder Jeremy Teal			
AGENDA		ACTION	
Announcements, Appointments, Appreciations & Proclamations		<p>Mayor Bailey introduced Andrew Silverman the new Polk County Deputy in Falls City.</p> <p>Council President Houghtaling recognized Deputy Silverman for presenting to students about lock down drills.</p>	
Public Comment		<p>Mayor Bailey opened the public comments at 6:03 p.m.</p> <p>Boyd Lamprecht noted the steel plate at the high school needed to be adjusted before it slit the sidewall of someone's tire.</p> <p>Tracy Young noted that from Alan Street to Pine Street there were 20 homes that needed some sort of repair but were too old. She mentioned the older homes were only land taxed because the trailer is too old. She stated Falls city was losing money because so many properties were only taxed on the land and not the houses.</p> <p>Jim Miner noted that 1 year ago he spoke about the motorhome on North Main with a tarp on it.</p> <p>Council President Houghtaling stated that in a previous Council packet was a code services report gave an update on the motorhome. She noted the code officer, and the deputy were working on it. Mayor Bailey noted there were strict rules for living spaces and the people in them now.</p> <p>Joe Schmucker stated he was concerned about some derelict properties in town. He noted he was glad the deputy was here. He mentioned the</p>	

	<p>Veterans Day BBQ on November 11 to celebrate the veterans with food and a good time.</p> <p>Chris Martin noted the trailer on North Main had been there 2 years and it sends a bad message to anyone coming into town. He noted he talked to the code officer, and she was working on all the property issues. He mentioned the Deputy had slowed things down on Bridge Street and he thanked the Council for making that happen.</p> <p>Mayor Bailey stated he would get an update on the RV. Mr. Martin noted the Supreme Court had changed the rules on RVs and what the cities can do.</p> <p>Tina Thompson advised there were cars chasing each other up Fair Oaks all hours of the night. She noted the water meters needed to be addressed before they freeze in the winter. She asked about the progress on the abatement on Ellis. Mayor Bailey stated he would follow up on the property this week.</p> <p>Dawn Martin advised that the Community Action Agency might help with the trailers. She suggested calling the weatherization department to help get the trailers all fixed.</p> <p>Mayor Bailey closed the public comments at 6:22 p.m.</p>
<p>Polk County Transfer Facility Presentation</p>	<p>Austin McGuigan and Nicolas Dahl, owner of Rehub, gave a presentation regarding the new transfer station in Rickreall.</p> <p>Mr. McGuigan asked if Falls City would be interested in pursuing an intergovernmental agreement with Polk County for a new transfer station in Rickreall. He noted he would come back and approve the IGA in near future to discuss franchising.</p> <p>Nicolas Dahl, owner of ReHub, stated that Polk County sent 1.3 million tons of trash annually to Coffin Butte, which will be closing in the 8-10 years. He noted that all the remaining waste disposal facilities would be closing at the end of 2024. He noted the facility in Rickreall would be</p>

centrally located and help bring costs down. He mentioned they would be able to dismantle RVs and trailers.

Mr. McGuigan stated the rate analysis would provide performance fees with all services. He noted the cost would go up substantially. He stated the plan was to get ahead of a significant change in waste management with a new station.

Mayor Bailey stated that with Coffin Butte not going to be available the concerns of costs to the public would be important. He asked if a cost analysis could be done and brought back to Council and give the pros and cons.

Mr. McGuigan noted the Commissioners would hold public hearings and he could provide the rate study to Mr. Foscoli.

Mr. Foscoli noted that Republic Services would be at the next Council meeting for a new franchise agreement.

Mr. McGuigan advised there would be a one time increase of \$2.80 per customer. Councilor D Sickles asked where the increase would go. Mr. McGuigan stated to Republic Services. He noted that if the cities got ahead of the changes, it would give them leverage with the franchise agreements and the agreements would allow to use the Rickreall facility instead of Coffin Butte.

Council President Houghtaling stated the new facility would create 18 new jobs and bring in tax revenue. She noted that it would allow for school field trips and possible job shadows.

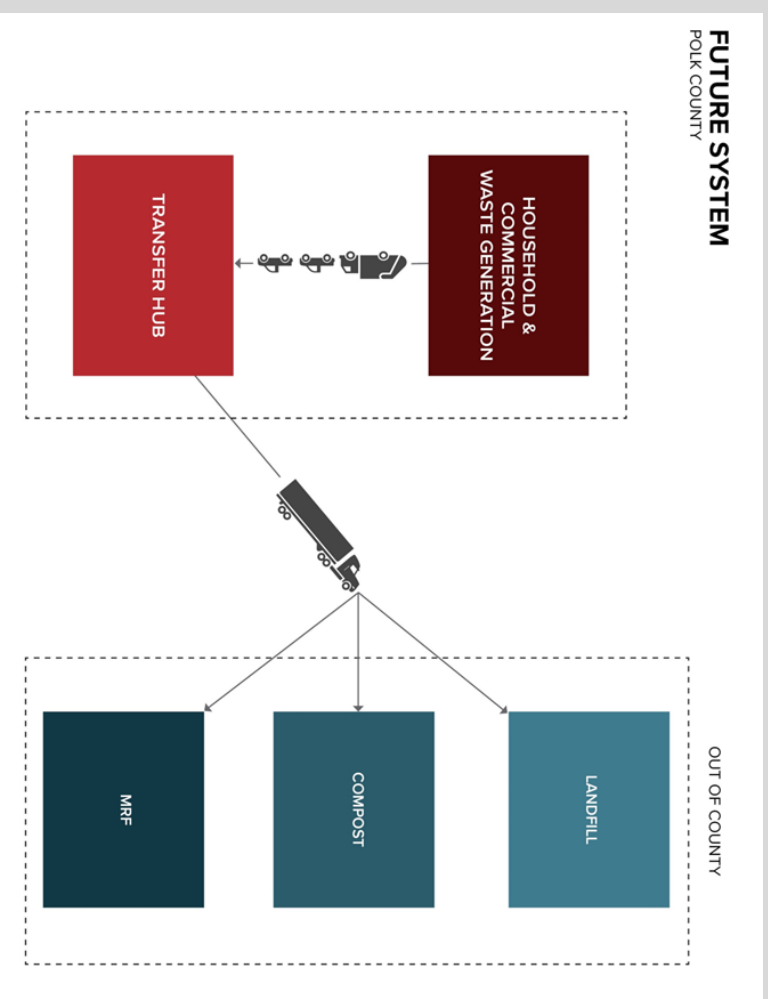
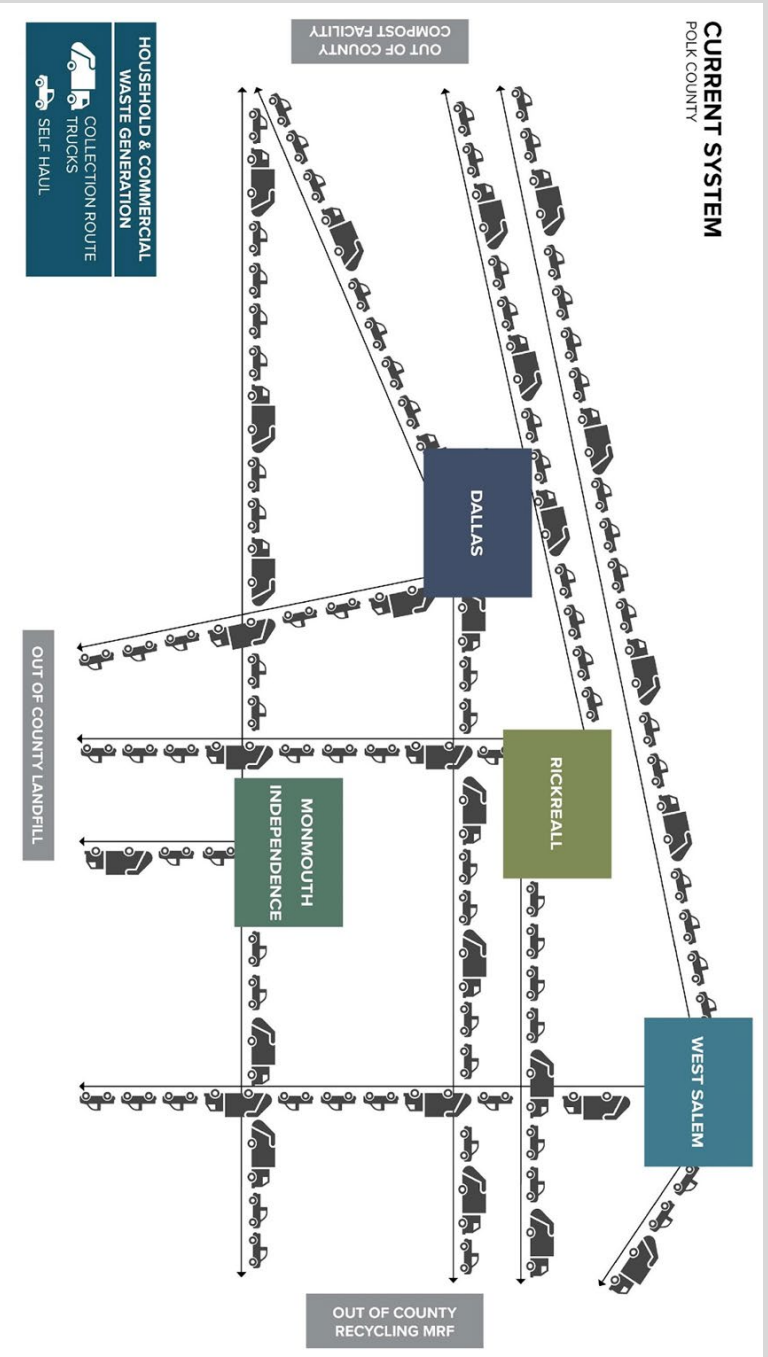
Councilor Meier asked what would happen if Falls City didn't go with the Rickreall facility and Coffin Butte shuts down. Mr. McGuigan stated there was no redundancy for trash. He noted the time was now to pounce and get best rates for citizens. He stated that cities that had no interest would need to find a hauler and they would have to find somewhere to dump.

<p>Reports from City Manager & Staff</p> <ul style="list-style-type: none"> a) Sheriff Report b) Fire Report c) Public Works Report d) Code Enforcement Report e) City Manager’s Report f) Park Restroom Upgrades 	<p>There were no comments. There were no comments. There were no comments. There were no comments.</p> <p>Mr. Foscoli report regarding the wastewater treatment plant, Community Resource Center project, the RARE student, code enforcement, and the upper park restroom vandalism.</p> <p>Mr. Foscoli reported the upper park restrooms needed to be renovated. Cameras are more of a community project.</p> <p>Councilor D Sickles asked to get the estimate on trees. Mr. Foscoli noted he would do that tomorrow. Councilor Backus asked if we should hold off on renovations until trees are done. Mr. Foscoli noted he would get quotes for the trees and restrooms.</p> <p>Mr. Lamprecht stated he looked at the trees and noted there was some value from the trees and that he could remove them.</p> <p>It was moved by Councilor D Sickles to approve the park restroom renovation quotes at a cap of \$12,000 and to secure an arborist to look at the trees. The motion was duly seconded by Councilor LJ Sickles and carried with a vote of 5-0 with Councilors Backus, Meier, D sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p>Resolutions</p> <ul style="list-style-type: none"> a) Resolution 12-2024 	<p>Mr. Foscoli stated there were more specificity on the expenses for the supplemental budget.</p> <p>It was moved by Council President Houghtaling to approve the Resolution 12-2024. The motion was duly seconded by Councilor Backus and CARRIED with a ROLL CALL vote of 5-0 with Councilors Backus, Meier, D sickles, LJ Sickles and Council President Houghtaling voting YES.</p>

<p>Good of the Order</p>	<p>Councilor D Sickles thanked the City for allowing the football team to play all their home games on the football field.</p> <p>Councilor Meier noted that Mr. Fornier was parking on North Main.</p> <p>Councilor Backus mentioned that Falls City was \$150-\$170,000 behind on property tax payments and that tax base allows more money to do things. He noted there were several people with years of back taxes. He advised that if you see a wild dog to please call animal control.</p>
<p>Adjourn</p>	<p>There being no further business the meeting was adjourned at 7:41 p.m.</p>
<p>Read and approved this ____ day of _____ 2024.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p>	

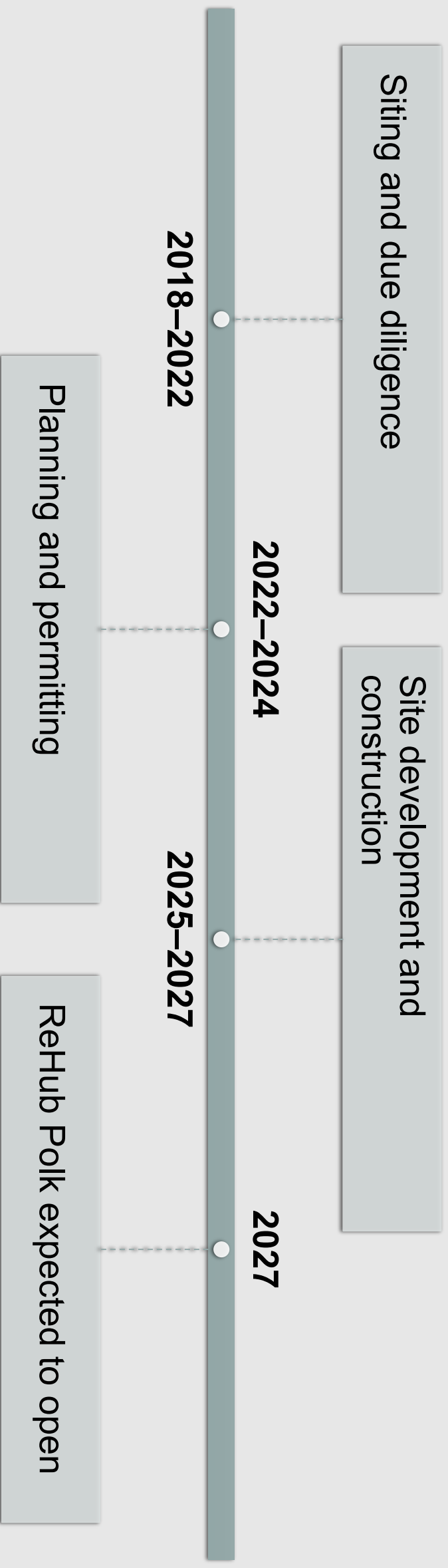


REHUB POLK PROPOSED FACILITY



WASTE SYSTEMS – CURRENT AND FUTURE

WASTE FACILITY SITING TIMELINE



COST PER TON

YEARS

— Transfer station
— Landfill

End of life





EARLY TRANSFER STATIONS

- Replaced local solid waste landfills
- Vector/nuisance issues
- Efficiency and safety issues
- Exposed to the elements
- Not built to handle today's waste stream
- Safety/efficiency updates
- Similar issues to first-generation
- Fully enclosed except recycling
- Separate unloading and queuing areas for commercial and public self-haul
- Addresses vector and nuisance issues

KEY BENEFITS

- Local ownership and management
- 18 full-time, family wage jobs
- New tax revenue that can be invested in local communities and our state
- Long-term rate stability
- Synergies with local businesses
- Maximize recycling/reuse within current waste streams
- Efficiencies help reduce air pollution, fuel and energy use, road wear and tear
- Tillable acres at Rickreall Dairy available for agricultural uses
- Supports a circular economy

LEARN MORE ABOUT US



www.AppleTree.us



www.ReHubHoldings.com

City of Falls City
Historic Landmark Commission
Monday October 29, 2024 at 5:30 pm
Meeting Location: 320 N Main Street Falls City

Commission Members Present

Amy Houghtaling, Nick Backus, Mike McConnell, Guy Mack. Commission was joined by Josh Wagner, communications/Project Leader. Photographer Diane Beals and FCHS student Tyson Cook. Natasha Adams absent.

1) Roll Call

Chair Houghtaling called the meeting to order at 5:29 PM, took roll call.

2) Pledge of Allegiance

Chair Houghtaling led the Commission in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda

Member Backus moved and member McConnell seconded **to adopt the Entire Agenda**. Motion passed 4-0-0 Ayes. Amy Houghtaling, Nick Backus, Mike McConnell, Guy Mack.

4) Consent Agenda Motion

Member Backus moved and member Mack seconded **to approve minutes for 08/22/24**. Motion passed 4-0-0 Ayes. Amy Houghtaling, Nick Backus, Mike McConnell, Guy Mack.

5) Public Comment

FCHS student Tyson Cook was introduced as one of eight students currently assisting with the project and is interested in photography.

6) Old Business

a. Historic Landmark Project Progress

Josh Wagner informed the Commission that he has obtained a YouTube channel titled "Voices of Falls City" and has a demonstration video of William Gilbert with photos by Diane Beals. The video showed still photos of Mr. Gilbert with his voice over talking about fast cars and a honest steadfast woman. Commission members appreciated the professionalism. It was discussed the options to add interviewees' name, date of birth, when first came to and left (if appropriate) Falls City.

Mr. Wagner showed the Commission the system for Cataloguing photos on a website that can be added to and edited by approved individuals. Current editors include project leader, Josh Wagner, Tyson Cook, Jonathan Ellingson with additional editors; Diane Beals, Mike McConnell and Guy Mack.

Mr. Wagner told the Commission that FCHS students have chose the following Historic interests/places/objects for exploration: the Pink Pokey, the Mysterious Boulder, the Old Post Office, the Boondocks, the Kings Rest (Home of the Healing Waters), Mt. Gospel Church, the Upper (George Kitchen) Park, and the Bread Board. Other subjects could be: Lower (Faye Wilson) Park, Falls City Pride, the Stairs, IOOF Hall, Seventh Day Adventist Church/School, lower Cemetery and Atlas Lumber.

The Project also needs more people to interview, especially women, younger people, and those with unique knowledge/information of particular places/things. Interviews can be scheduled and conducted at FCHS from Monday through Thursday between 2:36 PM until 3:17PM when the class meets and most Fridays during the day.

7) New Business - None

8) Correspondence, Comments and Ex-Officio Report

Consent Form (for the use of interviews and photographs) will be provided by member Adams and shared with Commission members by Chair Houghtaling.

9) Committee Announcements

Next meeting will be December 5, 2024 in the Community Center at 5:30 pm.

10) Adjourn

Member Mack moved and Member Backus seconded: **we adjourn**. Motion carried 4-0-0 Ayes. Amy Houghtaling, Nick Backus, Mike McConnell Guy Mack. Meeting adjourned at 6:37 pm.

_____ Historic Landmark Commissioner Chair Houghtaling

Attested: _____ Historic Landmark Commission Member

September 2024 Falls City Stats

Falls City Calls for Service							
Alarm	4	Domestic Dstrb	2	Miscellaneous	3	Theft	3
Animal	1	Driving Complaint	3	Missing Person	1	Tow	1
Area Check	1	EDP	1	Ordinance Violation	1	Trespass	3
Assault	2	Fight	1	Prowler	1	Traffic Stop	8
ATL	1	FIR	3	Shots	1	Traffic Assist	2
Burglary	1	Fire/EMS	1	Susp. Activity	2		
Citizen Contact	4	Follow Up	1	Susp. Person	5		
Community Event	2	Harassment	1	Susp. Vehicle	1		

Falls City Calls for Service Total Calls for Service (county wide) Falls City % of Total Calls	61 1,290 4.7%	Of the FC Calls for Service FC Cases Cleared by Arrest Total Arrests in Falls City	8 2 0	involved crimes 25.0% 0.0%	clearance of total arrests
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Total Service Calls (Polk County) Cases Cleared by arrest Total Arrests (county wide)	1,290 110 48 36	Crimes Occ 43.6%	Juvenile Arrests Juvenile Arrests	0 0	(county wide) (Falls City) (only true crimes reported here)
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Call Volume for Falls City Volunteer Fire Dept. JAN-DEC 2024



2024 MONTH	MEDICAL	PUBLIC ASSIST	MVA	STRUCTURE FIRE /	GRASS BRUSH TREE / BURN CO	POWER LINE	SW ASSISTED FCFD CALLS	FALSE ALARM UTL	CONFLAG FIRES	MO. TOTAL CALLS
JAN	16	1	1 SW	1	0	1	0			20
FEB	12	2	0	0	0	0	0			14
MAR	11	1		1	1	0	0			14
APR	7	0	0	0	1	0	0			8
MAY	11	0	0	0	1	0	0			12
JUNE	12	0	0	0	0	0	0			12
JULY	6	0	0	0	1,2	0	0		2	11
AUG	13	0	1	0	1	0	0	1		16
SEPT	12	0	0	0	3,1	0	0	0	0	16
OCT	8	0	1	1	4	0	0	6	0	20
NOV										
DEC										
YR TOTALS To Date	108	4	3	3	12,3	1	0	7	2	143

Fire Department Report for NOVEMBER 2024 Council Meeting:

We just held our public education event at the schools the third week of October. We had lots of kids participate. They learned about fire safety issues, fire dangers, what a fire fighter looks like in full turn outs and face mask so they are not afraid of us when we come to help or rescue them or family, smoke detectors, and other fire safety topics. They also got to look at the fire trucks and talk about safety around emergency vehicles. We handed out lots of educational materials for them to take home and share, as well as prizes.

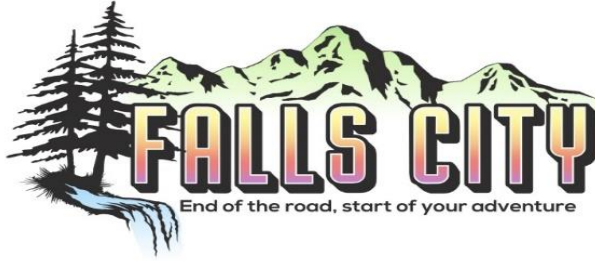
October is a fun month for the community and the Fire Association. We are busy preparing for another fun, safe and warm place for our kids (and parents) to enjoy Halloween. Come enjoy treats, see the decorations and all the different costumes the kids will be wearing! Halloween is on Thursday, Oct. 31st. We generally open doors by 6:00 pm or earlier. We always have a great turnout, come on down and enjoy the fun!

Christmas is just around the corner. Our busiest of Holiday months. We are working hard to make this the best Year ever for the children! We will have our annual toy drive, usually the first Saturday in December at Wal Mart in Dallas. More info to come next month.

Our posts got put again on back order for the new address signs that will be eventually posted along your driveways and streets. We are working closely with the manufacturer hoping to be able to start installing some soon.

Thank you all for the support and hard work you do for our department and community!

Prepared by Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS. Cell: (503) 871-5140



Code services monthly report October 2024

- **Clean up letter sent to 199 Pine St.**

Clean up in process

- **Clean up letter sent to 79 N. Main St.**

Letter returned

- **Clean up letter sent to 26 S. Main St.**

No progress so far

- **Clean up letter sent to 169 4th St.**

Progress has been made in clean up

- **Clean up letter sent to 456 Pine St.**

Plan for clean up made with owner of property

- **Letter sent to 101 S. Main St. regarding occupied 5th wheel parked on street**

No change

- **Tagged car at the corner of Central Blvd and 1st Ave for tow**

towed

- **Tagged car on Lewis for tow**

Car looked to be moving when checked on tow day. Will check again and tow if still again.

- **Worked with Polk Co. Sheriff to remove vehicle from High School trail**
- **Exterior dangerous building inspection done on 171 Dayton St.**



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph 503.787.3631

City Manager's Report November 4, 2024

Introduction

As we've moved into October, the weather has slowly been changing to more typical fall patterns. Since the rainfall totals are still below yearly averages for this time of year, the city is holding off on switching over to the Glaze creek intake. Public Works staff is keeping a close eye on the rainwater totals, as Glaze Creek can alleviate the burden on our treatment facility's use of Teal Creek water. In preparation for the upcoming election, Polk County has placed a ballot box at the Community Center entrance, under the covered walkway, to make it easier for residents to vote. On the construction side, the lagoon project continues to move toward meeting the February/March tentative timeframe for start-up.

Wastewater Project – The regular meetings with Strider Construction and our contract engineers are now on a tri-weekly schedule as work is going full steam at the lagoon site, and within city limits. Most of the subcontractors are working 10-hour days in order to make sure that all of the necessary work on the lagoons will be done, and it looks like the “ponds” will be ready for leakage testing by December, when the project will be able to draw permitted water from the Little Luckiamute to test the ponds' structural integrity. Construction at the school campus for the new pump station began in the middle of October and should finish before the holidays. Currently, the base of the wet well has been compacted and in the next few days, the concrete work will start. With the football season's home games behind us, I'd like to express a huge thank you to Jon Creekmore and Don Poe. Thanks to their work on the field, the school district was able to play all 4 home football, including the Homecoming game.

Community Resource Center Project – The Falls City Resource Center's operation is in full swing as more and more service providers are slotting in client hours at the building after the “Soft” Opening on September 23rd. In October, a total of 81 people, 71 of which were walk-ins (the rest were scheduled appointments) have taken advantage of the FCRC's services. We look forward to a long collaborative partnership with all service providers to continue to serve the Falls City community.

RARE Application – Gabby Dominge, the RARE participant to help the Polk County municipal partners of Falls City, Monmouth & Dallas has been working on the TMDL reporting since late September. Her main work in this early part of her tenure at each of the cities' offices, has been familiarizing with each of the jurisdictions' TMDL focuses. She'll be working through the scope of work that our TMDL contractor Elizabeth Sagmiller has laid out in the coming months. We look forward to welcoming her to the community at the November council meeting.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a “reply all” response, or multiple councilors discussing on the same thread.

Code Enforcement – Our Code Enforcement Officer has been steadily working through the city’s index of citizen-generated complaints, as well as tackling recent complaints that have come to the attention of City Hall. Her approach of kindly educating community members who have non-compliance issues to resolve has led to a lot of voluntary compliance. When that approach has failed, she has been able to leverage the partnership the city has with Polk County Sheriff’s Office to direct the Community Resource officer and now the 25% FTE Deputy to address these code compliance instances. The next challenge will be to develop a long-term strategy to address “zombie-RVs”, an issue that is plaguing cities, large and small, throughout Oregon.

Upper Park Restroom – Over the course of the past year, our Park Host (Public Works Worker Inman) has been working on improving the Upper Park restroom. Unfortunately, a lot of the improvement work that has gone into making the facilities cleaner and easier to use, have been for nothing as it has subsequently repeatedly vandalized. The estimate for measures to reduce the likelihood of future vandalism will cost the city about \$10,000. This is estimated at:

1. New Restroom Entrance Doors \$1,000 (Still waiting on a contractor estimate)
2. New Elevated Restroom Stalls \$1,000 (Still waiting on a contractor estimate)
3. New Plumbing for Sinks & waterheater \$1,400
4. Outdoor Videocameras \$2,500 (Connected to a separate project so it is on hold at this time)

We intend to use part of the remaining ARPA funds to tackle this expenditure, in order to have improved facilities at this vital public space. Both the Parks & Recreation Committee and the Public Works Committee have agreed to some of the same improvement measures.

Upper Park Trees – The Department of Forestry have done a review of the health of the trees in the Upper Park and the preliminary findings indicate that a majority of trees are infected with root rot. A pathologist within the Department of Forestry is scheduled to do an in-depth analysis of the extent and severity of the damage and give an assessment as to the course of action.

Rick Zunck Footbridge Dedication – The footbridge behind City Hall will be dedicated to Reick Zunck on Veterans’ Day Nov. 11, at 11:30, before the Veterans BBQ. Mr. Zunck’s family and friends are invited to come and celebrate this dedication to a great Falls City resident.

Sincerely,



STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: FALLS CITY DEVELOPMENT CODE UPDATE FOR FLOODPLAIN MANAGEMENT
DATE: 11/4/2024

SUMMARY

Falls City Development Code does not address recently enacted Pre-Implementation Compliance Measures (PICM) adopted by the Federal Emergency Management Agency (FEMA) to comply with the Endangered Species Act (ESA). The PICMs apply to several cities throughout the state including Falls City. December 1, 2024 is the deadline set by FEMA for cities to select and notify FEMA of a PICM option as explained below.

BACKGROUND

There is a long fifteen-year history on this topic beginning with successful lawsuit against FEMA in year 2009. Attached is a memorandum prepared Jim Jacks, Senior Planner at MWVCOG (Exhibit A). In part, Mr. Jacks explains what led to the lawsuit and the result. In summary, the options for the city's consideration are as follows:

- Option 1 - Adopt the FEMA Model Code which means replacing existing Carlton standards found in Chapter 17.56 of the Carlton Development Code with model standards created by FEMA for ESA compliance / integration in Oregon.
- Option 2 - Review development on a permit-by-permit basis that would not require a code amendment but would require applicants to assess potential impacts to species and habitat when seeking a Carlton Floodplain Development Permit (under direction provided in a Habitat Assessment and Mitigation Guide available on the FEMA website).
- Option 3 - Adopt a prohibition of new development in the Special Flood Hazard Area (100-year floodplain within the city).

FINANCIAL IMPLICATIONS

None. 99% of the properties in Falls City with floodplain are already developed.

STAFF RECOMMENDATION

Staff recommends to City Council to adopt Option 3 – Prohibition of new development in the Special Flood Hazard Area.

PROPOSED MOTION

Recommend a motion to adopt Option 3 – Prohibition of new development in the Special Flood Hazard Area.

EXHIBITS

Exhibit A – Memorandum prepared by Jim Jacks (MWVCOG)
Exhibit B – FEMA Memorandum
Exhibit C – MWVCOG PPT



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An equal opportunity lender, provider, and employer

TO: City Managers/City Recorders

FROM: Jim Jacks, Community Development Department, MWVCOG

SUBJ: Early Implementation of the “Oregon Implementation Plan for NFIP – ESA Integration”

DATE: September 12, 2024

The purpose of this memo is to present basic information about the July 2024 FEMA Region 10’s (R10) letter to 231 cities and 13 counties in Oregon announcing the early implementation of the “Oregon Implementation Plan for NFIP – ESA Integration.” (See pages 2 and 3 for the history and background information.)

The July announcement indicated that no later than December 1, 2024, local governments must:

1. Select which Pre-Implementation Compliance Measure (PICM) they intend to adopt,
2. Notify R10 of their selection and
3. Amend their floodplain overlay district and begin implementing their selection.

If a jurisdiction does not make a selection and notify R10 by December 1, the jurisdiction defaults to the permit-by-permit PICM.

Prior to the July 2024 announcement of the pre-implementation program, the deadline to select an option and notify R10 was December 1, 2024, and the deadline to amend the local floodplain overlay district and begin implementation was no later than July 2025.

R10 developed three pre-implementation compliance measures (PICM) based on the reasonable and prudent alternatives (RPA) in the 2016 Biological Opinion (BiOp). An affected local government would adopt their selected PICM to comply with the Endangered Species Act (ESA) requirements in the interim period while the “Oregon Implementation Plan for NFIP – ESA Integration” is being reviewed under the National Environmental Policy Act (NEPA)(to be completed in late 2025) which would be followed by its full implementation by R10 in 2027.

There are three pre-implementation compliance measures (PICM). They are:

1. Adopt R10’s Model Code which is coordinated with DLCD’s Floodplain Model Code and is available on the R10 website (see link below). It includes performance standards, e.g., a 170 foot riparian buffer zone on each side of a creek, stream or river, and mitigation ratios to achieve a “no net loss” standard. The phrase “no net loss” means any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

2. Adopt a habitat assessment and mitigation plan for development on a permit-by-permit basis to address the potential impacts to species and habitat. The R10 Habitat Assessment and Mitigation Guide is available on the R10 website. Applicants must show, and the local jurisdiction's approval of a Floodplain Development Permit would confirm, the development would achieve "no net loss."
3. Adopt a prohibition of new development in the Special Flood Hazard Area (100-year floodplain).

It would appear a local government could adopt a hybrid of two or three of the PICM pathways, but would need to work closely with R10 to ensure the hybrid approach complies with the BiOp and the "Oregon Implementation Plan for NFIP – ESA Integration."

The R10 website with the Model Code, Habitat Assessment and Mitigation Guide and other items is: <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>.

It is not the purpose of this memo to describe and analyze the 3 PICMs, especially PICMs 1 and 2. It would be prudent for a local government to better understand the PICMs before making their selection. R10 plans to present up to 10 zoom workshops covering the 3 PICMs in September and likely extending into October.

Most cities might not select PICM 3. R10 described it as an option whose applicability would likely be where the 100-year floodplain within an incorporated city is small and where a local government owns all, or virtually all, of the 100-year floodplain area.

History and Background.

The following explains that the 1973 Endangered Species Act (ESA) is (1) the basis for the intertie with the National Flood Insurance Program (NFIP) requiring "consultation" between FEMA and the National Oceanic and Atmospheric Administration, (2) the 2016 Biological Opinion (BiOp) concluding changes are needed by FEMA and local governments to better protect listed species, (3) R10 creating the 2021 draft "Oregon Implementation Plan for NFIP – ESA Integration" explaining how Oregon's local governments can address the BiOp, (4) R10 creating the original implementation schedule, and (5) R10 creating the early implementation schedule.

The 1973 Endangered Species Act (ESA) provides a framework to conserve and protect endangered and threatened species and their habitats. Federal agencies, i.e., FEMA which administers the 1968 National Flood Insurance Program (NFIP), must "consult" with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS – "nimfs") to consider whether the NFIP provisions, which allow development in floodplains, affect protected threatened or endangered species or adversely modifies the habitat of such species.

After successfully challenging FEMA's failure to consult in several States, in 2009 R10 was successfully sued regarding its failure to consult regarding the NFIP in Oregon. In 2016, consistent with the ESA consultation process, NMFS issued a 410-page Biological Opinion (BiOp). It concluded the implementation of the NFIP in Oregon jeopardizes 16 anadromous fish species and the Southern Resident Killer Whale which are listed as threatened or endangered. The BiOp included Reasonable and Prudent Alternatives (RPA) that identified changes needed to protect species and habitat in accordance with the ESA.

R10 must make changes and ensure NFIP participating communities adopt measures to avoid jeopardy and/or adverse modification and meet a standard of “no net loss” for habitat functions.

The affected 231 cities and 31 counties in Oregon are those where local water bodies drain to the Pacific Ocean, and are participating in the NFIP (a Flood Insurance Rate Map shows a Special Flood Hazard Area within the city limits) by adopting a floodplain overlay district and implementing it.

In 2021 R10 issued a 101-page draft “Oregon Implementation Plan for NFIP – ESA Integration.” It outlines the actions R10 will take and local governments must implement to ensure the local NFIP implementation is consistent with the BiOp and the “Oregon Implementation Plan for NFIP – ESA Integration.”

Other deadlines are:

January 31, 2025, local governments must set-up a reporting system which will be provided by R10 and start collecting data regarding new development in the 100-year floodplain.

Summer, 2025, the NEPA Environmental Impact Statement process will end with issuance of a Record of Decision.

January 2026 local governments begin reporting the collected data to R10.

Late in 2026 R10 will finalize and issue the Oregon NFIP-ESA Implementation Plan.

2027 R10 will fully implement the Oregon NFIP-ESA Implementation Plan.

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](#).

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).



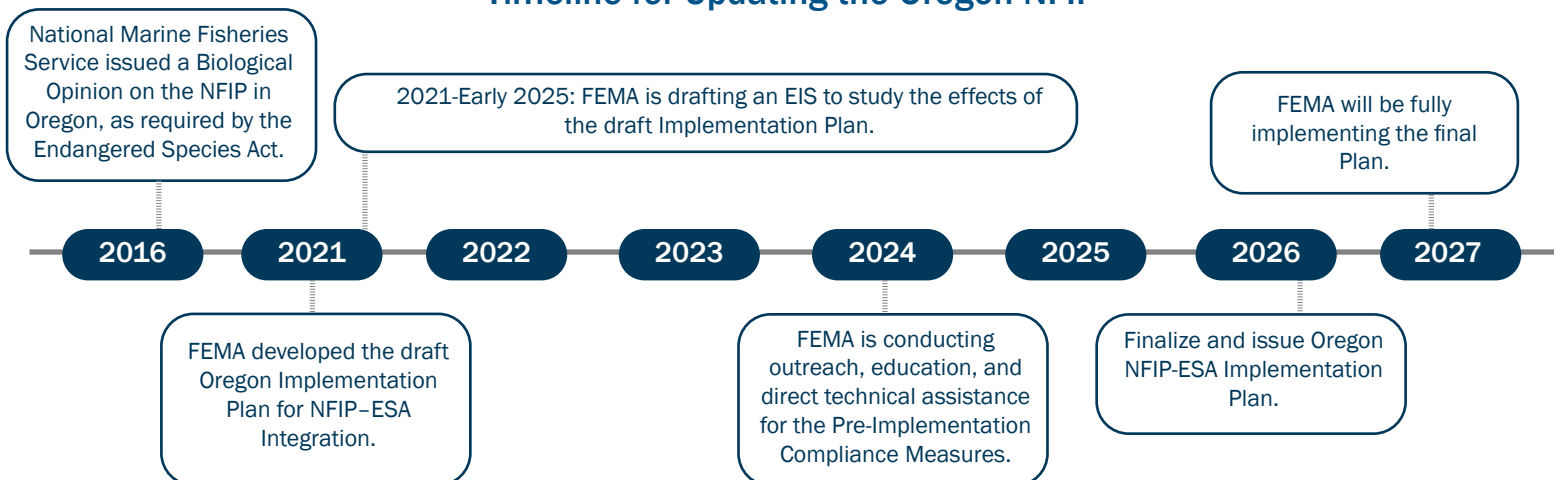
The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

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

Falls City
City Council meeting
November 4, 2024



Potential updates to Falls City Development Code, specific to Floodplain Management (Chapter 2.205) for National Flood Insurance Program (NIFP) – Endangered Species Act (ESA) integration.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Summary Issue

Summary Issue

Development Code does not address recently enacted Pre-Implementation Compliance Measures (PICM) adopted by the Federal Emergency Management Agency (FEMA) to comply with the Endangered Species Act (ESA). The PICMs apply to several cities throughout the state.

December 1, 2024 is the deadline set by FEMA for cities to select a PICM option ...

PICM Options (3) identified by FEMA

- Option 1: Adopt new FEMA model code.
- Option 2: Process development proposals permit-by-permit.
- Option 3: Prohibit all development in the floodplain.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Background

Long fifteen-year history on this topic...

Quick Summary:

- 2009 - lawsuit to FEMA from environmental advocacy agencies.
- 2016 – Reasonable Prudent Alternative (RPA) issued to avoid jeopardy of species, namely salmon, steelhead and Resident killer whale in Oregon, and the Biological Opinion (or “BiOp”) issued.
- Sept. 2023 - environmental advocacy groups sue FEMA alleging taking too long to implement.
- July 2024 - FEMA announces PICM or short-term measures.

As a result of the BiOp, local governments are required to demonstrate how development in the 100-year floodplain complies with NFIP-ESA integration.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Background

Several acronyms / terms (some below)

- BiOp – 2016 Oregon Biological Opinion (400 pages)
- ESA - Endangered Species Act
- FEMA - Federal Emergency Management Agency
- FIRM – Flood Insurance Rate Map
- NEPA – National Environmental Policy Act
- NFIP - National Flood Insurance Program
- NMFS – National Marine Fisheries Service
- **PICM – Pre-Implementation Compliance Measures**
- RBZ - Riparian Buffer Zone
- RPA – Reasonable Prudent Alternative
- SFHA – Special Flood Hazard Area
(and others)

Separate definitions

applicable if developing in the 100-year floodplain (new & old).

Development (definition)

“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 located within the area of special flood hazard.”

Above from existing Falls City Dev. Code (Chap. 2.205.02). New model code def. is same and it's also found in 44 C.F.R. 59.1.

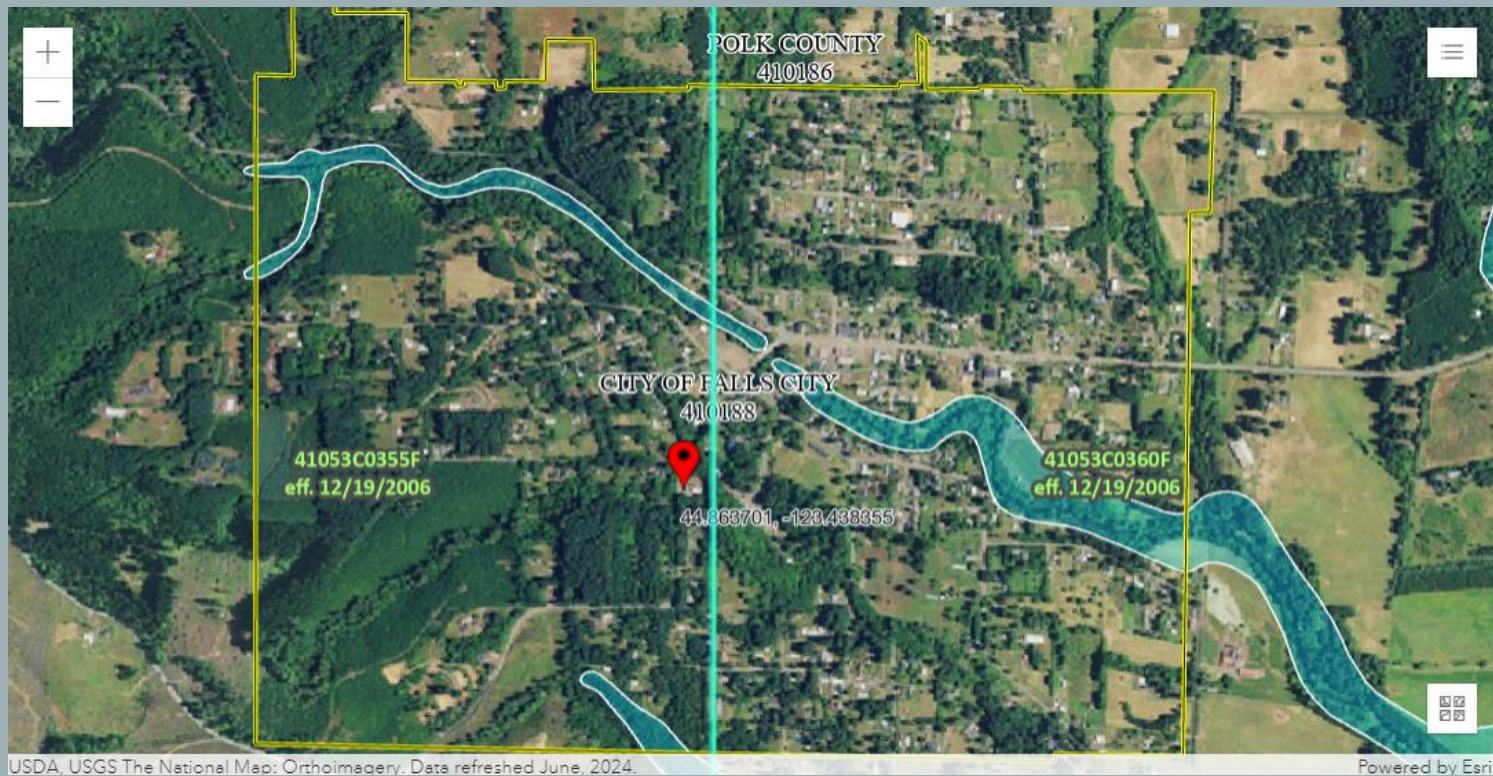
FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Salmon & Steelhead Recovery Domains - Oregon



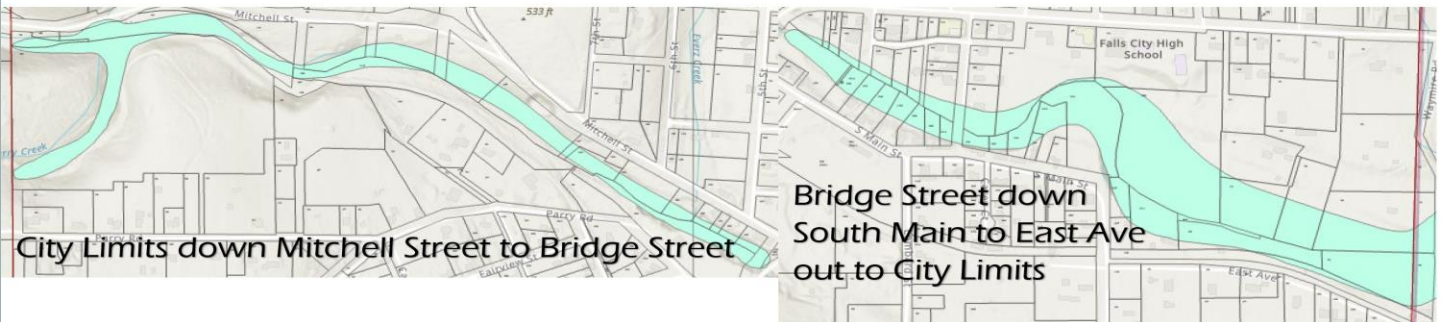
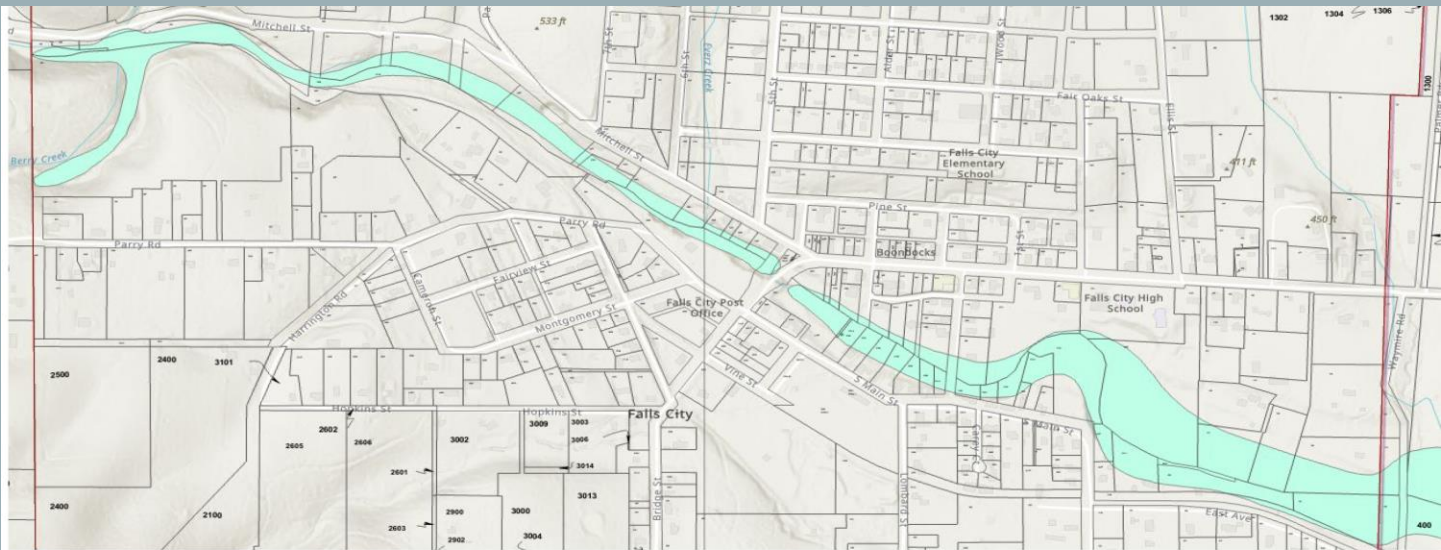
FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

FEMA FIRM – for Falls City (from FEMA's website)



FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Falls City Flood Hazards Area Map Overlay (100-Year Floodplain)



FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Summary Options for Action

- Option 1 - Adopt the FEMA Model Code which means replacing existing standards found in Chapter **2.205.02** of the Development Code with model standards created by FEMA for ESA compliance / integration in Oregon.
- Option 2 - Review development on a permit-by-permit basis that would not require a code amendment but would require applicants to assess potential impacts to species and habitat when seeking a Floodplain Development Permit (under direction provided in a Habitat Assessment and Mitigation Guide available on the FEMA website).
- Option 3 - Adopt a prohibition of new development in the Special Flood Hazard Area (100-year floodplain within the city).

Falls City's floodplain management code (Chap .2.205.02) follows Oregon's Model Code. New FEMA Model Code is based on the same format.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Advantages / Disadvantages

“Key difference between Options 1 & 2 is how the city would communicate these new standards...”

Option	Advantage	Disadvantage
1. Model Floodplain Ord. adoption.	<ul style="list-style-type: none"> • One source for applicants, staff & decision makers to access, localized in concert with other code standards. • Current code in has similar format & contains many similar / same definitions & standards as model code. 	<ul style="list-style-type: none"> • As model code has been recently designed for NFIP-ESA Integration, there could be additional need to amend code (again) after adoption (e.g., if FEMA were to identify error or item having changed or N/A). This could mean another hearing for code amend / correction.
2. Permit-by-Permit (<u>no</u> code amendment to incorporate model code).	<ul style="list-style-type: none"> • Same note as shown under disadvantage for adoption of model code. Also, no grant funding has been made available for purpose of code amendment. There have been informational webinars but no \$ allocated / available for staff time. 	<ul style="list-style-type: none"> • Current Dev. Code does not include “No net loss” def., standards / mitigation (pertaining to habitat loss) so city staff (current & future) need to be mindful of conveying the need for additional analysis necessary under new NFIP-ESA if not shown to Code.
3. Prohibit development in the floodplain.	<ul style="list-style-type: none"> • Simplicity 	<ul style="list-style-type: none"> • Dev. Code currently allows development in the floodplain - though limited & restricted and does not prohibit. This option still necessitates code amendment & a prohibition could extend to city projects. Input from City Attorney is recommended for this option.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

General Q and A about PICM

Q: Where can I obtain more information about NFIP – Endangered Species Act Integration?

A: <https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>.

Q: Is the Model Code available for view on-line? If so, where?

A: https://www.fema.gov/sites/default/files/documents/fema_r10_oregon-nfip-esa-model-ordinance_082024.pdf

Note: The model code is also designed for coastal areas of the state where different development standards apply (e.g., V flood zones not applicable to inland communities). Coastal floodplain development standards are shown in **purple** to the model code and would not be included to the update (i.e., for hearing consideration).

Q: What does the Model Code introduce that is different from current code?

A: Key item is “No Net Loss” (related to species habitat impact) including a definition, standards and mitigation measures.

FEMA Pre-Implementation Compliance Measures (PICM) / November 4, 2024, Falls City City Council

Action Requested

Action Requested

Staff recommends selecting PICM Option **3** (model code adoption).

This action would also initiate legislative proceedings to amend the Development Code.

Timeline (If Council supports staff recommendation / initiates legislative proceedings)

- November 2024 – Preliminary decision by council to inform FEMA of municipality's intention
- December / January – Staff draft code from model, incorporate City Engineer edits
- January / February – Notice period - Min 35-day DLCD Notice + mailed notice to interested parties (e.g., owners/ reps of properties in / near).
- February / March – Staff Report & 1st Hearing/Reading before City Council/Planning Commission.
- March / April – Staff Report & 2nd Reading before City Council/Planning Commission.
- April / May – Readings of the Ordinance and subsequent effective date.

Questions?