

AGENDA
CITY OF DAYTON
REGULAR SESSION

DATE: MONDAY, OCTOBER 7, 2024
TIME: 6:30 PM
PLACE: DAYTON CITY HALL ANNEX - 408 FERRY STREET, DAYTON, OREGON
VIRTUAL: ZOOM MEETING - ORS 192.670/HB 2560

You may join the Council Meeting online via YouTube: https://youtube.com/live/ATuB-tAKt_0?feature=share

Dayton - Rich in History . . . Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
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I. CITY ATTORNEY REPORT

J. ADJOURN

Posted: October 3, 2024

By: Rocio Vargas, City Recorder

NEXT MEETING

October 21, 2024, Work Session
November 4, 2024, Regular Session

Virtually via Zoom and in Person, City Hall Annex, 408 Ferry Street, Dayton, Oregon

The public is encouraged to relay concerns and/or comments to the City Council in one of the following methods:

- a **Email - any time up to 5:00 p.m.** the day of the meeting to rvargas@daytonoregon.gov. The Mayor will read the comments emailed to the City Recorder.
- b **Appear in person** - if you would like to speak during public comment, please sign up on the sign-in sheet located on the table when you enter the Council Chambers.
- c **Appear by Telephone only** - please sign up prior to the meeting by emailing the City Recorder at rvargas@daytonoregon.gov. (The chat function is not available when calling by phone into Zoom.)
- d **Appear virtually via Zoom** - send an email directly to the City Recorder, Rocio Vargas, prior to the meeting to request to speak during public comment. **The City Recorder will need your first and last name, address, and contact information** (email, phone number), **and topic name** you will receive the Zoom Meeting link or information. When it is your turn, the Mayor will announce your name and your microphone will be unmuted.

**MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
SEPTEMBER 3, 2024**

PRESENT: Mayor Annette Frank
Councilor Drew Hildebrandt
Councilor Scott Hover
Councilor Kitty Mackin
Councilor Chris Teichroew

ABSENT: Council President Luke Wildhaber
Councilor Jim Maguire

STAFF: Cyndi Park, Interim City Manager
Rocio Vargas, City Recorder
Dave Rucklos, Tourism & Economic Development Director
Don Cutler, Public Works Supervisor

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Annette Frank called the meeting to order at 6:30pm pm and all those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Frank noted that there was a quorum with Councilors Hildebrandt, Hover, and Mackin present in person. Councilor Teichroew was appointed after roll call.

C. APPEARANCE OF INTERESTED CITIZENS

Mike Billings of 1980 NE Gibbs Circle, McMinnville inquired about feedback on the complaint he made.

Linda McGrew of 734 SE Palmer Ln, Dayton inquired about the UGB land swap and annexing into the city. She inquired about the creation of a water district she understood that would be created to annex UGB properties to the City of Dayton.

D. CONSENT AGENDA

KITTY MACKIN MOVED TO APPROVE AUGUST 5, 2024, REGULAR SESSION MINUTES AS AMENDED. SECONDED BY DREW HILDEBRANDT. Motion carried with Frank, Hildebrandt, Hover, and Mackin voting aye. Councilor Maguire and Council President Wildhaber were absent.

E. ACTION ITEMS

1. City Council Vacancy Seat Appointment

Councilor Hover asked for clarification of number of applications for the vacancy.

It was clarified that there are only two applications.

Councilor Hildebrandt thanked Christ Teichroew for applying again and being present at the meeting.

DREW HILDEBRANDT MOVED TO NOMINATE CHRIS TEICHROEW FOR THE OPEN SEAT. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, and Mackin voting aye. Councilor Maguire and Council President Wildhaber were absent.

2. Resolution 2024/25-01 Amending the Dayton Fee Schedule to Update Water Meter Costs

Cyndi Park, Interim City Manager stated that this item is continued from the August 5, 2024, meeting. She stated that upon more research staff produced the attached cost analysis for the realistic cost of a new water meter.

DREW HILDEBRANDT MOVED TO APPROVE RESOLUTION 2024/25-01, A RESOLUTION AMENDING THE CITY OF DAYTON FEE SCHEDULE TO UPDATE THE FEES FOR WATER METERS AND PARTS REQUIRED FOR THEIR INSTALLATION. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, Mackin, Teichroew voting aye. Councilor Maguire and Council President Wildhaber were absent.

3. Urban Renewal District Plan Amendment Approval

Dave Rucklos, Tourism and Economic Development updated the City Council on the negotiation with the Dayton Fire District and informed of the agreement that came out of the negotiation. He stated if the amendment is approved by council; the next step is the Dayton City Council, Dayton Fire District, and Dayton School District to approve concurrence resolutions to move forward with the amended Urban Renewal Plan.

SCOTT HOVER MOVED TO AUTHORIZE CITY STAFF TO PURSUE INTERGOVERNMENTAL AGREEMENTS WITH THE DFD AND DSD AND TO HAVE THE EXISTING PROPOSED URD PLAN AMENDED TO REFLECT THE NEGOTIATED FINANCIAL TERMS AND BOUNDARY ADJUSTMENTS. SECONDED BY KITTY MACKIN. Motion carried with Frank, Hildebrandt, Hover, Mackin,

Teichroew voting aye. Councilor Maguire and Council President Wildhaber were absent.

4. Report on the First English Course Cohort

Mayor Frank briefed the City Council on the report for the English classes.

There was a conversation on continuing the classes.

Rocio Vargas, City Recorder informed the Council that there would be a continuance with Cathy Karten as the teacher.

F. COUNCILOR COMMENTS AND CONCERNS

Councilor Mackin stated that councilors should let the City Recorder know of attendance especially if councilors are not attending.

Mayor Frank introduced "street furniture" idea to control traffic in the neighborhoods. She also inquired about having speed signs in more streets of Dayton.

Councilor Hildebrandt complimented the public works monthly report and inquired about the park bathroom issues.

G. INFORMATION REPORTS

1. TED

Dave Rucklos, TED presented photos of the current condition of the bandstand at Courthouse Square Park. He stated that there is a budget available to rehabilitate the bandstand. TED stated that there are no records of there being any engineering done for the bandstand, and he is looking into having the rehabilitation engineered. He stated that making it ADA compliant with a ramp would be beyond the budget but should be added to the 2025 goals.

There was a conversation on adding a ramp to the bandstand to accommodate ADA and the importance of addressing the liability issue with the current state of the bandstand.

TED reported that he is organizing a tractor parade for the Christmas Tree Lighting Parade. He stated that he will be reaching out to the local farmers to invite them to bring their farm equipment lit up for the parade.

TED reminded the Council that September 21, 2024, will be the Fettes, Fruit and Fungi event organized by the Performing Arts of Dayton (PAD).

TED stated that the City is applying for a couple of grants with Travel Oregon for website development and a reader board.

TED updated on the progress with C-PACE research.

H. CITY MANAGER'S REPORT

Cyndi Park, Interim City Manager informed the council that Alderman Park is now open.

Interim City Manager informed the Council about the approaches to the Utility Bridge. She explained the two options to fix the approaches per the bridge engineers.

There was a conversation on the pros and cons of each of the options offered by the bridge engineers.

Interim City Manager referred to the recruitment schedule attached to the packet with important dates the council needs to remember to book on their calendars.

I. ADJOURN

There being no further business Mayor Frank adjourned the meeting at 7:23pm.

Respectfully submitted:

APPROVED BY COUNCIL on **October 7, 2024**

By:

☐ As Written

☐ As Amended

Rocio Vargas, City Recorder

Annette Frank, Mayor

To: Honorable Mayor and City Councilors

From: Cyndi Park, Interim City Manager

Issue: Approval of Resolution 24/25-05 Proclaiming the Week of October 20th through 26th, 2024, to be the 27th Annual National Hands & Words Are Not for Hurting Week

Date: October 7, 2024

Background and Information

The Hands & Words Are Not For Hurting Project® is an approach to the public health crises of domestic and family violence, child abuse, bullying, and suicide. What began in 1997 in Salem with Salem-Keizer Public Schools has spread to all 50 states and 24 foreign countries.

The City Council has declared the third week in October to be Hands and Words are Not for Hurting week in Dayton over the past three years. This resolution will allow us to continue our support of this organization and their mission of increasing community awareness of these issues. Upon approval of the resolution, Councilor Mackin will accept the proclamation on behalf of the organization.

City Manager Recommendation: I recommend approval of Resolution 24/25-05.

Potential Motion to Approve Resolution 23/24-02: "I move to approve Resolution 24/25-05 a Resolution of the City of Dayton Proclaiming the Week of October 20th through 26th, 2024, to be the 27th Annual National Hands & Words Are Not for Hurting Week."

City Council Options:

- 1 - Move approval of Resolution 24/25-05.
- 2 - Move approval of Resolution 24/25-05 with amendments.
- 3 - Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

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RESOLUTION No. 2024/25-05
City of Dayton, Oregon

A Resolution of the City of Dayton Proclaiming the Week of October 20^h through 26th, 2024 to be the 27th Annual National Hands & Words Are Not for Hurting Week.

WHEREAS, a community without abuse, violence and suicide is a dream we all share; and

WHEREAS, any form of mistreatment of another is abuse and all people have the moral and legal Right to Live Free of Abuse and Violence; and

WHEREAS, each of us must come to understand that it is within our personal power to choose not to use abuse and violence to resolve conflict; and

WHEREAS, we recognize that respect for ourselves and others is key to developing healthy relationships at every age and in all circumstances; and

WHEREAS, the principal of non-violent resolution of conflict must be taught to our children and practiced within each of our families; and

WHEREAS, verbal and emotional abuse can be just as damaging as physical violence to a person's self-worth, creating scars that are carried for the rest of his/her life; and

WHEREAS, verbal abuse such as name calling, insulting, and belittling frequently escalates into simple force like pushing, grabbing, or slapping, and the worst scenario is the escalation to rage, serious violence, and even murder; and

WHEREAS, self-harm and suicide must be acknowledged as a serious public health crisis as numbers of victims continue to escalate in children, teens, and adults; and

WHEREAS, we, the Dayton City Council, together with communities around the country and overseas, recognize the Hands & Words Are Not For Hurting Project's Purple Hands Pledge® is an effective tool in abuse, violence and suicide prevention education.

Therefore, the City of Dayton resolves as follows:

- 1) **THAT** the City Council proclaims the week of October 20th through 26th, 2024 to be the 27th Annual National HANDS & WORDS ARE NOT FOR HURTING WEEK; and
- 2) **THAT** the residents of the City of Dayton are encouraged to join Hands & Hearts to unite as a family and a community to pledge, both privately and publicly, that "I Will Not Use My Hands Or My Words For Hurting Myself or Others"®
- 3) **THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 7th day of October 2024.

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date Signed

ATTEST:

Rocio Vargas, City Recorder

Date of Enactment

To: Honorable Mayor and City Councilors

From: Cyndi Park, Interim City Manager

Issue: Second Reading of Ordinance 661 Amending Chapter 7.4.1 of the Dayton Land Use and Development Code

Date: October 7, 2024

Background and Information

Curt Fisher, City Planner, presented the Staff Report for Ordinance 661 on August 5, 2024.

City Manager Recommendation: I recommend approving the second reading of Ordinance 661 by title only.

1. Council Member to Perform the Second Reading of Title:

ORDINANCE NO. 661
CITY OF DAYTON, OREGON

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE

2. Potential Motion to Approve the Second Reading by Title Only:

"I MOVE TO APPROVE THE SECOND READING OF ORDINANCE 661 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE."

3. Potential Motion to Adopt Ordinance 661:

"I MOVE TO ADOPT ORDINANCE 661 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE."

City Council Options:

- 1 - Approve the 2nd Reading of Ordinance 661 as recommended.
- 2 - Approve the 2nd Reading of Ordinance 661 with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

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**ORDINANCE 661
CITY OF DAYTON, OREGON**

**AN ORDINANCE AMENDING TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE)
OF THE DAYTON MUNICIPAL CODE**

WHEREAS, the Dayton Municipal Code (DMC) is a codification of the general ordinances of Dayton, Oregon, organized by subject matter under Title, which includes Title 7, *Dayton Land Use and Development Code* (DLUDC); and

WHEREAS, the Dayton City Council initiated a legislative text amendment (LA 2024-01) to amend Section 7.4.1 of the DLUDC which regulates signs in the City of Dayton at their meeting in February 2023; and

WHEREAS, on May 9, 2024, the Planning Commission held a work session to consider the desired changes to Section 7.4.1 of Title 7, and, after these work sessions, directed city staff to schedule a public hearing on LA 2024-01 to consider the recommended changes; and

WHEREAS, on June 1, 2024, public notice of the two required public hearings for LA 2024-01 was published in the McMinnville News-Register with a description of all proposed changes; and

WHEREAS, on June 13, 2024, the Dayton Planning Commission conducted the first of two required public hearings for LA 2024-01 at which time interested parties were provided full opportunity to be present and heard, and the Planning Commission voted unanimously to recommend that City Council adopt LA 2024-01 as amended; and

WHEREAS, on December 14, 2023, the Dayton Planning Commission reviewed the proposed amendments included in the December 14 staff report for LA 2024-01 for additional changes to Title 7, and with all members present, unanimously passed a motion recommending that the City Council adopt LA 2023-01 as further amended by proposed changes to the document of December 14, 2023; and

WHEREAS, on January 2, 2024, the Dayton City Council conducted the second required public hearing for LA 2024-01 at which time interested parties were provided full opportunity to be present and heard on the proposed amendments to Title 7 as amended.

NOW, THEREFORE, THE CITY OF DAYTON DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Dayton does hereby adopt the staff report dated August 5, 2024, including the findings of fact, conclusionary findings, and supporting documentation contained in the staff report.

Section 2. The City Council of the City of Dayton does hereby amend Title 7 of the Dayton Municipal Code as included under "Exhibit A" of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of Dayton on this (____) day of (____)2024, by the following votes:

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

_____ No Council member present at the meeting requested that the ordinance be read in full.

_____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

ATTESTED by:

Rocio Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A



STAFF REPORT

LA 2024-01 PUBLIC HEARING BEFORE CITY COUNCIL

HEARING DATE: August 5, 2024

SUBJECT: Text amendments to Chapter 7.4.1 of the Dayton Land Use Development Code to update standards for the placement of temporary signs.

APPROVAL

CRITERIA: Dayton Land Use Development Code, Section 7.3.112.03, A – D.

EXHIBIT: A. Proposed Code Amendments in *italic bold* and ~~strikethrough~~ format.

I. REQUESTED ACTION

Conduct a public hearing on proposed legislative amendments to Chapter 7.4.1 of the Dayton Land Use Development Code (DLUDC), case file LA 2024-01. Options for action on LA 2024-01 include the following:

- A. Adopt the findings in the staff report and adopt LA 2024-01:
 - 1. As presented/recommended by staff; or
 - 2. As amended by the City Council (indicating desired revisions).
- B. Take no action on LA 2024-01.
- C. Continue the public hearing, preferably to a date/time certain.

II. BACKGROUND

In 2021, Dayton passed a complete update to the sign code but signs related to elections were not included in that update. In February of 2023, the City Council included an update to the temporary sign code to address election signs as a priority objective toward creating a livable community that is aesthetically pleasing, affordable, inviting, and with a vibrant and diverse economy (Goal B).

Regulations that apply to election signs need to be carefully crafted to preserve First Amendment rights. Therefore, cities are not allowed to regulate the content of signs or implement specific rules that apply to election signs. The draft amendments generally implement the policy tools described in the *Guide to Drafting a Sign Code* published by the League of Oregon Cities. The primary policy change reflected in the amendments is the establishment of a period 60 days before a public election to five days after a public election where individual temporary signs not exceeding 6 square feet are allowed, regardless of content. Outside of that time period, the current standards for temporary signs apply which allows a maximum sign area of 12 square feet for temporary signs.

The Planning Commission conducted a work session on the proposed amendments on May 9, 2024, and held a public hearing on June 13, 2024, where they unanimously recommended that the City Council adopt the amendments reflected in the staff report and accompanying exhibit.

III. PROCESS

Section 7.3.112.01 requires text amendments to the DLUDC to be approved through a Type IV review procedure as specified in Section 7.3.2.

No later than June 3, 2024, written notice of the hearing before the Planning Commission and subsequent hearing before the City Council was published in the McMinnville News-Register.

The scope of the proposed text amendments associated with LA 2024-01 are included in Exhibit A and are shown in *italic bold* and ~~strikethrough~~ format for review purposes.

IV. SUMMARY OF PROPOSED AMENDMENTS

The following summarizes the proposed amendments to the applicable sections of the DLUDC in the order they appear in the Code.

7.4.101.01 – 7.4.102.05

Adds temporary signs to the list of signs that do not require a sign permit to reflect current City practice for the regulation of temporary signs and makes minor technical corrections to grammar and punctuation.

7.4.103 – 7.4.106 Design standards specific to each zoning district.

Incorporates model code language permitting temporary signs during the period 60 days before a public election and 5 days following the election in all zones. Creates a consistent standard for all other temporary signs that they shall be installed for not longer than 30 days in a calendar year in all zoning districts.

V. FINDINGS AND APPROVAL CRITERIA

7.3.112.01 Process

Amendments to the Comprehensive Plan and Development Code texts shall be reviewed in accordance with the Type IV review procedures specified in Section 7.3.201.

7.3.112.03 Criteria for Approval

Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

1. *Traffic generation and circulation patterns;*

Findings: The proposed amendments do not impact traffic generation and circulation patterns. Staff find the impact to traffic generation and circulation patterns is negligible.

2. *Demand for public facilities and services;*

Findings: The proposed amendments do not impact demand for public facilities and services. Staff find the impact on public facilities and services is negligible.

3. *Level of park and recreation facilities;*

Findings: The amendments do not involve changes to the uses allowed in the underlying zoning districts that would affect the level of service provided by existing park and recreation facilities. Staff find the impact on park and recreation facilities is negligible.

4. *Economic activities;*

Findings: The proposed amendments provide tools to limit potential visual clutter caused by the placement of temporary signs. Staff find the impact to economic activities is negligible.

5. *Protection and use of natural resources;*

Findings: The proposed amendments do not impact the protection and use of natural resources. Staff find the impact to natural resources is negligible.

6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

Findings: The proposed amendments do not impact compliance with existing adopted special purpose plans or programs. Staff find this criterion is satisfied.

B. A demonstrated need exists for the product of the proposed amendment.

Findings: The amendment responds to the need for consistent standards for the placement of temporary signs during election periods across all zoning districts. Staff find this criterion is satisfied.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

Findings: Staff finds that no Statewide Goals apply to LA 2024-01 due to the limited scope of the proposal involving local regulation concerning the placement of temporary signs.

D. The amendment is appropriate as measured by at least one of the following criteria:

1. *It corrects identified error(s) in the provisions of the plan.*
2. *It represents a logical implementation of the plan.*
3. *It is mandated by changes in federal, state, or local law.*
4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Findings: In February of 2023, the City Council deemed these amendments to be desirable, appropriate, and proper by including them in council goals as a priority objective toward creating a livable community that is aesthetically pleasing, affordable, inviting, and with a vibrant and diverse economy. Therefore, staff find criterion 4. is satisfied.

VI. PLANNING COMMISSION ACTION – Sample Motion

A Planning Commissioner may make a motion to either:

1. Adopt the staff report and recommend the City Council approve the amendments. A sample motion is:
I move the City Council to adopt the staff report and approve the amendments.
2. Adopt a revised staff report with changes by the City Council and recommend the City Council approve the revised amendments. A sample motion is:
I move the City Council adopt a revised staff report with the following revisions...state the revisions...and recommend the City Council approve the revised amendments.
3. Recommend the City Council deny the proposed amendments. A sample motion is:
I move the City Council deny the proposed amendments for the following reasons...and state the reasons for the denial.
4. Continue the hearing to a date/time certain. A sample motion is:
I move the City Council continue the hearing to a date (state the date) and time (state the time) to obtain additional information and state the information to be obtained.

EXHIBIT A

7.4.101.01 Applicability

All properties within Dayton City Limits shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.

7.4.101.02 Purpose

- A. While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
- B. A sign placed on land or a building for identification, protection, or directing persons to use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, ~~the intent of this section is~~ this section to establish es limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this section.
- C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, ~~the~~ landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- E. These regulations do not ~~entirely~~ eliminate all of the ~~harms~~ harm that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication ~~by means of using~~ visual display while still reducing and mitigating the extent of the ~~harms~~ harm caused by signs.

7.4.101.03 Definitions

A-Board Sign: Includes signs that are ordinarily in the shape of an "A", or some variation thereof, on the ground, easily movable, and which is usually ~~two-sided~~two-sided.

Flag: A sign made of nonrigid material with no rigid internal or enclosing framework, attached to a pole along a single straight side of the sign such that the sign remains unattached along the remaining sides and can move in the wind.

Temporary Sign: A sign not permanently attached to a building, structure, or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, A-board signs, or other similar devices.

7.4.101.04 Prohibited Signs

Signs not conforming to Section 7.4 of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule.

- A. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right-of-way, public places, or premises shall be prohibited without approval from the Utility or the City of Dayton.
- B. Access. Signs that block ingress or egress ~~so as~~ to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes, or parking areas shall be prohibited.
- C. Billboards.
- D. Any sign on vacant property unless allowed as a temporary sign.
- E. Condition. Signs which are faded, torn, damaged, or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
- F. Reader board or portable signs.
- G. Obscene Signs- A sign that creates a public nuisance displaying an obscenity as defined under ORS Chapter 167.
- H. Flashing signs, signs that produce glare, or animated signs that change image more than six times per minute.

7.4.101.05 Exempt Signs

The following signs and devices ~~do not require a sign permit shall not be but are otherwise~~ subject to the provisions of this Chapter ~~and that~~ shall ~~be require approval from enforced by~~ the City.

- A. Identification Signs. Memorial and Historic Identification Signs and Donation Plates. Memorial tablets, cornerstones, donation plates, or similar plaques, such as National Register listing, not exceeding six square feet.
- B. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one (1) square foot, is not illuminated, and is either attached to the structure or located within the front yard setback.
- C. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty-five percent (25%) of the total window area, whichever is less.
- D. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign

regulations adjacent to Ferry Street and Third Street.

- E. Vehicle Signs. Signs painted on or otherwise attached to vehicles.

F. Temporary Signs as defined in section 7.4.101.03.

7.4.101.06 Non-Conforming Signs

Non-conforming signs are subject to the following provisions:

- A. Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.
- B. Maintenance. A **nonconforming** sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing, or repairing a part made unusable by ordinary wear, and changing light bulbs. "Normal maintenance" excludes major structural repairs designed to extend the useful life of the non-conforming sign.
- C. Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
- D. Ownership. Should a property change ownership or a building have a new tenant, all non-conforming signs must be removed within six months of the change.
- E. Changes to nonconforming signs.
 - 1. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - 2. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - 3. Signs that are structurally altered by more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - 4. Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.
- F. Damaged nonconforming signs:
 - 1. When a nonconforming sign is damaged by wind, fire, neglect, or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, **the** nonconforming sign shall be removed or brought into conformance with the sign regulations within six months of the date the damage occurred.
 - 2. When a nonconforming sign is damaged by wind, fire, or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within six months of the date the sign was damaged and are diligently pursued thereafter.
 - a. Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed

abandoned.

- b. Abandoned signs shall not be permitted as nonconforming signs.
Abandoned signs shall be taken down and removed by the owner,

agent, or person having the beneficial use of the building or structure upon which such sign may be found.

7.4.101.07 Adjustments And Variances

Sign adjustments/variances shall be reviewed ~~in accordance with~~ by a Type II action, as specified in Section 7.3.2 using the following criteria. ~~Criteria for Sign Variance/Adjustments.~~

- A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same zone, and the adjustment is necessary to permit signage comparable with other properties in the same zone.
- B. The hardship does not result from actions of the applicant, owner(s), or previous owner(s), or ~~from~~ personal circumstances of the applicant, owner(s), or previous owner(s), such as physical condition, age or financial situation; and
- C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

7.4.102.01 Review Procedures

All signs not specifically exempt from permitting requirements by Section 7.4.101.5 shall be subject to the permitting procedures of this section. No signs in conflict with any provisions of this ordinance shall be permitted.

7.4.102.02 Permit Fees

Permit fees shall be established by City Council resolution and updated as needed.

7.4.102.03 Application Requirements

Application Requirements: An application for a sign permit shall be submitted on a form provided by the City Planner or designee. The application shall include the following items, at minimum:

- A. A sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises.
- B. The sign's location, graphic design, structural and mechanical design, and engineering data which ensures its structural stability.
- C. The names and addresses of the sign company, the person authorizing the erection of the sign, and the owner of the subject property.

7.4.102.04 Revocation Of Permits

Sign permits mistakenly issued in violation of these regulations or other provisions of the Dayton Land Use and Development Code are void. The City Planner or designee may revoke a sign permit if they find that there was a material and misleading false statement of fact in the application for the permit.

7.4.102.05 Design, Construction, And Maintenance

All signs shall be designed, constructed, and maintained according to the following standards:

- A. Compliance with Building Codes. All signs shall comply with the applicable provisions of the ~~building~~ **Building** Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
- B. Materials. Except for banners, flags, portable signs, temporary signs, and window signs ~~temporary~~ conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
- C. Maintenance. All signs shall be maintained in a good structural condition and readable at all times.
- D. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.
- E. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship-like manner to professional standards.

7.4.103 ~~Maximum Sign Area~~ Design Standards – Residential Zones

7.4.103.01 Purpose And Applicability: -

7.4.103.02 Permitted Signs

7.4.103.03 Maximum Sign Area

7.4.103.04 Maximum Sign Height:-

7.4.103.05 Location:-

7.4.103.06 Illumination

7.4.103.01 Purpose And Applicability:

To provide a set of regulations for the placement of signs within Residential (R-1, R-2, R-3) zones. The provisions within this section shall also apply to residential uses within the Commercial Residential zone.

7.4.103.02 Permitted Signs

All permitted signs are subject to the standards of 7.4.103:

- A. Wall, canopy, and window signs
- B. Free-standing signs.
- C. Temporary signs *shall be allowed on a lot and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content. Signage shall be allowed for each lot as follows: ~~Temporary signs within Residential zones shall be limited to 21 days per calendar year.~~*
 - 1. Individual signs not exceeding 6 square feet in area during the period from 60 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.*
 - 2. All other temporary signs shall be installed for not longer than 30 days in a calendar year.*

7.4.103.03 Maximum Sign Area

- A. Single Family and Duplex uses: 6 square feet.
- B. Multi-family (greater than two units): For subdivisions, multiple-family developments (including planned developments), uses, or identified neighborhood areas, one single or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.
- C. Temporary Signs: 12 square feet.

7.4.103.04 Maximum Sign Height:

- A. 6 feet.

7.4.103.05 Location:

- A. ☐ Wall, canopy, or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
- B. ☐ Free-standing signs are permitted where fences are allowed for residential uses.

7.4.103.06 Illumination

- A. Single family and duplex uses: Not permitted.
- B. Multi-family: Signs may only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.

7.4.104 Design Standards – Commercial Zone

7.4.104.01 Purpose And Applicability

To provide a set of regulations for the placement of signs within the Commercial (C) zoning district. Signs located on properties within the CBO (Central Business Overlay) shall be subject to the provisions of Section 7.4.105.

7.4.104.02 Permitted Signs

- A. Wall signs.
- B. Free-standing signs.
- C. Temporary signs: *shall be allowed on a lot and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content. Temporary signs shall be permitted within the Commercial zoning district in accordance with the following provisions.*
 - 1. Individual signs not exceeding 6 square feet in area during the period from 60 days before a public election or the time the election is called, whichever is earlier, to five days after the public election. Permitted Temporary signs are allowed provided they are erected not longer than twenty-one (21) days prior to an event and fifteen (15) days after an event.*
 - 2. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - 32. All other temporary signs shall be installed for not longer than 30 days in a calendar year.

7.4.104.03 Maximum Sign Area

- A. Non-Integrated business center.
 - 1. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - 2. Free-standing signs: 50 square feet per sign face. Total area of ¾ square feet per lineal foot of street frontage.
 - 3. Temporary signs: 12 square feet.
- B. Integrated business center.
 - 1. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - a. Wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.

- b. When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.
 - 2. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - a. Shared free-standing signs: Where two or more businesses choose to combine their permitted free-standing signs into one sign, the following standards shall apply:
 - (1) One freestanding, shared sign per street frontage that has a customer entrance is allowed. The sign must comply with the provisions of this section. A maximum of 150 square feet of sign area is permitted.
 - 3. Temporary signs: 12 square feet.
- C. Highway-Oriented Signs.
 - 1. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250 square feet.
 - 2. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - 3. Temporary signs: 12 square feet.

7.4.104.04 Maximum Sign Height

- A. Wall signs: None, but no sign shall project over a parapet or roof eave.
- B. Free-standing signs: 20 feet, except 30 feet for highway-oriented signs.
- ~~1. 20 feet, except 30 feet for highway-oriented signs.~~

7.4.104.05 Location

- A. Wall or projecting signs may project up to two feet from a building.
- B. Free-standing signs within an integrated business center must be located a minimum of 100 feet from one another.
- C. No limitations, except that signs shall not be located within a right of way and shall comply with requirements for vision clearance areas and special street setbacks.

7.4.104.06 Illumination

- A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be ~~not~~ no light trespass on neighboring properties.

7.4.105 Design Standards – Central Business Overlay Zone

7.4.105.01 Purpose And Applicability

Sign regulations are intended to protect the character while enhancing and contributing to the economic vitality of the commercial core. The City acknowledges the need to effectively communicate and attract the eye to the business for which they are intended to advertise. Signs should be compatible or integrated with the architecture and should not obscure or dominate the building or business. In the review of sign applications within the City, the following criteria and standards shall apply. All properties within the Central Business Overlay (CBO) and all commercial uses within the Commercial Residential(CR) Zone shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited. The Dayton Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case, where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety, or health ordinance or code, the provision which establishes a stricter standard for the protection of ~~the~~ public health and safety shall prevail.

7.4.105.02 Permitted Signs

- A. Wall signs.
- B. Freestanding signs.
- C. Projecting signs.
- D. ~~A-Board~~A-board signs (one per tenant space) meeting the design standards for A-board signs in the CBO.
- E. Temporary ~~signs~~signs except A-board signs that are subject to standards specific to A-board signs, shall be allowed on a lot and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content.
 - 1. Individual signs not exceeding 6 square feet in area during the period from 60 days before a public election or the time the election is called, whichever is earlier, to five days after the public election. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event.
 - 2. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten(10) percent of the total primary facade area.
 - 2.3. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
- F. Awning signs.
 - 1. Sign lettering and imagery may only be located on the awning skirt.
- G. Flags (maximum of two per property).

7.4.105.03 Maximum Sign Area

- A. Wall signs: one (1) square foot of sign area for each ~~one~~ linear foot of building façade not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.
- B. Freestanding Signs: 24 square feet.
- C. Projecting signs: Blade, projecting, or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet.
- D. One (1) A-Board sign is permitted per business or property and shall measure no more than three (3) feet wide and not more than four (4) feet high. A-Board signs shall not be calculated in total sign area calculations.
- E. Temporary signs: 12 square feet.
- F. Awning: 6 square feet. Must comply with the provisions of 7.4.105.02.F.1.
- G. Flags: 15 square feet per flag.

7.4.105.04 Maximum Sign Height

- A. Wall signs: 6 feet. May not project higher than the height of the roof. B. Free-standing signs: 6 feet.

7.4.105.05 Location

- A. Wall signs shall be placed in traditional locations ~~in order~~ to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.
- B. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right-of-way or private sidewalk area and the top of the sign shall not extend over the roof line of the building.
- C. A-board signs.
 - 1. A-Board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two(42) inches of clear pedestrian walkway is available immediately adjacent to the sign.
 - 2. Removal. A-Board signs shall be movable at all times and displayed only during the hours the business is open.
- D. Freestanding.
 - 1. Freestanding signs shall only be permitted when the property has a building setback greater than 15 feet.

- E. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
- F. Awnings: Text on awnings shall be limited to that placed upon the awning skirt only and shall be included in the calculation of the maximum allowable sign area.

7.4.105.06 Illumination

- A. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs. Planning staff must review and approve alternative lighting designs.
- B. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.
 - 1. Internally lit signs, including Neon or LED signage shall be permitted subject to the following restrictions:
 - a. Signs shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking, or flashing lights are prohibited.
- C. Awning signs may not be illuminated.

7.4.105.07 Design Standards

All signs within the CBO shall be subject to the following additional design standards.

- A. The placement of signage shall not visually obscure architecturally significant features of the building.
- B. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
- C. Generally, the placement of signage shall occur below the sill of the second-story windows. Alternative placement may be considered under the following circumstances:
 - 1. Free-standing signs must have a base of either a flower bed or shrubbery to integrate the sign into the streetscape.
 - 2. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians ~~so as~~ to create a hazardous situation. No signs shall be so located as to significantly obstruct pedestrian circulation.

7.4.106 Design Standards - Industrial

7.4.106.01 Purpose And Applicability:

To provide a set of regulations for the placement of signs within the Industrial (I) zone.

7.4.106.02 Permitted Signs

- A. Wall signs.
- B. Free-standing signs.
- C. Awning signs.
- D. Temporary ~~S~~signs: shall be allowed on a lot and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content.
 - ~~1.~~ ~~Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event.~~
 - 1. Individual signs not exceeding 6 square feet in area during the period from 60 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.
 - 2. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten(10) percent of the total primary facade area.
 - ~~2.3.~~ All other temporary signs shall be installed for not longer than 30 days in a calendar year.

7.4.106.03 Maximum Sign Area

- A. Wall signs. 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - 1. A tenant occupying a minimum of 40,000 square feet will be allowed a Maximum of 200 square feet.
- B. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
- C. Temporary signs: 12 square feet.
- D. Highway-Oriented Signs.
 - 1. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250square feet.
 - 2. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.

3. Temporary signs: 12 square feet.

7.4.106.04 Maximum Sign Height

- A. Wall signs: No maximum, but no sign shall not project onto or over a parapet or roof eave.
- B. Free-standing signs: 30 feet.

7.4.106.05 Location:

- A. Wall or projecting signs may project up to two feet from a building.
- B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.

7.4.106.06 Illumination:

- A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties or an adjacent public right of way.

7.4.107 Design Standards - Public

7.4.107.01 Purpose And Applicability:

To provide a set of regulations for the placement of signs within the Public zoning district.

7.4.107.02 Permitted Signs

All permitted signs are subject to the standards of 7.4.107.

- A. Wall, canopy, and window signs.
- B. Free-standing signs.
- C. Temporary signs.

1. Individual signs not exceeding 6 square feet in area during the period from 60 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

2. Other Temporary signs within the Public Zone shall be limited to 21 30 days per calendar year, with a maximum of 5 signs per calendar year.

7.4.107.03 Maximum Sign Area

- A. 32 square feet.

7.4.107.04 Maximum Sign Height:

- A. Free-standing Signs: 20 feet.
- B. Wall Signs: 6 feet, but no sign shall project over a parapet or roof eave.

7.4.107.05 Location

- A. Wall or projecting signs may project up to two feet from a building.
- B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.

7.4.107.06 Illumination

- A. May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare. Animated signs are permitted so long as they do not change image more than 6 times per minute.

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To: Honorable Mayor and City Councilors

From: Cyndi Park, Interim City Manager

Issue: First Reading of Ordinance 662 - Amending Chapter 6 - Public Improvements - Opting Into ORS 105.668

Date: October 7, 2024

Background - On February 14, 2024, the office of BEH sent an email recommending cities opt into ORS 105.668 - Limiting Trail Use Liability. BEH provided the text of the code that they recommend be added to Dayton Municipal Code.

Goal - With the City Attorney's recommendation, and to limit the liability of the City for personal injury or property damage resulting from the public's non-motorized use of trails and structures in public easements and unimproved rights of way, the City should consider adopting opting into ORS 105.668 and adopt Ordinance 662.

Analysis - ORS 105.668 limits the liability of cities for personal injuries or property damage that arises out of the public's non-motorized use of trails and structures in public easements and unimproved rights of way. ORS 105.668 automatically applies to cities with populations of 500,000 or more. Cities with smaller populations must affirmatively adopt ORS 105.668's protections via either resolution or ordinance. ORS 105.668 also applies to cities' officers, employees, and agents; owners of land abutting the public easement or unimproved right of way; and nonprofits and their volunteers who construct and maintain trails and structures in public easements and unimproved rights of way. Adopting ORS 105.668 could encourage landowners to grant easements for the public's use by reducing their risk of liability. It could also encourage nonprofits to assist the City with trail maintenance and construction by reducing their risk of liability.

ORS 105.668 would also expand the City's existing limitations of liability. The recreational immunity provided by ORS 105.682 and ORS 105.688 already apply to the City. However, recreational immunity only protects the City when an individual is injured while engaged in recreational activities. ORS 105.668 applies regardless of the individual's reason for using trails or structures in public easements or unimproved rights of way. Additionally, the Oregon Court of Appeal's recent decision in *Fields v. City of Newport*, 326 Or App 764 (2023), has reduced the reach of cities' recreational immunity, which could create more liability for the City. ORS 105.668 could fill in the gap in recreational immunity left by the Court of Appeal's decision.

ORS 105.668's limitation of liability is not absolute, however. It will not protect the City if an individual is injured due to gross negligence or reckless, wanton, or intentional misconduct.

Interim City Manager Recommendation: I recommend approving the first reading of Ordinance 662.

1. Perform the first reading of the Ordinance by title only.

"ORDINANCE NO. 662

CITY OF DAYTON

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668"

2. Potential Motion to Approve the First Reading of the Ordinance by Title Only:

"I MOVE TO APPROVE THE FIRST READING OF ORDINANCE 662 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668"

City Council Options:

- 1 - Approve the 1st Reading of Ordinance 662 as recommended.
- 2 - Approve the 1st Reading of Ordinance 662 accept with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

From: [Ashleigh Dougill](#)
To: [Rochelle Roaden](#)
Cc: [Heather Martin](#); [Rocio Vargas](#)
Subject: ORS 105.668 Limitation of Liability for Trail Use
Date: Wednesday, February 14, 2024 11:12:39 AM
Attachments: [Ordinance Opting into ORS 105.668 \(00875216xB8084\).DOCX](#)
[Resolution Opting into ORS 105.668 \(00875220xB8084\).DOCX](#)
[Staff Report Opting into ORS 105.668 \(00875244xB8084\).DOCX](#)

Good Morning Rochelle,

ORS 105.668 limits the liability of cities for personal injury and property damage that arises out of the public's non-motorized use of trails or structures in public easements and unimproved rights of way. Cities or counties with populations of less than 500,000 must adopt the limitation of liability via ordinance or resolution in order for it to apply these limitations. Given the recent Oregon Supreme Court affirmation of *Fields v. City of Newport* and the corresponding reduction of cities' recreational immunity reach, ORS 105.668 could help fill this gap. ORS 105.668's limitation of liability is not absolute, however. It will not protect the City if an individual is injured due to gross negligence or reckless, wanton, or intentional misconduct.

In response to ORS 105.668, our office has prepared a sample Ordinance, Resolution, and Staff Report for our clients' use. I have attached these to this email for your consideration and reference, in case your code does not already address this and you would be interested in adopting similar language. Please do not hesitate to reach out if you have any comments or questions on this.

Thanks,

--

Ashleigh K. Dougill (she/her)
Associate Attorney
Beery Elsner & Hammond LLP

1804 NE 45TH Ave
PORTLAND, OR 97213
phone (541) 728-6089 | f (503) 226-2348
www.gov-law.com

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ORDINANCE NO. 662
CITY OF DAYTON, OREGON

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL
CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING
FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND
UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668**

WHEREAS, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by ordinance; and

WHEREAS, Dayton's population is less than 500,000; and

WHEREAS, the City of Dayton has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking; and

WHEREAS, the City of Dayton finds that the city's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

WHEREAS, the City of Dayton finds that it is important to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

WHEREAS, the City of Dayton finds that adopting the limitation of liability in ORS 105.668(2) will provide the City, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in the City's public easements and unimproved rights of way.

NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1: Findings. The above findings are hereby adopted.

Section 2: Limitation on Liability. The DAYTON MUNICIPAL CODE is hereby amended as shown on the attached Exhibit A.

Section 3: Severability. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does in affect other provision that can be given effect without the invalid provision or application.

Section 4: Continued Effect. All other provisions of the DAYTON MUNICIPAL CODE shall remain unchanged and in full effect.

Section 5: Effective Date. This Ordinance shall be effective on the 30th day following its passage.

PASSED AND ADOPTED by the City Council of the City of Dayton on this ____ day of _____, 2024.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

_____ No Council member present at the meeting requested that the ordinance be read in full.

_____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

ATTESTED BY:

Rocio A. Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A

EXHIBIT A
DAYTON MUNICIPAL CODE ADDITION

6.13 Trails or Structures within Public Easements and Unimproved Rights of Way

6.13.1 Definitions

For the purposes of this subsection, the following terms shall have the following meaning:

- A. **Public easement:** means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle, or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.
- B. **Structures:** means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.
- C. **Trail:** means a travel way for pedestrians, bicycles, and other non-motorized means of transportation.
- D. **Unimproved Right of Way:** means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the city with jurisdiction over the public right of way and for which the city has not expressly accepted responsibility for maintenance.

6.13.2 Liability Limited

- A. A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:
 - 1. The City of Dayton
 - 2. The City of Dayton's officers, employees, or agents to the extent that the officers, employees, or agents are entitled to defense and indemnification under ORS 30.285.
 - 3. The owner of land abutting the public easement or unimproved right of way.
 - 4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or structures in a public easement or unimproved right of way.

B. The immunity granted by this section does not extend to:

1. Except as provide by subsection (A)(2) of this section, a person that receives compensation for assistance, services, or advice in relation to conduct that leads to a personal injury or property damage.
2. Personal injury or property damage resulting from gross negligence or from reckless, wanton, or intentional misconduct.
3. An activity for which a person is strictly liable without regard to fault.

To: Honorable Mayor and City Councilors

Through: Cyndi Park, Interim City Manager

From: Dave Rucklos – TED Director

Issue: First Reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax

Date: October 7, 2024

Background and Information

Background - On March 15, 2024, the office of BEH sent out an email recommending cities to update their Transient Lodging Tax Ordinance to accommodate the changing tourism industry. Our City Attorney provided some edits to Municipal Code Chapter 3.8.

Goal - With the City Attorney’s recommendation and in anticipation of expanded commercial lodging availability, the City of Dayton should consider a TLT lodging tax rate increase from its existing eight (8) percent to ten (10) percent.

Objective: Staff research has determined that cities in proximity to Dayton and in tourist destinations levy a TLT rate greater than that currently assessed by the City of Dayton (8 percent). As follows is current municipal TLT rates in the region:

McMinnville	10%
Dundee	10%
Newberg	9%
Salem	9%
Dallas	9%
Monmouth	9%

In resort and coastal areas within the state, the following TLT rates are assessed:

Ashland	10%
Astoria	11%
Bend	10.4%
Cannon Beach	10.5%
Lincoln City	12%
Seaside	10%

Staff recommend that the council consider raising its TLT tax by 2 percent in-line with regional and tourism-based municipalities.

City Manager Recommendation: I recommend approving the first reading of Ordinance 663.

1. Perform the first reading of the Ordinance by title only.

“ORDINANCE NO. 663
CITY OF DAYTON
AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING SECTION 3.8
TRANSIENT LODGING TAX (TLT) OF CHAPTER 3 OF THE DAYTON MUNICIPAL
CODE”

2. Potential Motion to Approve the First Reading of the Ordinance by Title Only:

“I MOVE TO APPROVE THE FIRST READING OF ORDINANCE 663 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 3.8 (TRANSIENT LODGING TAX) OF THE DAYTON MUNICIPAL CODE.”

City Council Options:

- 1 - Approve the 1st Reading of Ordinance 663 as recommended.
- 2 - Approve the 1st Reading of Ordinance 663 accept with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

From: [Rocio Vargas](#)
To: [Rochelle Roaden](#)
Subject: RE: Updating Your Transient Lodging Tax Ordinance
Date: Friday, April 12, 2024 10:34:00 AM
Attachments: [ORDINANCE NO.docx](#)
[image002.png](#)

Here is my first draft to the new ordinance, please review. I think it would be easier to have an attachment with the edits and then the final exhibit attachment.

Let me know of any changes I should make to the ordinance. I mainly based it on the recommendations the attorney made in the email.

The Attorney does ask if there is a preferred approach to how we want TLT paid when a property is sold.

1. Added to closing costs and paid by the title company.
2. The operator pays before they sell, even if mid-quarter.

Thank you,
Rocio



Rocio Vargas
City Recorder
416 Ferry St
Dayton, OR 97114
Phone: 503-864-2221
Cell: 503-864-0030

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From: Rochelle Roaden <rroaden@daytonoregon.gov>
Sent: Tuesday, April 2, 2024 2:29 PM
To: Rocio Vargas <rvargas@daytonoregon.gov>
Subject: FW: Updating Your Transient Lodging Tax Ordinance

Rocio,

We have to do a code amendment for our Transient Lodging Tax. Attached is the Edits our attorney has sent over.

We'll take it to Council on June 3rd for it's first reading.

Can you please create a new ordinance with the edits? I wish Scott had written it with the language as Exhibit A instead of inside the body of the Ordinance so not sure if it's easier to keep it that way or change it.

Thanks,
Rochelle



Rochelle Roaden
City Manager
416 Ferry Street
Dayton, Oregon 97114
Phone: 503.864.2221
Cell: 503.864.7444
www.daytonoregon.gov

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From: Ashleigh Dougill <dougill@gov-law.com>
Sent: Monday, March 18, 2024 4:47 PM
To: Rochelle Roaden <rroaden@daytonoregon.gov>
Subject: RE: Updating Your Transient Lodging Tax Ordinance

Rochelle,

Here is a slightly updated ordinance draft, with this reflected.

Thanks,

--

Ashleigh K. Dougill (she/her)
Associate Attorney
Beery Elsner & Hammond LLP

1804 NE 45TH Ave

PORTLAND, OR 97213

phone (541) 728-6089 | f (503) 226-2348

www.gov-law.com

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From: Rochelle Roaden <rroaden@daytonoregon.gov>
Sent: Monday, March 18, 2024 3:43 PM
To: Ashleigh Dougill <dougill@gov-law.com>
Subject: RE: Updating Your Transient Lodging Tax Ordinance

Thanks... I'll do an in review but just checked it out and saw your question about the 70% being in a separate fund.

We have a TLT fund where all revenue is captured where we allocate 30% out to other areas and keep the 70% in to use on tourism. :)



Rochelle Roaden
City Manager
416 Ferry Street
Dayton, Oregon 97114
Phone: 503.864.2221
Cell: 503.864.7444
www.daytonoregon.gov

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From: Ashleigh Dougill <dougill@gov-law.com>
Sent: Monday, March 18, 2024 1:51 PM
To: Rochelle Roaden <rroaden@daytonoregon.gov>
Subject: RE: Updating Your Transient Lodging Tax Ordinance

Rochelle,

I unfortunately was unable to open this word doc attachment, but I downloaded your TLT code chapter from the city's website. I have provided some edits and comments to this in redline. Please take a look and let me know if you have any feedback, comments, or questions.

Thanks,

--

Ashleigh K. Dougill (she/her)
Associate Attorney
Beery Elsner & Hammond LLP

1804 NE 45TH Ave

PORTLAND, OR 97213

phone (541) 728-6089 | f (503) 226-2348

www.gov-law.com

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From: Rochelle Roaden <rroaden@daytonoregon.gov>
Sent: Friday, March 15, 2024 8:46 AM
To: Ashleigh Dougill <dougill@gov-law.com>
Subject: FW: Updating Your Transient Lodging Tax Ordinance

Ashleigh,

Here's our TLT Ordinance from 2015. Can you review and if we need to update it, please suggest edits?

Thanks,
Rochelle



Rochelle Roaden
City Manager
416 Ferry Street
Dayton, Oregon 97114
Phone: 503.864.2221
Cell: 503.864.7444
www.daytonoregon.gov

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From: Kristen Ketchel-Bain at BEH <kristen@gov-law.com>
Sent: Thursday, March 14, 2024 4:48 PM
To: Rochelle Roaden <rroaden@daytonoregon.gov>
Subject: Updating Your Transient Lodging Tax Ordinance

[View this email in your browser](#)



The COVID pandemic, recent inflation, and general trends have resulted in changes to the tourism industry in Oregon, and we thought it would be a good time for you to review and consider updating your transient lodging tax ("TLT") ordinance.

As a reminder, a transient lodging (or room) tax is a tax on occupied hotels, motels, inns, cabins, condominiums, apartment units or other dwelling units that are used for temporary occupancy. The state has its own transient lodging tax, and state law dictates the use of certain transient lodging tax revenues by local governments. (This firm and the League of Oregon Cities prepared a [Legal Guide to Collecting Lodging Tax in Oregon](#), last updated in February 2020, that includes general information about the tax, as well as a model ordinance.)

TLT ordinances at the local level have been enacted and amended at various times – some are several decades old and others are relatively new. Quite often, once the ordinance is enacted, a jurisdiction fails to review the tax to see if updates are needed. We have identified a few specific and common areas that you should review to ensure that your TLT ordinance reflects best practices. If your TLT ordinance does not already include the following, you may want to consider amendments to explicitly state:

- The TLT is paid by the occupant and held in trust by the lodging operator for the local government. This should be stated expressly and not just implied, as doing so helps protect the local government's claim to the funds in the event of the lodging's

bankruptcy or receivership.

- How tax liability should be handled in the event the dwelling property is sold mid-quarter. Most often, TLT filings and payments are due on a quarterly basis even though they are collected by the operator daily. If a property is sold in between filings, a question can arise as to how the already-collected funds should be paid. Is the tax liability rolled up in the closing costs and paid by the title company, or is the operator responsible for the partial quarter? If the operator is responsible, is the liability due before closing? Local jurisdictions should provide procedures so that in the event of mid-quarter transfers of property receipt of full payment is ensured.
- A definition of “transient lodging intermediaries” that specifically includes a person or entity that “receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.” In 2018, the legislature clarified that online transient lodging platforms, such as Airbnb and VRBO, are considered “transient lodging intermediaries” under ORS 320.300, unless otherwise provided by city or county ordinance, resolution, or agreement. Jurisdictions wishing to require hosting platforms and online travel companies to collect and remit the local TLT should ensure their ordinance includes this language in its definition of “transient lodging intermediaries.”

Please don’t hesitate to reach out with questions or concerns; our office is happy to help review your TLT ordinance and advise what makes the most sense for your jurisdiction.

Header photo from [12019 on pixabay.com](https://www.pixabay.com/) and used with thanks.

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Beery Elsner & Hammond LLP
1804 NE 45th Ave.
Portland, Or 97213

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**ORDINANCE NO. 663
CITY OF DAYTON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING SECTION 3.8 TRANSIENT
LODGING TAX (TLT) OF CHAPTER 3 OF THE DAYTON MUNICIPAL CODE**

Whereas, the Dayton Municipal Code is a codification of the general ordinances of the City of Dayton, organized by subject matter under Chapter, of which includes Chapter 3, Business Regulations; and

Whereas, the City Attorney recommended to revise Transient Lodging Tax Ordinances to include TLT is paid by the occupant and held in trust by the lodging operator for the local government, the tax liability in the event the dwelling property is sold, and define “transient lodging intermediaries”; and

Whereas, the State of Oregon updated legislation in 2018 to include “transient lodging intermediaries” under ORS 320.300; and

Whereas, the City of Dayton desires to conform with the changing legislative updates and changing tourism industry; and

Whereas, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging;

Whereas, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy;

Whereas, ORS 320.350 provides that a city council may impose a new local transient lodging tax if at least seventy percent (70%) of the net revenue shall be used to fund tourism promotion or tourism-related facilities or certain debt-related expenses and no more than thirty percent (30%) of net revenue may be used for city services; and

Whereas, the city wishes to require any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: charges for occupancy of the transient lodging; collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remitting the tax to the city; and

Whereas, the city council wants to impose a ten (10) transient lodging tax.

Whereas, the City Council has determined that an amendment to Chapter 3 Section 3.8 is necessary to conform to changing legislation, tourism industry, and safeguard of the city interests.

NOW THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Dayton does hereby amend Chapter 3 Section 3.8 of the Dayton Municipal Code as set forth in the attached Exhibit A.

Section 2. This Ordinance is effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Dayton on this _____.

Mode of enactment:

Date of first reading: _____ In Full ____ or by title only _____

Date of second reading: _____ In Full ____ or by title only _____

____ No council member present at the meeting requested that the ordinance be read in full.

____ A copy of the ordinance was provided to each Council member; three copies of the ordinance were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the ordinance.

Final Vote

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

Rocio Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A

3.8.1 Title

This section is known as the transient room tax ordinance of the City of Dayton.

3.8.2 Definitions

Except where the context otherwise requires, the following terms are defined as follows:

1. **Accrual Accounting:** means rent is due to operator from a transient on hotel records when the rent is earned, whether or not it is paid.
2. **Cash Accounting:** means the operator does not enter the rent due from a transient on hotel records until the rent is paid.
3. **Hotel:** means any structure, or any portion of any structure occupied or intended or designed for transient occupancy for thirty days or less for dwelling, lodging, or sleeping purposes. It includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, public or private club, and also means space in mobile home or trailer parks (including recreational vehicle, tent trailer and tent camping parks), or similar structures or space or portions thereof so occupied, for occupancy less than for 30-days.
4. **Hotel Hosting Platform:** means a business or other person that facilitates the retail sale of hotels by connecting transients with operators, either online or in any other manner. For the purpose of this chapter, hotel hosting platforms are operators.
- 3.—
- 4-5. **Occupancy:** means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park, or portion thereof.
- 5-6. **Operator:** means (1) any person who provides a hotel for occupancy to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents, or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider; or (2) any person who facilitates the reservations of a hotel and collects the payment for the hotel from the transient; or (3) any transient lodging provider, transient lodging intermediary, or transient lodging tax collector as defined in ORS 320.300, the proprietor of the hotel in any capacity. Where the operator performs as a managing agent other than an employee, the managing agent is an operator for the purposes of this section and has the same duties and liabilities as the principal. Compliance with the provisions of this section by either the principal or the managing agent is compliance by both.
- 6-7. **Person:** means any individual, corporation, partnership, joint venture, association, social club, fraternal organization, public or private dormitory, joint stock company, corporation, estate, oration, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- 7-8. **Rent:** means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money without any deduction. It does not include

charges to a condominium unit owner for cleaning or maintenance of such unit or personal use or occupancy by such owner.

~~8-9~~ **Rent Package Plan:** means the consideration charged for both food and rent where a single rate is charged for both. The amount applicable to rent for determination of the transient room tax under this section is the same as the charge for rent when food is not a part of the package plan. The amount for rent is the amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and the charge for rent when the space is rented separately and not part of a package plan.

~~9-10~~ **Tax:** means the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which collections are required to be reported.

~~10-11~~ **Transient:** means any individual who occupies or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel is not included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any individual so occupying space in a hotel is a transient until the 30-day period expires unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this section may be considered. A person who pays for lodging on a monthly basis is not a transient.

3.8.3 Tax Imposed

1. ~~Effective- April 1, 2025~~~~April 1, 2016~~, each transient must pay a tax of ~~ten(10)~~~~eight~~ percent of the rent charged by the operator for the privilege of occupancy in any hotel. For a recreational vehicle, tent trailer and tent camping with self-pay slots, the tax is increased and assessed to the closest twenty-five-cent interval. The tax is a debt owed by the transient to the city and is extinguished only by payment by the operator to the city.
2. Each transient must pay the tax to the operator of the hotel at the time the rent is collected if the operator keeps records on the cash accounting basis, and when earned if the operator keeps records on the accrual accounting basis. If rent is paid in installments, the transient must pay a proportionate share of the tax to the operator with each installment. Rent paid or charged for occupancy excludes the sale of any goods, services and commodities.
3. The City will dedicate net revenue from the transient room tax per the provisions of ORS 320.350(6).

Commented [RV1]: Dave will propose to raise the TLT tax to be increased from 8% to 10%. I suggest the effective date of April 1, 2025 based on the previous date used that matches with taxing year.

3.8.4 Collection Of Tax By Operator

1. Every operator ~~operating renting rooms or space for lodging or sleeping purposes~~ in this City not exempted under this section must collect a tax from the ~~occupant~~ transient. The tax collected or accrued by the operator is a debt owed by the operator to the city.
2. In cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid.
3. The City Manager has authority to enforce this section and may delegate authority to adopt rules and regulations consistent with this section to aid in enforcement.
4. The operator is permitted to deduct and keep five percent of the amount of taxes actually collected to compensate the operator for administrative expenses in collecting the taxes.

3.8.5 Hotel Hosting Platform Fees

A hosting platform for hotels may collect a fee for booking services in connection with hotels only when those hotels are lawfully registered as operators with the city and possess a certificate of authority at the time the hotel is occupied.

3.8.65 Operators' Duties

1. Each operator must collect the tax imposed by this section at the same time as the rent is collected from each transient.
2. The amount of tax must be separately stated in operators' records and receipts.
3. No operator may advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that the tax will not be added to the rent, or that, when added, any part will be refunded except as provided by this section.
- ~~3.4.~~ Every operator is deemed to hold the amount of city tax imposed pursuant to this chapter collected in trust for the city. While holding the payment in trust for the city, an operator may commingle the tax proceeds with the operator's funds, but the operator is not the owner of tax proceeds, except that, when a return is filed, the operator becomes the owner of the administrative fee authorized to be retained. Operators may choose to file returns and remit payment based on amounts accrued but not yet collected. The operator is liable for any tax that should have been collected from the transient, except in cases of nonpayment of rent by the transient.

3.8.76 Exemptions

The tax imposed by this section does not apply to:

1. Any occupant for more than 30 successive calendar days with respect to any rent imposed for the period commencing after the first 30 days of such successive occupancy. The requirements of this subsection are satisfied even if the hotel unit changes during the consecutive period, if (a) all hotel units occupied are within the same hotel; and (b) the transient paying for the hotel is the same person throughout the consecutive period.

- ~~2. Any person who rents a private home, vacation cabin, or like facility from any owner who rents out such facilities for less than 30 days per calendar year.~~
- ~~2. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or similar facility.~~
- ~~3. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment.~~
- ~~4. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year.~~
- ~~5. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter.~~
- ~~3-6. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility.~~

3.8.8 Registration Of Operator

1. Every person who is an operator of a hotel in this City must register with the City Manager on a form provided by the City. Operators engaged in business at the time this section takes effect must register no later than 30 calendar days after this section takes effect. Operators starting business after this section takes effect must register within 15 calendar days after commencing business.
2. Delay in registration does not relieve any person from the obligation of payment or collection of the tax. The registration must state the name under which the operator conducts business, the business location and other information as the City Manager may require. The operator must sign the registration. Within 10 days of registration, the City Manager will issue a certificate of authority to each registrant to collect the tax. Certificates are not assignable or transferable and must be surrendered to the City Manager upon the cessation of business at the location named or upon its sale or transfer of the business. Each certificate will state the place of business to which it is applicable and must be prominently displayed to be seen and recognized by all occupants and persons seeking occupancy. Each certificate will state:
 1. The name of the operator;
 2. The address of the hotel;
 3. The date the City issued the certificate; and
 4. This Transient Occupancy Registration Certificate signifies that the operator named has fulfilled the requirements of the Transient Lodging Tax Ordinance of the city by registration with the City Manager to collect the transient lodging taxes imposed by the city and remitting them to the City Manager. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without compliance with all local applicable laws.

3.8.98 Due Date - Returns And Payments

1. The transient must pay the tax imposed by this section to the operator at the time rent is paid. All taxes collected by any operator are due and payable to the City Manager on a quarterly basis on or before the last day of the month following the end of each calendar quarter, reporting the amount of the tax due during the quarter. Taxes due are delinquent on the last day of the month in which they are due. For example, for the calendar quarter of January, February, and March, Transient Lodging Taxes are due by April 30th. If the City Manager deems it necessary in order to ensure payment or facilitate collection by the City of the amount of taxes in any individual case, it may require returns and payment of the amount of taxes on other than monthly periods.
2. On or before the last day of the month following each quarter of collection, each operator must file with the City Manager a return for the preceding quarter's tax collections. The operator must file the return in such form as prescribed by the City Manager.
3. Remittances are delinquent if not made by the last day of the month in which they are due.
4. The operator is entitled to the administrative fee. If a hotel has multiple operators, they are not entitled to retain additional fees.
5. If a hotel is sold, or ownership is otherwise transferred during a calendar quarter, the tax collected up to the point of sale must be added to the closing costs and paid by the title company.
2. —
- 3.6. Returns must state the amount of tax collected or otherwise due for the related period. The City Manager may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of such amounts, and the amount of the rents exempt, if any.
- 4.7. The City Manager may extend, for a period not to exceed one month, the time for making any return or payment of tax for good cause. The City Manager may not grant any further extensions unless authorized by City Council.
- 5.8. The operator must deliver the return, together with the tax amount due, to the city manager either by personal delivery or by mail. If the operator files by mail, the postmark will be considered the date of filing for determining delinquencies.

Commented [AD2]: Please confirm preferred approach here. Is the tax liability rolled up in the closing costs and paid by the title company, or is the operator responsible for the partial quarter? If the operator is responsible, is the liability due before closing?

3.8.109	Penalties	And	Interest
----------------	------------------	------------	-----------------

3.8.109.1 Original Delinquency

Any operator that has not been granted an extension of time for remittance of tax due and fails to remit any tax imposed by this section prior to delinquency must pay a penalty equal to 10 percent of the tax amount due in addition to the tax amount.

3.8.109.2 Continued Delinquency

Any operator that has not been granted an extension of time for remittance of tax due and which fails to pay any delinquent remittance within 30 days following the date the

remittance first became delinquent, must pay a second delinquency penalty of 15 percent of the tax amount due in addition to the tax amount due and the 10 percent penalty first imposed.

3.8.109.3 Fraud

If the City Manager determines that the nonpayment of the any remittance or tax due under this section is due to fraud or an intent to evade this section's provisions, the City Manager will impose a penalty of 25 percent of the tax amount due in addition to the penalties imposed under subsections [A-3.8.10.1](#) and [B3.8.10.2](#).

3.8.109.4 Interest

In addition to penalties imposed, any operator that fails to remit any tax imposed by this section must pay interest on delinquent taxes at the [same rate- established under ORS 305.220 for each month, or fraction of a month, of one percent per month on the amount of the tax due](#) from the date on which the remittance first became delinquent until paid. Penalties that are owed are not included for the purpose of calculating interest. [Interest may be on a fraction of a month if the delinquency is for less than 30 days. If an operator fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.](#)

3.8.109.5 Penalties Merged With Tax

Every penalty imposed and all accrued interest will be merged with and become a part of the tax required to be paid.

3.8.109.6 Petition For Waiver

Any operator that fails to remit the tax within the time stated must pay the penalties. However, the operator may petition the City Manager for waiver and refund of the penalty or any portion thereof and the City Manager may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

3.8.110 Deficiency Determination

1. If the City Manager determines that returns are incorrect, the [city](#) manager may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information submitted to the City or any additional information obtained by the City Manager.
2. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount determined is due and payable immediately upon service of notice that the amount determined is delinquent. Penalties on deficiencies are applied under Section 3.8.~~109.9~~.

3.8.121 Overpayment And Deficiency

3.8.121.1 Adjustments

In making a determination the city manager may offset tax overpayments, if any, previously made or against penalties and interest on underpayments. Interest on underpayments will be computed under Section 3.8.~~109~~.

3.8.12.2 Notice Of Deficiency

The City Manager will give to the operator a written notice of deficiency determination. The notice may be served personally or by mail. If by mail, the notice will be addressed to the operator at the address in city records. For service by mail of any notice required by this section, notice is served by mailing by certified mail, postage prepaid, return receipt requested.

3.8.12.3 Expiration Period

Except in the case of fraud or intent to evade this section or adopted rules, the City must make every deficiency determination and mail the appropriate notice within three years after the last day of the month following the close of the monthly period for which the amount became due, or within three years after the return is filed, whichever period expires later.

3.8.12.4 Payable Upon Receipt

Any deficiency determination becomes due and payable immediately upon receipt of notice and becomes final within 20 days after the City Manager gives notice. However, the operator may petition for refund if the petition is filed before the determination becomes final.

3.8.13 Failure To Collect Tax Fraud, Refusal to Collect, Evasion

~~Fraud, Refusal to Collect, Evasion~~ If any operator fails or refuses to collect the tax, or to make any report or tax remittance required by this section, or makes a fraudulent return or otherwise willfully attempts to evade this section, the city manager may take any action deemed best to obtain the facts and information on which to base an estimate of the tax due. As soon as the city manager determines tax is due from any operator who has failed or refused to collect, report and remit the tax, the city manager will determine and assess against the operator the tax, interest and penalties provided in this section. The ~~c~~City ~~m~~Manager will give a notice of the amount assessed. Any determination by the city manager becomes due and payable upon receipt of notice and becomes final within 20 days after the notice. The operator may petition the ~~c~~City ~~m~~Manager for refund if the petition is filed before the determination becomes final.

3.8.14 3 Redeterminations

1. Any person against whom a determination is made may petition for a redetermination and refund within ~~the time required in Section 3.8.11~~20 business days of service of notice of the tax deficiency. ~~If a petition for redetermination and refund is not filed within the time required in Section 3.8.11, the determination becomes final at the expiration of the allowable time~~A determination becomes final if a petition for redetermination is not timely filed.
2. If a petition for redetermination and refund is filed within the allowable period, the City Manager will reconsider the determination by an oral hearing and the City Manager will give 20 days' notice of the time and place of the hearing. The City Manager may continue the hearing from time to time as may be necessary.

3. The City Manager may decrease or increase the amount of the determination because of the hearing and if an increase is determined, the operator must pay that increase within three days after the hearing.
4. The written decision of the City Manager upon a petition for redetermination or refund becomes final 20 days after service upon the petitioner of notice by the city, unless appeal of the operator files the order or decision with the City Council within 20 days of the service of the notice. No petition for determination or refund or appeal is effective for any purpose unless the operator has first complied with all payment requirements.

3.8.154 Security For Collection Of Tax

1. The ~~c~~City ~~m~~Manager may require an operator to deposit with the city such security in the form of cash, bond or other security as the manager may determine is sufficient to protect the city's interests. In no event may the amount of the security be greater than twice the operator's estimated average monthly liability determined in such a manner, as the ~~c~~City ~~r~~Recorder deems proper, or \$5,000, whichever amount is less. The ~~c~~City ~~m~~Manager may increase or decrease the amount of security subject to these limitations.
2. The ~~c~~City ~~a~~Attorney may bring any legal action in the name of the City to collect the amount delinquent together with penalties and interest, within three years after remittance is due to the city or within three years after any determination becomes final. The city is entitled to collect reasonable attorneys' fee in any legal action brought to collect on amount owed to the city under this section.

3.8.165 Lien

1. The tax imposed by this section together with the interest and penalties and any direct collection costs which may be incurred after delinquency become and remain a lien until paid from the date of its recording. After the lien is recorded, notice of the lien may be issued by the ~~c~~City ~~r~~Recorder whenever:
 1. The operator is in default in the payment of the tax, interest and penalty, and
 2. A copy is sent to the delinquent operator.
2. The personal property subject to such lien seized by the city may be sold at public auction.

3.8.176

Refunds

3.8.176.1 Refunds By The City To The Operator

Whenever the amount of any tax, penalty or interest is paid more than once or has been erroneously collected or received by the City Manager, the City Manager may refund it. The operator must file a verified claim in writing with the City Manager stating the specific reason for the claim, and the operator must do so no later than three years from the date of payment. The operator must make the claim on forms provided by the City Manager. If the

City Manager approves the claim, the city manager may either refund the excess amount collected or paid, or provide a credit on any amount then due and payable by the operator, and the City Manager may refund the balance to the operator.

3.8.176.2 Refunds By City To Transient

Whenever an operator has collected a tax required by this section, and the operator has deposited that tax with the City Manager, and the City Manager later determines that the amount was erroneously collected or received by the City Manager, the City Manager may refund the incorrect amount to the transient. The operator must file a verified claim in writing with the City Manager stating the specific reason for the claim no later than three years from the date of payment.

3.8.17.3 Refunds By Operator to Transient

If an occupant has paid tax to an operator but stays a total of 30 or more consecutive days in the same hotel, the operator shall refund the occupant any tax collected for any portion of the continuous stay. The operator shall account for the collection and refund to the city manager. If the operator has remitted the tax prior to the refund or credit to the occupant, the operator shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

3.8.17.4 Burden of Proof

The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

3.8.187 Administration

1. Disposition and Use of Transient Room Tax Funds. All proceeds derived by the city from the transient room tax funds will be deposited in a special Transient Lodging Tax~~the General~~ Fund of the city.
2. Records Required from Operators. Every operator must keep guest records of room sales and accounting books and records of the room sales. The operator must retain all records for at least three years.
3. Examination of Records; Investigations. The city manager, or any person authorized in writing by the city manager, may examine, during normal business hours, the books, papers and accounting records relating to room sales of any operator liable for the tax, and may investigate the business to verify the accuracy of any return made, or if no return is made to ascertain and determine the amount required to be paid.

3.8.198 Confidentiality

1. Confidential Character Of Information Obtained No person enforcing the provisions of this section may disclose the business affairs, operations or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate or pay a transient occupancy tax, or

the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or other document for enforcement of this section.

2. Subsection A does not prevent:
 1. The disclosure to, or the examination of records and equipment by another city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this section or collecting taxes imposed,
 2. The disclosure, after the filing of a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, or information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties,
 3. The disclosure of the names and addresses of any person to whom Transient Occupancy Registration certificates have been issued; and
 4. The disclosure of general statistics regarding taxes collected in the city.
3. The ~~c~~City ~~m~~Manager may refuse to make any disclosure referred to in this subsection when the public interest would suffer thereby.

3.8.2019 Appeals To The City Council

Any person aggrieved by any decision of the City Manager may appeal to the City Council by filing notice of appeal with the city recorder within 20 days of the serving or the mailing of the notice of the decision. The Council will give the appellant not less than ~~10 20~~ days' written notice of the time and place of a hearing on the appealed matter. [The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing.](#) Action by the Council on appeals is final.

3.8.210 Violations

1. It is unlawful for any operator or other person to fail or refuse to:
 1. Register as required under this section;
 2. File any return required to be made; or
 3. File a supplemental return or other data required by the City Manager or to make a false or fraudulent return.
2. No person required to make, render, sign or verify any report may make any false or fraudulent report, with intent to defeat or evade the determination of any amount due or required by this section.
3. Violation of this section is a Class A Violation under the Dayton Municipal Code. [Each day that a violation remains uncured is a separate infraction.](#)

To: Honorable Mayor and City Councilors

From: Cyndi Park, Interim City Manager

Issue: Discussion and Potential Approval to Notify of Intent to Adopt Model Floodplain Management Ordinance

Date: October 7, 2024

Background and Information

The City of Dayton was notified on July 15, 2024, that communities in Oregon that participate in the National Flood Insurance Program (NFIP) must select one of the Pre-Implementation Compliance Measures (PICM) pathways. which include the following:

- (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard;
- (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or
- (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA).

Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway.

Dayton's Engineer, Denny Muchmore has recommended that the City select the model ordinance approach. Dayton's Planner, Curt Fisher, has indicated that the selection of the model ordinance appears to be the presumptive choice for the City.

Interim City Manager Recommendation: I recommend approval.

Potential Motion: "I move to approve that the City adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; and that the City Manager, or designee, report this selection to FEMA Region 10 on behalf of the City of Dayton by December 1, 2024"

City Council Options:

- 1 - Approve the selection of the model ordinance approach and reporting same to FEMA.
- 2 - Approve the selection of the model ordinance approach and reporting same to FEMA. with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

RE: followup: FEMA requirement for flood plain development restriction updates

Curt Fisher <cfisher@MWVCOG.ORG>

Mon 9/23/2024 2:02 PM

To: Cyndi Park <cpark@daytonoregon.gov>; Dave Rucklos <drucklos@daytonoregon.gov>

📎 3 attachments (859 KB)

2024-09-12c Memo CMs-CRs ESA early implementation final 3p.pdf; FS-R10-24-001-Oregon Pre-Implementation Compliance Measures Overview 508c.pdf; PICM Community Letter2012373_DAYTON, CITY OF.pdf;

Hi Cyndi,

Jim Jacks put together the attached memo describing the next steps for our jurisdictions to integrate the Endangered Species Act (ESA) into the National Flood Insurance Program (NFIP). As explained in the memo and the supporting attachments, Dayton needs to select an implementation measure by December 1, 2024. We have received some conflicting information on this, but we believe the City's selection needs to be implemented by July 2025. Without engaging in any detailed analysis, Option 1 – adopting the model Flood Plain Ordinance – seems to be the presumptive choice. It appears that Section 7.2.113 – Flood Plain Overlay District was last updated in 2010. So it's due for an update anyway. We don't know if there will be any assistance for jurisdictions to update their codes.

Let us know if you have any questions. This probably should be placed on the next agenda of the City Council.

Regards,

Curt Fisher, AICP

Associate Planner

MWVCOG

100 High Street, Suite 200

Salem OR 97302

503-540-1616 | Cfisher@MWVCOG.org

Pronouns: he/him





100 HIGH STREET S.E., Suite 200 | SALEM, OREGON 97301 | www.mwvcog.org

T: 503.588.6177 | F: 503-588-6094 | E: mwvcog@mwvcog.org

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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.

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](#).

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).

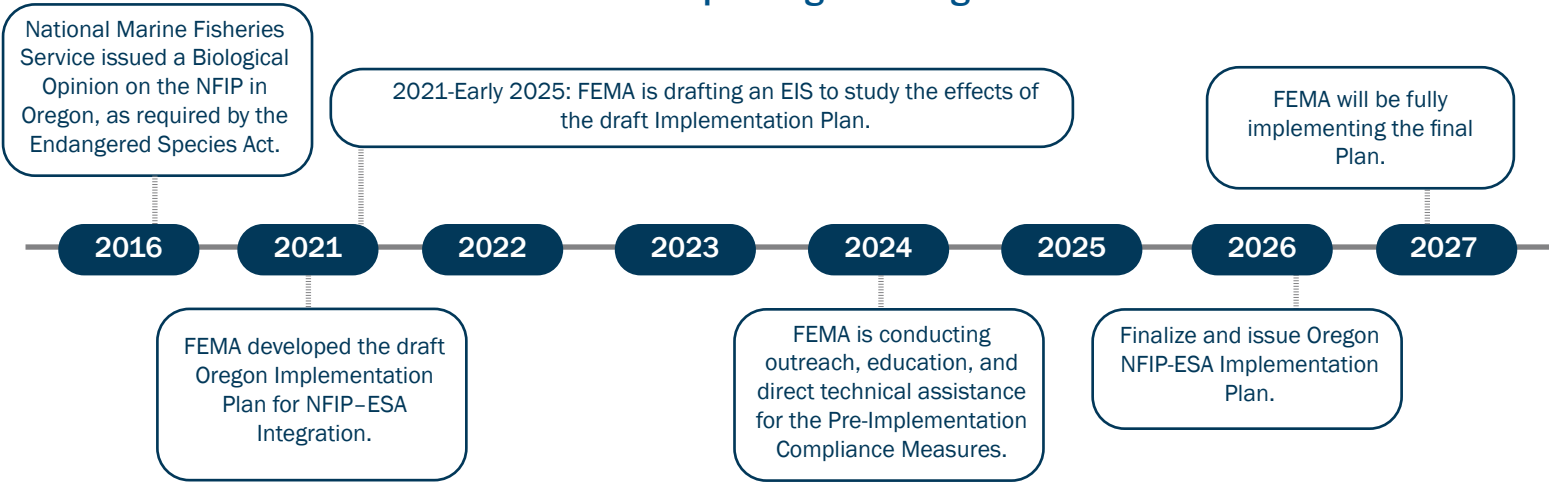


The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

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



FEMA

July 15, 2024

Annette Frank
416 Ferry Street
Post Office Box 339
Dayton, Oregon 97114

Dear Annette Frank:

The purpose of this letter is to announce the start of the United States Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. The intent of PICM is to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA). These measures include coordination with communities to provide appropriate technical assistance, help identify available resources, deliver trainings, and facilitate workshops to ensure on-going community participation in the NFIP. These pre-implementation compliance measures will assist communities in preparing for the Final NFIP-ESA Implementation Plan by helping them develop short and long-term solutions to ensure their on-going participation in the NFIP.

FEMA is currently conducting a National Environmental Policy Act (NEPA) evaluation of impacts associated with the Oregon NFIP-ESA Implementation Plan. FEMA developed this plan, in part, due to a Biological Opinion in 2016 from National Marine Fisheries Services. The Biological Opinion recommended specific measures for FEMA to take to avoid jeopardizing endangered species, including interim compliance measures. The release of the Final Implementation Plan (Plan) is anticipated by 2026, following the Record of Decision in the Environmental Impact Statement (EIS) process, then FEMA will fully implement the Plan in 2027.

FEMA has heard concerns from several communities regarding challenges they are facing to meet the expectations of this Plan. To provide communities with the support needed to incorporate ESA considerations to their permitting of development in the floodplain, FEMA will inform, educate, and support our Oregon NFIP participating communities through the PICM before the Final Implementation Plan is released.

NFIP participating communities in Oregon must select one of the PICM pathways which include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA). Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025. Failure to report may result in a

compliance visit.

As a part of the PICM, FEMA will implement a delay in the processing of two types of Letters of Map Changes in the Oregon NFIP-ESA Implementation Plan area, specifically Letters of Map Changes associated with the placement of fill in the floodplain: Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) requests. This action was specifically requested by NMFS in their 2016 Biological Opinion and serves to remove any perceived programmatic incentive of using fill in the floodplain. This delay in processing will begin on August 1, 2024, and will be in place until the Final Implementation Plan is released.

Your community's ongoing participation in the NFIP is critical, as it provides access to flood insurance for property owners, renters, and businesses. In City Of Dayton there are currently 1 of NFIP policies in force representing \$250000 in coverage for your community.

FEMA will be conducting informational virtual webinars this summer to provide an overview and status update for the Oregon NFIP-ESA integration, introduce the Pre-Implementation Compliance Measures, and provide an opportunity for Oregon NFIP floodplain managers to ask questions of FEMA staff. In the fall, FEMA will hold workshops to provide in-depth opportunities for local technical staff to work with FEMA technical staff, to understand and discuss issues relating to the PICM.

The webinars will be held virtually over Zoom. The information at each webinar is the same so your jurisdiction only needs to attend one. You can register for a webinar using the links below.

- Wednesday, July 31 at 3-5pm PT: <https://kearnswest.zoom.us/meeting/register/tZEkc-murjstGdPJiFioethjRk-id8N-k0hj>
- Tuesday, August 13 at 9:30-11:30am PT: <https://kearnswest.zoom.us/meeting/register/tZAod-isrTsqGN0KqckRLPPeaZuu4rv96lcR>
- Thursday, August 15 at 2-4pm PT: https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH_zt
- Wednesday, August 21 at 12:30-2:30pm PT: <https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gy>

FEMA will also develop a questionnaire to allow communities to identify how they currently incorporate or plan to incorporate ESA considerations, both in the short-term and long-term. To assist communities in making this determination, FEMA will be offering guidance on the potential pathways that help ensure current compliance. Communities will also be asked to help identify what technical assistance and training would be most beneficial. Feedback from this questionnaire will drive FEMA's engagement and outreach.

Upon completion of the Environmental Impact Statement review and determination, the Final Implementation Plan will be distributed along with several guidance documents and a series of Frequently Asked Questions. FEMA will also be starting NFIP Compliance Audits, in which we will be reviewing permits issued by communities for development in the floodplain and will expect the community to be able to demonstrate what actions are being taken to address ESA considerations.

If you have any questions, please contact us through our project email address fema-r10-mit-

Frank
July 15 2024
Page 3

PICM@fema.dhs.gov. Thank you for your community's on-going efforts to reduce flood risk in your community and for your support as we worked toward these milestones.

Sincerely,



Willie G. Nunn
Regional Administrator
FEMA Region 10

cc: DaveRucklos, City Of Dayton
John Graves, Floodplain Management and Insurance Branch Chief
Deanna Wright, Oregon State National Flood Insurance Program Coordinator

Enclosure: Pre-Implementation Compliance Measures Fact Sheet

RE: FEMA PICM for Floodplain Management (BEH)

Denny Muchmore <dmuchmore@westech-eng.com>

Tue 8/20/2024 11:32 AM

To: Cyndi Park <cpark@daytonoregon.gov>; Dave Rucklos <drucklos@daytonoregon.gov>

Cyndi & Dave,

As a followup, our assumption and suggestion is that the City consider taking the new model ordinance adoption approach (*option 3 below*), since requiring individual properties to do site specific assessments (*option 2 below*) would require the City to retain someone to review and verify these assessments (*since this is not something within Westech's field of expertise*).

Our concern about the City choosing option 1 (*ie. prohibit any development within the floodplain*) is whether this could be found to be a "taking" under the US & Oregon constitutions, which would open the City up to a takings claim, which in turn could result in the City potentially having to pay for property so prohibited from development (*we asked this question during the FEMA seminar we sat through, but the question was passed over and not really answered*).

We assume that BEH can provide you with additional input regarding whether or not this constitutional "takings" concern is valid.

The areas mainly impacted by changes in floodplain development standards are existing lots along Church Street east of 2nd Street, and the entire Knife River rock/asphalt plant area between 3rd Street & the river. While there are a few other minor undeveloped areas in town which are below the flood level (*east end of Main Street, east end of Ferry Street, etc.*), we are not aware of any development interest in these areas during our tenure as City engineer.

One other issue for the City to consider moving into the future, is the potential impact on the City's ability to develop and pave the parking & access lanes within Dayton Landing Park.

Installation of new paved areas qualifies as "development" under this new FEMA program, regardless of which PICM option is selected by the City.

This should be discussed and included in any negotiations between the City and County regarding transfer of ownership of Dayton Landing Park to the City.

Any future development of Dayton Landing Park which includes installation of new impervious (*ie. paved areas or concrete sidewalk areas*) will most likely become significantly more expensive under these new standards, due to the new mitigation requirements.

If you set up meetings between BEH and City staff to discuss their recommendations for the City, we would be happy to attend these meetings if desired by the City.

Denny Muchmore, PE (OR, WA)

Westech Engineering, Inc., 3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302

503-585-2474 ph 503-585-3986 fax 503-931-8708 cell

dmuchmore@westech-eng.com Celebrating 56 Years of Service 1968 - 2024



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
OHWM	Ordinary High Water Mark
ORS	Oregon Revised Statutes
ORSC	Oregon Residential Specialty Code
OSSC	Oregon Structural Specialty Code
RBZ	Riparian buffer zone
SFHA	Special Flood Hazard Area
TB	Technical Bulletin

SECTION 1. Introduction

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

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

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

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

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

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

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

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

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

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

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

1.1. How to Use this Document

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

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

1.1.1. ORDINANCE LANGUAGE LEGEND:

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

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

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

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

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

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

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

1.3. Community Rating System

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

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

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

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

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

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

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

- Activity 450 Stormwater Management

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

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

SECTION 2. Regulatory Crosswalk

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

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

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

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

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

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

SECTION 3. Model Ordinance Language

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

1.1 STATUTORY AUTHORIZATION

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

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

1.2 FINDINGS OF FACT

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

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. **Preserve natural and beneficial floodplain functions;**
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;

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

1.4 METHODS OF REDUCING FLOOD LOSSES

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

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

2.0 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood or Flooding:

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

(1) The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

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

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

Historic structure: Any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

Offsite: Mitigation occurring outside of the project area.

Onsite: Mitigation occurring within the project area.

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

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

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

Recreational vehicle: A vehicle which is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

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

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

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

3.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

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

3.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

3.4.1 COMPLIANCE

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

3.4.2 PENALTIES FOR NONCOMPLIANCE

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

3.5 ABROGATION AND SEVERABILITY

3.5.1 ABROGATION

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

3.5.2 SEVERABILITY

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

3.6 INTERPRETATION

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

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

3.7 WARNING AND DISCLAIMER OF LIABILITY

3.7.1 WARNING

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

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

3.7.2 DISCLAIMER OF LIABILITY

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

4.0 ADMINISTRATION

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

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

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

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

4.2.1 PERMIT REVIEW

Review all development permits to:

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

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

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

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

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

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

4.2.2 INFORMATION TO BE OBTAINED AND MAINTAINED

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

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

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

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

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

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

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

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

G. All floodproofing certificates required under this ordinance.

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

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

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

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

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

4.2.3 REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

4.2.3.1 COMMUNITY BOUNDARY ALTERATIONS

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

4.2.3.2 WATERCOURSE ALTERATIONS

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

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

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

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

4.2.3.3 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

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

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

4.2.4 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

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

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

4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.3.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

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

4.3.2 APPLICATION FOR DEVELOPMENT PERMIT

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

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

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

4.4 VARIANCE PROCEDURE

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

4.4.1 CONDITIONS FOR VARIANCES

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

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

4.4.2 VARIANCE NOTIFICATION

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

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

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

5.1.1 ALTERATION OF WATERCOURSES

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

5.1.2 ANCHORING

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

5.1.3 CONSTRUCTION MATERIALS AND METHODS

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

5.1.4 UTILITIES AND EQUIPMENT

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

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

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

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

5.1.4.2 ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

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

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

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

5.1.5 TANKS

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

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

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

5.1.6 SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS

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

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

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

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

5.1.7 USE OF OTHER BASE FLOOD ELEVATION DATA

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

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

5.1.8 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

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

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

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

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

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

5.2.1 FLOOD OPENINGS

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

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

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

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

i. A minimum of two openings;

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

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

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

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

5.2.2 GARAGES

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

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

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

5.2.3.1 BEFORE REGULATORY FLOODWAY

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

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

5.2.3.2 RESIDENTIAL CONSTRUCTION

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

5.2.3.3 NON-RESIDENTIAL CONSTRUCTION

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

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

786 **5.2.3.4 MANUFACTURED DWELLINGS**

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

800 **5.2.3.5 RECREATIONAL VEHICLES**

801 Recreational vehicles placed on sites are required to:

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

808 **5.2.3.6 APPURTENANT (ACCESSORY) STRUCTURES**

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

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

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

5.2.4 FLOODWAYS

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

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

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

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

5.2.5 STANDARDS FOR SHALLOW FLOODING AREAS

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

5.2.5.1 STANDARDS FOR AH ZONES

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

5.2.5.2 STANDARDS FOR AO ZONES

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

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

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

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

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

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

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

5.3.1 DEVELOPMENT STANDARDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.3.1.1 MANUFACTURED DWELLING STANDARDS FOR COASTAL HIGH HAZARD ZONES

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

A. Comply with all of the standards within section 5.3

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

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

5.3.1.2 RECREATIONAL VEHICLE STANDARDS FOR COASTAL HIGH HAZARD ZONES

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

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

5.3.1.3 TANK STANDARDS FOR COASTAL HIGH HAZARD ZONES

Tanks shall meet the requirements of section 5.1.5 and 6.0.

6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS

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.

6.1.1 UNDEVELOPED SPACE

- A. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.
- B. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
- C. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).
 - i. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
 - (1) Ordinary High Water Mark to 10-year,
 - (2) 10-year to 25-year,
 - (3) 25-year to 50-year,
 - (4) And 50-year to 100-year
 - ii. Hydrologically connected to the waterbody that is the flooding source;
 - iii. Designed so that there is no increase in velocity; and
 - iv. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

6.1.2 IMPERVIOUS SURFACES

- Impervious surface mitigation shall be mitigated through any of the following options:
- A. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or
 - B. use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
 - C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to

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:

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

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

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

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

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

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

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

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

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

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

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

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

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

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

I. Habitat restoration activities.

6.4 RIPARIAN BUFFER ZONE (RBZ)

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

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

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

D. 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.

E. 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.

Table 1 No Net Loss Standards

Basic Mitigate Ratios	Undeveloped Space (ft ³)	Impervious Surface (ft ²)	Trees (6" < dbh ≤ 20")	Trees (20" < dbh ≤ 39")	Trees (39" < dbh)
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1.5:1*	1:1	2:1*	4:1	5:1

<u>Mitigation multipliers</u>					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5 th field)	200% *	200% *	200% *	200%	200%

Notes:

1. Ratios with asterisks are indicated in the BiOp
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
 - a. For example, if 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 because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See 6.4 Riparian Buffer Zone)

City of Dayton CFS
August 2024

<u>Incident</u>	<u>Case Numbers</u>	<u>Units</u>	<u>Priority</u>	<u>Problem</u>	<u>Agency</u>	<u>Address</u>	<u>City</u>	<u>Response Date</u>
		337, 8039,						
MNP-24-021172	24YC2245	8050	2	FRAUD	LAW	7TH ST	DAYTON	8/1/2024 12:32
MNS-24-019766		INFO	4	REPOSSESSED VEHICLE	LAW	8th St / Church St	DAYTON	8/1/2024 2:06
MNS-24-019830		344	2	CIVIL PAPER	LAW	Se Kreder Rd	DAYTON	8/1/2024 14:20
MNS-24-019852		337	2	SUSPICIOUS	LAW	Mill St	DAYTON	8/1/2024 18:07
		318, 319,						
MNS-24-019879	24YC2251	332, 337	2	SUSPICIOUS	LAW	Ferry St	DAYTON	8/1/2024 22:46
MNS-24-019880		318	3	FIELD INVESTIGATION	LAW	Ferry St	DAYTON	8/1/2024 23:03
MNS-24-019954		337	2	CIVIL COMPLAINT	LAW	Church St	DAYTON	8/2/2024 17:27
MNS-24-019979		343	3	TRAFFIC STOP	LAW	Ferry St / Flower Ln	DAYTON	8/2/2024 21:09
MNS-24-020033		319	6	INFORMATION MISC	LAW	Ferry St	DAYTON	8/3/2024 15:00
MNS-24-020042		319	1	WELFARE CHECK	LAW	Oak St	DAYTON	8/3/2024 15:50
		306, 308, 316, 323,						
MNS-24-020048		332, 343	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/3/2024 17:23
MNS-24-020056	24YC2272	319, 332	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/3/2024 19:57
MNS-24-020061		332	2	HARASSMENT	LAW	Mill St	DAYTON	8/3/2024 20:36
MNS-24-020077		317	2	ANIMAL NUISANCE	LAW	Main St	DAYTON	8/3/2024 23:56
MNS-24-020084		306, 332	2	SUSPICIOUS	LAW	Mill St	DAYTON	8/4/2024 2:10
MNS-24-020113		315	2	CIVIL PAPER	LAW	Se Neck Rd	DAYTON	8/4/2024 9:29
MNS-24-020133		315, 329	1	DISTURBANCE	LAW	Ferry St	DAYTON	8/4/2024 15:08
MNS-24-020141		341	4	FOLLOW UP	LAW	Church St	DAYTON	8/4/2024 18:19
MNS-24-020167		330	2	SUSPICIOUS	LAW	Mill St	DAYTON	8/5/2024 3:26
MNS-24-020198		303	4	DETAIL	LAW	Ferry St	DAYTON	8/5/2024 11:23
MNS-24-020213		324	2	HARASSMENT	LAW	Ferry St	DAYTON	8/5/2024 14:22
MNS-24-020237		303	4	DETAIL	LAW	Ferry St	DAYTON	8/5/2024 18:22
MNS-24-020246		DPWKS	6	INFORMATION MISC	LAW	4th St	DAYTON	8/5/2024 19:59
MNS-24-020247		330	2	ANIMAL ABUSE	LAW	6th St	DAYTON	8/5/2024 20:13
MNS-24-020252	24YC2293	330, 341	1	WARRANT SERVICE	LAW	Ash St / 9th St	DAYTON	8/5/2024 21:34
MNS-24-020283		303	3	TRAFFIC STOP	LAW	3rd St / Oak St	DAYTON	8/6/2024 9:55
MNS-24-020290		303	4	DETAIL	LAW	7th St	DAYTON	8/6/2024 11:31
MNS-24-020299		BCAST2	1	RECKLESS DRIVER	LAW	Ferry St / 7th St	DAYTON	8/6/2024 13:48

City of Dayton CFS
August 2024

<u>Incident</u>	<u>Case Numbers</u>	<u>Units</u>	<u>Priority</u>	<u>Problem</u>	<u>Agency</u>	<u>Address</u>	<u>City</u>	<u>Response Date</u>
MNS-24-020313		303, 329	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/6/2024 15:31
MNS-24-020320		303, 337	4	DETAIL	LAW	4th St	DAYTON	8/6/2024 16:59
MNS-24-020323		303	4	DETAIL	LAW	4th St	DAYTON	8/6/2024 17:15
MNS-24-020331		341	4	FOLLOW UP	LAW	Church St	DAYTON	8/6/2024 19:31
MNS-24-020343		341	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/6/2024 23:59
MNS-24-020405		337	2	NOISE	LAW	Ash St / 8th St	DAYTON	8/7/2024 16:32
MNS-24-020414		337	2	CIVIL PAPER	LAW	9th St	DAYTON	8/7/2024 18:10
MNS-24-020422		DPWKS	6	INFORMATION MISC	LAW	Ash St	DAYTON	8/7/2024 19:27
MNS-24-020451		337	2	SUSPICIOUS	LAW	Mill St	DAYTON	8/8/2024 0:31
MNS-24-020454		343	2	HARASSMENT	LAW	Mill St	DAYTON	8/8/2024 3:02
MNS-24-020470		305	2	CIVIL PAPER	LAW	Se Neck Rd	DAYTON	8/8/2024 10:13
		305, 318,						
MNS-24-020593	24YC2321	337	1	THEFT NOW	LAW	7th St	DAYTON	8/9/2024 14:17
MNS-24-020609		BCAST	1	RECKLESS DRIVER	LAW	Main St / 3rd St	DAYTON	8/9/2024 17:32
MNS-24-020652	24YC2325	332, 337	1	MEDICAL ASSIST	LAW	Laurie Ln	DAYTON	8/10/2024 0:32
MNS-24-020658		332	4	FOLLOW UP	LAW	LAURIE LN	DAYTON	8/10/2024 5:36
MNS-24-020681		329, 337	4	FOLLOW UP	LAW	Laurie Ln	DAYTON	8/10/2024 11:25
MNS-24-020722	24YC2337	607	4	DHS	LAW	5th St	DAYTON	8/10/2024 16:20
MNS-24-020726		337	2	CIVIL PAPER	LAW	9th St	DAYTON	8/10/2024 16:29
MNS-24-020729		337	2	CIVIL PAPER	LAW	5th St	DAYTON	8/10/2024 17:48
MNS-24-020735		337	4	FOLLOW UP	LAW	7th St	DAYTON	8/10/2024 19:10
MNS-24-020747		337, 341	1	ALARM SILENT	LAW	Mill St	DAYTON	8/10/2024 20:59
MNS-24-020750		337	2	CIVIL PAPER	LAW	5th St	DAYTON	8/10/2024 21:31
MNS-24-020814		303	3	TRAFFIC STOP	LAW	Ferry St / Sweeney St	DAYTON	8/11/2024 16:11
MNS-24-020815		329	3	TRAFFIC STOP	LAW	Palmer Ln / Se Wallace Rd	DAYTON	8/11/2024 16:16
MNS-24-020839		330	6	INFORMATION MISC	LAW	Ferry St	DAYTON	8/11/2024 19:42
MNS-24-020852		330	2	SUSPICIOUS	LAW	Mill St	DAYTON	8/11/2024 22:09
		330, 341,						
MNS-24-020865	24YC2348	342	1	911 HANG UP OPEN LINE	LAW	Ash St	DAYTON	8/12/2024 3:26
MNS-24-020976		305	2	NOISE	LAW	Ferry St	DAYTON	8/13/2024 9:29
MNS-24-020984		305	2	CIVIL PAPER	LAW	9th St	DAYTON	8/13/2024 10:39
MNS-24-021041		343	4	FOLLOW UP	LAW	Se Neck Rd	DAYTON	8/13/2024 19:59
MNS-24-021050	24YC2367	332, 343	2	ASSAULT	LAW	Ferry St	DAYTON	8/13/2024 22:08

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MNS-24-021117		337	3	TRAFFIC STOP	LAW	Alder St	DAYTON	8/14/2024 16:43
MNS-24-021122		337	3	TRAFFIC STOP	LAW	Palmer Ln / Se Wallace Rd	DAYTON	8/14/2024 17:16
MNS-24-021129		337	2	ANIMAL NUISANCE	LAW	3rd St	DAYTON	8/14/2024 18:22
MNS-24-021136		343	4	FOLLOW UP	LAW	FERRY ST	DAYTON	8/14/2024 19:25
MNS-24-021158		337	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/14/2024 23:41
MNS-24-021180		306	2	TRAFFIC HAZARD	LAW	Ferry St / 7th St	DAYTON	8/15/2024 2:57
MNS-24-021263		343	4	FOLLOW UP	LAW	Ferry St	DAYTON	8/15/2024 23:50
MNS-24-021289		338	2	HARASSMENT	LAW	7th St	DAYTON	8/16/2024 9:20
MNS-24-021305		305	3	TRAFFIC STOP	LAW	8th St / Church St	DAYTON	8/16/2024 12:02
MNS-24-021308		305	3	TRAFFIC STOP	LAW	Ferry St	DAYTON	8/16/2024 13:00
MNS-24-021331		337	2	THEFT	LAW	9th St	DAYTON	8/16/2024 16:37
MNS-24-021353		337	3	TRAFFIC STOP	LAW	Ferry St / 9th St	DAYTON	8/16/2024 20:41
		318, 337,						
MNS-24-021369	24YC2397	341, 8021	1	WARRANT SERVICE	LAW	Oak St / 4th St	DAYTON	8/16/2024 21:52
		310, 318,						
		330,						
MNS-24-021371		8018, OSP	1	DRIVING UNDER INFLUENCE	LAW	Se Kreder Rd	DAYTON	8/16/2024 22:17
MNS-24-021443		337	2	CIVIL COMPLAINT	LAW	Se Neck Rd	DAYTON	8/17/2024 16:09
		310, 330,						
MNS-24-021504		341, 342	1	BURGLARY NOW	LAW	2nd St	DAYTON	8/18/2024 3:01
MNS-24-021509		341	4	FOLLOW UP	LAW	2nd St	DAYTON	8/18/2024 3:53
		306, 310,						
		329, 330,						
MNS-24-021547	24YC2411	341, 342	1	DEATH INVESTIGATION	LAW	Rodeo Dr	DAYTON	8/18/2024 16:58
MNS-24-021560		330	1	TRESPASS NOW	LAW	Ferry St	DAYTON	8/18/2024 22:57
MNS-24-021561		330	1	WELFARE CHECK	LAW	Se Neck Rd	DAYTON	8/18/2024 23:24
MNS-24-021563		330	2	SUSPICIOUS	LAW	2nd St	DAYTON	8/19/2024 1:20
		310, 330,						
MNS-24-021566		341, 342	1	BEHAVIORAL HEALTH CONCERN	LAW	2nd St	DAYTON	8/19/2024 1:34
MNS-24-021574			1	DOMESTIC NOW	LAW	Ferry St	DAYTON	8/19/2024 3:37
MNS-24-021598	24YC2413	305, 316	2	CRIMINAL MISCHIEF	LAW	Ferry St	DAYTON	8/19/2024 12:53
MNS-24-021609		305	4	FOLLOW UP	LAW	Ferry St	DAYTON	8/19/2024 15:45

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MNS-24-021620	24YC2417	317, 343	2	DOMESTIC	LAW	9th St	DAYTON	8/19/2024 17:20
MNS-24-021632		306	2	HARASSMENT	LAW	2nd St	DAYTON	8/19/2024 19:15
MNS-24-021646		306	4	FOLLOW UP	LAW	Laurie Ln	DAYTON	8/19/2024 21:48
		306, 332,						
MNS-24-021650		339	2	HARASSMENT	LAW	Ferry St	DAYTON	8/19/2024 22:28
MNS-24-021658		343	2	AREA CHECK	LAW	Se Neck Rd / Se Wallace Rd	DAYTON	8/20/2024 1:40
MNS-24-021680	24YC2425	313	4	DHS	LAW	9th St	DAYTON	8/20/2024 8:38
MNS-24-021701		608	2	AREA CHECK	LAW	Ferry St	DAYTON	8/20/2024 13:32
MNS-24-021707		305	4	FOLLOW UP	LAW	7th St	DAYTON	8/20/2024 14:39
MNS-24-021712		305	4	FOLLOW UP	LAW	Barcelona Ct	DAYTON	8/20/2024 15:19
MNS-24-021713		305	4	FOLLOW UP	LAW	Norris Ct	DAYTON	8/20/2024 15:41
MNS-24-021717		305	4	FOLLOW UP	LAW	Water St	DAYTON	8/20/2024 16:03
MNS-24-021749		343, COS	1	BEHAVIORAL HEALTH CONCERN	LAW	Se Kreder Rd	DAYTON	8/20/2024 22:31
MNS-24-021776		305	3	TRAFFIC STOP	LAW	8th St / Church St	DAYTON	8/21/2024 11:31
MNS-24-021788		305	4	FOLLOW UP	LAW	Ferry St	DAYTON	8/21/2024 13:59
MNS-24-021795		305	4	FOLLOW UP	LAW	Barcelona Ct	DAYTON	8/21/2024 14:56
MNS-24-021797		305	4	FOLLOW UP	LAW	7th St	DAYTON	8/21/2024 15:05
MNS-24-021800		305	4	FOLLOW UP	LAW	NORRIS CT	DAYTON	8/21/2024 15:19
MNS-24-021801		305	4	FOLLOW UP	LAW	Water St	DAYTON	8/21/2024 15:27
MNS-24-021806		305	4	FOLLOW UP	LAW	Water St	DAYTON	8/21/2024 17:00
MNS-24-021809		307	4	FOLLOW UP	LAW	Mill St	DAYTON	8/21/2024 17:25
MNS-24-021845		315, 329	2	SUSPICIOUS	LAW	Main St	DAYTON	8/22/2024 7:39
MNS-24-021848		303, 315	1	TRESPASS NOW	LAW	7th St	DAYTON	8/22/2024 8:15
MNS-24-021859	24YC2436	315	1	THEFT NOW	LAW	7th St	DAYTON	8/22/2024 9:25
MNS-24-021870		329	1	WELFARE CHECK	LAW	Tribbett Ct	DAYTON	8/22/2024 11:19
MNS-24-021891		337	2	TRESPASS	LAW	Ferry St	DAYTON	8/22/2024 14:56
MNS-24-021894		337	1	ALARM HOLD UP	LAW	Mill St	DAYTON	8/22/2024 15:11
MNS-24-021901		337	2	ANIMAL NUISANCE	LAW	4th St	DAYTON	8/22/2024 16:41
MNS-24-021922		337	4	FOLLOW UP	LAW	Laurie Ln	DAYTON	8/22/2024 19:09
MNS-24-021943	24YC2447	337	1	STOLEN VEHICLE	LAW	Tribbett Ct	DAYTON	8/22/2024 22:43
MNS-24-021960		303	4	RECOVERED STOLEN VEHICLE	LAW	Tribbett Ct	DAYTON	8/23/2024 6:18
MNS-24-022000		337	2	RESTRAINING ORDER VIOL	LAW	Se Neck Rd	DAYTON	8/23/2024 17:42
MNS-24-022051		303	2	RESTRAINING ORDER VIOL	LAW	Ferry St	DAYTON	8/24/2024 10:42

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MNS-24-022053		303, 329	2	SUSPICIOUS	LAW	Ferry St	DAYTON	8/24/2024 11:11
MNS-24-022080		337	2	NOISE	LAW	2nd St / Commerce St	DAYTON	8/24/2024 17:12
MNS-24-022086		337	3	TRAFFIC STOP	LAW	7th St / Ferry St	DAYTON	8/24/2024 18:09
MNS-24-022090		337	2	CIVIL PAPER	LAW	Pioneer St	DAYTON	8/24/2024 18:55
MNS-24-022091		318	2	CIVIL PAPER	LAW	Ferry St	DAYTON	8/24/2024 18:55
MNS-24-022092		337	2	CIVIL PAPER	LAW	Church St	DAYTON	8/24/2024 19:01
MNS-24-022139		305	2	CIVIL PAPER	LAW	Church St	DAYTON	8/25/2024 8:54
MNS-24-022140		305	2	CIVIL PAPER	LAW	Pioneer St	DAYTON	8/25/2024 9:01
MNS-24-022150		305	2	CIVIL COMPLAINT	LAW	Ash St	DAYTON	8/25/2024 12:21
MNS-24-022183		343	2	ANIMAL NUISANCE	LAW	Main St	DAYTON	8/25/2024 19:01
MNS-24-022190		306	1	BEHAVIORAL HEALTH CONCERN	LAW	Se Kreder Rd	DAYTON	8/25/2024 19:30
MNS-24-022240		308	2	CIVIL PAPER	LAW	Church St	DAYTON	8/26/2024 12:25
MNS-24-022242		308	2	CIVIL PAPER	LAW	Ferry St	DAYTON	8/26/2024 12:31
MNS-24-022247		335	2	SUSPICIOUS	LAW	Ash St	DAYTON	8/26/2024 13:35
MNS-24-022255		324	2	HARASSMENT	LAW	7th St	DAYTON	8/26/2024 14:45
MNS-24-022322	24YC2497	312	1	MISSING PERSON	LAW	7th St	DAYTON	8/27/2024 11:20
MNS-24-022325		344	2	CIVIL PAPER	LAW	Church St	DAYTON	8/27/2024 11:37
MNS-24-022328		344	2	CIVIL PAPER	LAW	Ferry St	DAYTON	8/27/2024 11:52
MNS-24-022331		324	2	CIVIL COMPLAINT	LAW	9th St	DAYTON	8/27/2024 12:20
MNS-24-022355		343	2	MISCELLANEOUS ARREST	LAW	Tribbett Ct	DAYTON	8/27/2024 17:40
MNS-24-022369	24YC2499	332, 343	2	MISCELLANEOUS ARREST	LAW	Tribbett Ct	DAYTON	8/27/2024 22:10
MNS-24-022398		315	2	CRIMINAL MISCHIEF	LAW	Ferry St	DAYTON	8/28/2024 8:37
MNS-24-022402		303	2	FOUND CHILD	LAW	7th St	DAYTON	8/28/2024 9:16
MNS-24-022412		303	4	FOLLOW UP	LAW	Ferry St	DAYTON	8/28/2024 10:49
MNS-24-022413		324	4	FOLLOW UP	LAW	7TH ST	DAYTON	8/28/2024 10:54
MNS-24-022414		344	2	CIVIL PAPER	LAW	Pioneer St	DAYTON	8/28/2024 11:07
MNS-24-022424		338	1	RECKLESS DRIVER	LAW	Ferry St	DAYTON	8/28/2024 14:03
MNS-24-022438	24YC2506	337	2	TRAFFIC HAZARD	LAW	9th St / Ferry St	DAYTON	8/28/2024 15:51
MNS-24-022505		339	3	TRAFFIC STOP	LAW	8th St / Ferry St	DAYTON	8/28/2024 22:31
MNS-24-022600		337, 339	3	TRAFFIC STOP	LAW	3RD ST	DAYTON	8/29/2024 19:26
MNS-24-022602		318	3	TRAFFIC STOP	LAW	8th St / Church St	DAYTON	8/29/2024 19:33
MNS-24-022604		318, 337	3	TRAFFIC STOP	LAW	3rd St / Alder St	DAYTON	8/29/2024 19:40
MNS-24-022627		339	3	TRAFFIC STOP	LAW	3rd St	DAYTON	8/29/2024 23:16

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MNS-24-022628		339	3	TRAFFIC STOP	LAW	Alder St / 3rd St	DAYTON	8/29/2024 23:29
MNS-24-022671		303	1	ALARM HOLD UP	LAW	Mill St	DAYTON	8/30/2024 14:08
MNS-24-022672		303	1	SUICIDAL	LAW	REEDER PL	DAYTON	8/30/2024 14:10
MNS-24-022702		337	3	TRAFFIC STOP	LAW	7th St / Church St	DAYTON	8/30/2024 16:56
MNS-24-022707		303	2	CIVIL COMPLAINT	LAW	James Pl	DAYTON	8/30/2024 17:39
MNS-24-022718		330, 341	1	TRESPASS NOW	LAW	James Pl	DAYTON	8/30/2024 19:45
		330, 337,						
MNS-24-022732	24YC2530	342	1	DOMESTIC NOW	LAW	5TH ST	DAYTON	8/30/2024 22:38
MNS-24-022735		310	4	FOLLOW UP	LAW	James Pl	DAYTON	8/30/2024 23:02
MNS-24-022743		319, 337	1	SUICIDAL	LAW	Palmer Ln / Maple St	DAYTON	8/31/2024 0:40
		305, 308,						
MNS-24-022759	24YC2533	323	1	TRESPASS NOW	LAW	Mill St	DAYTON	8/31/2024 6:51
MNS-24-022776		305, 308	1	DISTURBANCE	LAW	Se Kreder Rd	DAYTON	8/31/2024 10:05
MNS-24-022781		305	4	FOLLOW UP	LAW	Mill St	DAYTON	8/31/2024 11:52
		318, 334,						
MNS-24-022822	24YC2539	337, 343	1	DOMESTIC NOW	LAW	Mill St	DAYTON	8/31/2024 17:47
MNS-24-022826		343	4	FOLLOW UP	LAW	Ferry St	DAYTON	8/31/2024 18:32
MNS-24-022851		306	4	FOLLOW UP	LAW	MILL ST	DAYTON	8/31/2024 22:21
MNS-24-022854		DPWKS	6	INFORMATION MISC	LAW	Palmer Ln	DAYTON	8/31/2024 23:05
165	22 TOTALS							

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MNP-24-025567		COS	1	SUICIDAL	LAW	CHURCH ST	DAYTON	9/13/2024 14:54
MNS-24-022921	24YC2550	305	4	FOLLOW UP	LAW	Mill St	DAYTON	9/1/2024 15:16
MNS-24-022935		305	4	FOLLOW UP	LAW	Mill St	DAYTON	9/1/2024 17:20
MNS-24-022957		332	2	AREA CHECK	LAW	3rd St	DAYTON	9/1/2024 21:04
MNS-24-022969		306	4	MESSAGE	LAW	MILL ST	DAYTON	9/2/2024 1:42
MNS-24-023061	24YC2558	317, 343 303, 329, 335	1	BEHAVIORAL HEALTH CONCERN	LAW	3rd St	DAYTON	9/2/2024 21:10
MNS-24-023089		335	1	CRIMINAL MISCHIEF NOW	LAW	Tribbett Ct	DAYTON	9/3/2024 9:11
MNS-24-023101		338	1	RECKLESS DRIVER	LAW	Church St / 6th St	DAYTON	9/3/2024 10:59
MNS-24-023117		334	3	TRAFFIC STOP	LAW	Ferry St / 6th St	DAYTON	9/3/2024 12:02
MNS-24-023146		339	3	TRAFFIC STOP	LAW	3rd St / Alder St	DAYTON	9/3/2024 16:11
MNS-24-023148		339	3	TRAFFIC STOP	LAW	Ferry St / 4th St	DAYTON	9/3/2024 16:22
MNS-24-023150		339	3	TRAFFIC STOP	LAW	Ferry St / 4th St	DAYTON	9/3/2024 16:28
MNS-24-023165		330	2	TRESPASS	LAW	Palmer Ln	DAYTON	9/3/2024 18:46
MNS-24-023189		314 310, 330, 342	3	TRAFFIC STOP	LAW	Mill St / 3rd St	DAYTON	9/3/2024 22:47
MNS-24-023192		342	1	BURGLARY NOW	LAW	5th St	DAYTON	9/3/2024 23:47
MNS-24-023249		339	4	FOLLOW UP	LAW	Ferry St	DAYTON	9/4/2024 16:40
MNS-24-023275		319	4	EXTRA PATROL	LAW	Ferry St	DAYTON	9/4/2024 20:16
MNS-24-023285		318	1	TRESPASS NOW	LAW	Ferry St	DAYTON	9/4/2024 21:55
MNS-24-023307		303, 335	4	DETAIL	LAW	Ferry St	DAYTON	9/5/2024 7:05
MNS-24-023347		318	2	CIVIL PAPER	LAW	Oak St	DAYTON	9/5/2024 16:27
MNS-24-023375		342	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/5/2024 19:52
MNS-24-023385		330	2	CIVIL PAPER	LAW	Mill St	DAYTON	9/5/2024 21:00
MNS-24-023388		342 305, 308, 323	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/5/2024 21:16
MNS-24-023439		323	1	TRESPASS NOW	LAW	Ash St	DAYTON	9/6/2024 12:51
MNS-24-023452		344	2	CIVIL PAPER	LAW	Oak St	DAYTON	9/6/2024 14:10
MNS-24-023455		344	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/6/2024 14:17
MNS-24-023456	24YC2593	318, 344	1	WARRANT SERVICE	LAW	Ferry St	DAYTON	9/6/2024 14:23
MNS-24-023470		337	2	CIVIL COMPLAINT	LAW	Tribbett Ct / Palmer Ln	DAYTON	9/6/2024 17:22
MNS-24-023476		337	2	CIVIL COMPLAINT	LAW	Mill St	DAYTON	9/6/2024 18:37
MNS-24-023479		605	4	FOLLOW UP	LAW	7TH ST	DAYTON	9/6/2024 18:52

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MNS-24-023495		337	3	TRAFFIC STOP	LAW	Ash St / 9th St	DAYTON	9/6/2024 20:39
MNS-24-023543		337	2	SUSPICIOUS	LAW	Mill St	DAYTON	9/7/2024 15:04
MNS-24-023549		337	6	INFORMATION MISC	LAW	Ferry St	DAYTON	9/7/2024 16:32
MNS-24-023554		337	2	TRESPASS	LAW	Water St	DAYTON	9/7/2024 17:18
		318, 334,						
MNS-24-023578		337	1	DRIVING UNDER INFLUENCE	LAW	Barcelona Ct	DAYTON	9/7/2024 21:09
MNS-24-023597		305	2	ANIMAL NUISANCE	LAW	Ferry St	DAYTON	9/8/2024 7:53
MNS-24-023716		324	2	FRAUD	LAW	Ferry St	DAYTON	9/9/2024 14:45
MNS-24-023816		315	2	ANIMAL ABUSE	LAW	4th St	DAYTON	9/10/2024 11:25
MNS-24-023829		338	2	FRAUD	LAW	Warmscombe Dr	DAYTON	9/10/2024 12:40
MNS-24-023837		324	4	FOLLOW UP	LAW	Laurie Ln	DAYTON	9/10/2024 13:22
MNS-24-023846		303	4	DETAIL	LAW	Ferry St	DAYTON	9/10/2024 14:25
MNS-24-023850		315	1	WELFARE CHECK	LAW	Alder St	DAYTON	9/10/2024 15:16
MNS-24-023856		303	2	NOISE	LAW	Countryside Ct	DAYTON	9/10/2024 15:43
MNS-24-023861		315	2	NOISE	LAW	Ferry St	DAYTON	9/10/2024 16:11
MNS-24-023931			1	TRF COLLISION UNKNOWN INJURIES	LAW	7th St	DAYTON	9/11/2024 8:53
MNS-24-023977	24YC2643	319, 337	1	WELFARE CHECK	LAW	Ferry St	DAYTON	9/11/2024 15:42
MNS-24-023991		337	4	FOLLOW UP	LAW	Mill St	DAYTON	9/11/2024 18:21
		305, 308,						
MNS-24-024028		312	1	ALARM HOLD UP	LAW	Mill St	DAYTON	9/12/2024 10:21
MNS-24-024043		305	2	CIVIL PAPER	LAW	Rodeo Dr	DAYTON	9/12/2024 13:15
MNS-24-024046		305	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/12/2024 13:21
MNS-24-024049		305	1	ALARM AUDIBLE	LAW	Church St	DAYTON	9/12/2024 13:45
MNS-24-024064	24YC2650	337	4	ORDINANCE	LAW	9th St	DAYTON	9/12/2024 15:33
MNS-24-024078	24YC2654	337	1	MEDICAL ASSIST	LAW	Church St	DAYTON	9/12/2024 18:20
MNS-24-024102	24YC2658	337	2	RESTRAINING ORDER VIOL	LAW	Mill St	DAYTON	9/13/2024 0:03
MNS-24-024143		305	4	FOLLOW UP	LAW	Mill St	DAYTON	9/13/2024 14:05
		300, 308,						
MNS-24-024148	24YC2661	328, 605	1	DOMESTIC NOW	LAW	Ferry St	DAYTON	9/13/2024 15:21
MNS-24-024149		605	2	SUSPICIOUS	LAW	7th St / Church St	DAYTON	9/13/2024 15:27
MNS-24-024218		308	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/14/2024 10:17
MNS-24-024231		308	2	ABANDONED VEHICLE	LAW	Kreder Rd	DAYTON	9/14/2024 11:51
MNS-24-024245		305, 316	2	ANIMAL NUISANCE	LAW	Ferry St	DAYTON	9/14/2024 15:14

City of Dayton CFS
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<u>Incident</u>	<u>Case Numbers</u>	<u>Units</u>	<u>Priority</u>	<u>Problem</u>	<u>Agency</u>	<u>Address</u>	<u>City</u>	<u>Response Date</u>
MNS-24-024253	24YC2671	306, 316	2	RESTRAINING ORDER VIOL	LAW	Mill St	DAYTON	9/14/2024 16:36
MNS-24-024275		306	1	DISTURBANCE	LAW	Mill St	DAYTON	9/14/2024 20:28
MNS-24-024338		342, COS2	1	CRIMINAL MISCHIEF NOW	LAW	11TH ST / PARK PL	DAYTON	9/15/2024 19:17
MNS-24-024350		330	1	BEHAVIORAL HEALTH CONCERN	LAW	Kreder Rd	DAYTON	9/15/2024 22:11
MNS-24-024370		337	3	TRAFFIC STOP	LAW	Ferry St	DAYTON	9/16/2024 7:50
		315, 335,						
MNS-24-024377		337, COS	1	BEHAVIORAL HEALTH CONCERN	LAW	Palmer Wy	DAYTON	9/16/2024 9:45
MNS-24-024418		337	1	TRF COLLISION NON INJ	LAW	8th St / Ferry St	DAYTON	9/16/2024 15:22
		318, 337,						
MNS-24-024432		339	1	DOMESTIC NOW	LAW	Flower Ln	DAYTON	9/16/2024 16:03
MNS-24-024433		303	2	SUSPICIOUS	LAW	3rd St	DAYTON	9/16/2024 15:58
MNS-24-024488		337	1	TRESPASS NOW	LAW	Ferry St	DAYTON	9/17/2024 7:30
MNS-24-024522		337	4	FOLLOW UP	LAW	Kreder Rd	DAYTON	9/17/2024 10:46
MNS-24-024542		337	4	FOLLOW UP	LAW	Church St	DAYTON	9/17/2024 12:11
MNS-24-024575		330, 340	2	SUSPICIOUS	LAW	3rd St	DAYTON	9/17/2024 18:38
MNS-24-024609	24YC2708	313	4	DHS	LAW	5th St	DAYTON	9/18/2024 8:21
MNS-24-024634		337	4	DETAIL	LAW	Ferry St	DAYTON	9/18/2024 12:59
MNS-24-024642		305	4	FOLLOW UP	LAW	Mill St	DAYTON	9/18/2024 13:31
MNS-24-024681		305	2	SUSPICIOUS	LAW	Ferry St	DAYTON	9/18/2024 17:08
MNS-24-024688		343	2	PARKING	LAW	Ferry St	DAYTON	9/18/2024 17:48
MNS-24-024694	24YC2717	343	2	SUSPICIOUS	LAW	Village Place	DAYTON	9/18/2024 18:50
MNS-24-024725		337	1	WELFARE CHECK	LAW	9th St / Church St	DAYTON	9/19/2024 7:36
MNS-24-024738		337	2	CIVIL PAPER	LAW	Pioneer St	DAYTON	9/19/2024 9:47
MNS-24-024758			2	DOMESTIC	LAW	Ferry St	DAYTON	9/19/2024 12:56
MNS-24-024759	24YC2722	337	2	DOMESTIC	LAW	Ferry St	DAYTON	9/19/2024 12:59
MNS-24-024767		335	2	CIVIL PAPER	LAW	Rodeo Dr	DAYTON	9/19/2024 13:45
MNS-24-024792		343	2	SUSPICIOUS	LAW	3rd St	DAYTON	9/19/2024 20:00
MNS-24-024802		318	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/19/2024 21:21
MNS-24-024804		318	3	TRAFFIC STOP	LAW	8th St / Ash St	DAYTON	9/19/2024 21:30
MNS-24-024862		344	2	CIVIL PAPER	LAW	Palmer Wy	DAYTON	9/20/2024 12:58
MNS-24-024868	24YC2734	313	4	DHS	LAW	Joel Palmer Wy	DAYTON	9/20/2024 13:21
MNS-24-024873		305	3	TRAFFIC STOP	LAW	8th St / Church St	DAYTON	9/20/2024 14:17

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<u>Incident</u>	<u>Case Numbers</u>	<u>Units</u>	<u>Priority</u>	<u>Problem</u>	<u>Agency</u>	<u>Address</u>	<u>City</u>	<u>Response Date</u>
MNS-24-024882		318	2	CIVIL PAPER	LAW	Palmer Wy	DAYTON	9/20/2024 15:16
MNS-24-024912	24YC2741	318, 343	2	MISCELLANEOUS ARREST	LAW	Tribbett Ct	DAYTON	9/20/2024 18:16
MNS-24-024931		319, 343	1	SUICIDAL	LAW	Marion Ct	DAYTON	9/20/2024 20:45
MNS-24-024983		303	2	CIVIL COMPLAINT	LAW	7th St	DAYTON	9/21/2024 10:35
MNS-24-025060		318	2	CIVIL PAPER	LAW	Palmer Wy	DAYTON	9/21/2024 21:02
MNS-24-025064		318	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/21/2024 21:16
MNS-24-025066		318	2	SUSPICIOUS	LAW	3rd St	DAYTON	9/21/2024 21:24
MNS-24-025093		303, 329	2	ASSIST OUTSIDE AGENCY	LAW	Ferry St	DAYTON	9/22/2024 8:19
MNS-24-025167		337	4	EXTRA PATROL	LAW	Ferry St	DAYTON	9/23/2024 7:44
MNS-24-025168		303	3	TRAFFIC STOP	LAW	3rd St / Ferry St	DAYTON	9/23/2024 7:47
MNS-24-025172		337	1	SUICIDAL	LAW	Laurie Ln	DAYTON	9/23/2024 8:10
MNS-24-025212		337	6	INFORMATION MISC	LAW	Ferry St	DAYTON	9/23/2024 12:31
MNS-24-025313		342	3	TRAFFIC STOP	LAW	Ferry St / 8th St	DAYTON	9/23/2024 20:28
MNS-24-025315		330	2	NOISE	LAW	Countryside Ct	DAYTON	9/23/2024 21:02
MNS-24-025333	24YC2768	337	2	CRIMINAL MISCHIEF	LAW	Ferry St	DAYTON	9/24/2024 7:17
MNS-24-025336		337	3	TRAFFIC STOP	LAW	3rd St	DAYTON	9/24/2024 7:51
MNS-24-025344	24YC2770	337	2	DRUG VIOLATION	LAW	Ferry St	DAYTON	9/24/2024 9:07
MNS-24-025364		305	2	CIVIL PAPER	LAW	Rodeo Dr	DAYTON	9/24/2024 12:02
MNS-24-025367		305	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/24/2024 12:11
		305, 335,						
MNS-24-025416		337	3	FIELD INVESTIGATION	LAW	5TH ST / FERRY ST	DAYTON	9/24/2024 16:05
MNS-24-025434		305	3	TRAFFIC STOP	LAW	Ash St / 6th St	DAYTON	9/24/2024 17:22
MNS-24-025441			1	911 HANG UP OPEN LINE	LAW	Church St	DAYTON	9/24/2024 18:54
MNS-24-025468	24YC2779	337	4	FOLLOW UP	LAW	5th St / Ferry St	DAYTON	9/25/2024 9:14
MNS-24-025483		335, 337	4	FOLLOW UP	LAW	Ash St	DAYTON	9/25/2024 11:55
MNS-24-025546		332, 343	1	CRIMINAL MISCHIEF NOW	LAW	Ferry St	DAYTON	9/26/2024 1:51
MNS-24-025558		305	2	CIVIL PAPER	LAW	Ferry St	DAYTON	9/26/2024 9:23
MNS-24-025560		305	2	CIVIL PAPER	LAW	Village Place	DAYTON	9/26/2024 9:34
MNS-24-025634		305	3	TRAFFIC STOP	LAW	8th St / Church St	DAYTON	9/26/2024 16:48
MNS-24-025689	24YC2808	314, 315	3	TRAFFIC STOP	LAW	3rd St / Main St	DAYTON	9/27/2024 9:45
MNS-24-025751		330	2	HARASSMENT	LAW	Ferry St	DAYTON	9/27/2024 19:30
		322, 330,						
MNS-24-025777		342	1	UNKNOWN PROBLEM	LAW	6th St	DAYTON	9/28/2024 0:54

City of Dayton CFS
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<u>Incident</u>	<u>Case Numbers</u>	<u>Units</u>	<u>Priority</u>	<u>Problem</u>	<u>Agency</u>	<u>Address</u>	<u>City</u>	<u>Response Date</u>
MNS-24-025829	24YC2826	607	4 DHS		LAW	Ferry St	DAYTON	9/28/2024 14:35
MNS-24-025834	24YC2832	607	4 DHS		LAW	Kallapuya St	DAYTON	9/28/2024 14:37
MNS-24-025914		315	3 TRAFFIC STOP		LAW	3rd St / Oak St	DAYTON	9/29/2024 11:24
MNS-24-025980		337	4 ASSIST PUBLIC		LAW	Alder St	DAYTON	9/30/2024 12:38
MNS-24-025990		338	2 ANIMAL NUISANCE		LAW	Palmer Ln	DAYTON	9/30/2024 13:44
MNS-24-025995		335	2 HARASSMENT		LAW	Mill St	DAYTON	9/30/2024 14:25
MNS-24-025998		335, 337	4 FOLLOW UP		LAW	Ferry St	DAYTON	9/30/2024 15:01
MNS-24-026015		337	4 MESSAGE		LAW	Mill St	DAYTON	9/30/2024 16:37
		306, 308,						
MNS-24-026020		337	1 DISTURBANCE		LAW	Ferry St	DAYTON	9/30/2024 17:11
NGP-24-001151		335	4 FOLLOW UP		LAW	REEDER PL	DAYTON	9/24/2024 9:44
131	20 TOTALS							

TO: Mayor Frank and City Council Members

THROUGH: Cyndi Park, City Manager

FROM: Don Cutler, Public Works Supervisor

SUBJECT: Public Works Activity Report for September 2024

DATE: October 2, 2024

<p>Water:</p> <p>Regulatory Samples - Bi-Weekly Treatment Plant Maintenance Daily Rounds Work Orders Locates Meter Reading Turn-Ons/Turn-Offs Water Production Reports - Dayton and Lafayette Water Reports to State - Annual and Monthly Emergency Shut-Offs - Various Chlorine Feeds - Daily Check Chlorine Generator Maintenance Springs Grounds Maintenance Numerous I Ready's for leak checks Oversaw new water taps and hook ups Performed Well rehab and cleaning of Dayton Wells Performed water leak repair Rodeo, Kallapuya, Hwy221 Replaced 2 Service lines on Kallapuya</p>	<p>Wastewater:</p> <p>Regulatory Samples - Bi-Weekly Daily Rounds Operation of Lift Stations - Daily Check Locates DMR to DEQ Receive Chemicals at Treatment Plant Lift Station Maintenance Maintenance at (Sewer) Lagoons Hwy 221 lift station project and inspections Repaired Jib crane at main lift station</p>
<p>Parks:</p> <p>Garbage Removal - All Parks Park Restrooms - Daily Cleaning and Maintenance Regular Mowing of Parks Prep Park for reserved events Repair damage to bandstand</p>	<p>Storm Water:</p> <p>Locates Catch Basin - Cleaning Storm Drain Grates - Clear Debris and Leaves Street Sweeping - Grate Maintenance</p>
<p>Facilities:</p> <p>Fire Extinguisher Checks Community Center Trash Removal Clean Community Center Parking Lot Grounds Maintenance at Community Center Performed quarterly safety inspections Got Cameras working at 11th street park</p>	<p>Streets:</p> <p>Street Sweeping Ferry Street Trash Removal Move/Charge Mobile Speed Sign Patch potholes</p>

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	145,032	7,100	1,975	0	59,086	762,034	975,227

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	10,732.93	289.00	161.29	-	6,373.01	70,134.66	87,690.89
Sewer Amount	4,517.04	-	79.51	-	2,382.38	50,188.88	57,167.81
Misc Amount	-	-	-	-	-	295.00	295.00
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	-	-	-	-	-	36.00	36.00
Late Chrg Amount	30.00	10.00	10.00	-	10.00	1,120.00	1,180.00
Total Charges:	15,279.97	299.00	250.80	-	8,765.39	121,774.54	146,369.70

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	17,426.35	2,521.00	215.75	-	12,036.99	154,853.84	187,053.93
Payments	11,102.25-	401.00-	225.75-	-	12,750.86-	115,678.46-	140,158.32-
Contract Adjustments	-	-	-	-	-	-	-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	450.00-	450.00-
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	15,279.97	299.00	250.80	-	8,765.39	121,774.54	146,369.70
Current Balance:	21,604.07	2,419.00	240.80	-	8,051.52	160,499.92	192,815.31

Year To Date: 07/01/2024 - 09/30/2024

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	505,610	89,400	2,394	0	247,136	2,661,118	3,505,658

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	36,669.15	2,856.00	260.68	-	23,737.11	232,065.75	295,588.69
Sewer Amount	13,551.12	-	195.87	-	7,263.50	150,358.70	171,369.19
Misc Amount	-	-	-	-	-	1,044.26	1,044.26
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	36.00	-	-	-	-	144.00	180.00
Late Chrg Amount	100.00	30.00	20.00	-	10.00	2,450.00	2,610.00
Total Charges:	50,356.27	2,886.00	476.55	-	31,010.61	386,062.71	470,792.14

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	26,319.26	845.00	214.10	90.00	10,142.90	145,117.05	182,728.31
Payments	55,071.46-	1,312.00-	449.85-	90.00-	33,101.99-	369,108.50-	459,133.80-
Contract Adjustments	-	-	-	-	-	-	-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	1,571.34-	1,571.34-

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	50,356.27	2,886.00	476.55	-	31,010.61	386,062.71	470,792.14
Current Balance:	21,604.07	2,419.00	240.80	-	8,051.52	160,499.92	192,815.31