

AGENDA
CITY OF DAYTON
CITY COUNCIL MEETING

DATE: MONDAY, JUNE 2, 2025
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/NypJV6GKcGk?feature=share>

Dayton - Rich in History . . . Envisioning Our Future

| <u>ITEM</u> | <u>DESCRIPTION</u> | <u>PAGE #</u> |
|-------------|--|---------------|
| A. | CALL TO ORDER & PLEDGE OF ALLEGIANCE | |
| B. | ROLL CALL | |
| C. | APPEARANCE OF INTERESTED CITIZENS | |
| D. | ACTION ITEMS | |
| 1. | Homeward Bound Pets Spay/Neuter Clinic Presentation - Jennifer Choate DVM | 1-4 |
| 2. | Dayton Grade School Community Garden Presentation - Savannah Schmaltz | 5-10 |
| 3. | Second Reading of Ordinance 666 Amending Section 7.2.113 Floodplain Overlay District of Title 7 DLUDC - Curt Fisher | 11-108 |
| 4. | Appoint Budget Committee Member Steven Hesseling | 109-112 |
| 5. | Recology Report - Dan Blue | 113-134 |
| 6. | Approval of Resolution 24/25-13 CCRLS IGA Amendment #2 | 135-146 |
| 7. | Approval of Resolution 24/25-14 Declaring Certain Property as Surplus & Authorizing its Disposition | 147-152 |
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| 10. | City Manager Performance Evaluation Discussion | 181 |
| E. | CITY COUNCIL COMMENTS AND CONCERNS | |
| F. | INFORMATION REPORTS | |
| 1. | Tourism and Economic Development | |

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: City Hall Annex is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 864-2221 or rvargas@daytonoregon.gov.

2. Public Works
3. Library

G. CITY MANAGER'S REPORT

183-191

H. ADJOURN

Urban Renewal Agency Meeting to follow immediately.

Posted: May 30, 2025

By: Rocio Vargas, City Recorder

NEXT MEETING

June 2, 2025, Urban Renewal Agency Meeting
June 16, 2025, City Council Special Session Meeting
June 16, 2025, Urban Renewal Agency Meeting

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 5:00pm 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.

To: Honorable Mayor and City Councilors
From: Jeremy Caudle, City Manager
Issue: Presentations by Homeward Bound Pets Humane Society Spay/Neuter Clinic and Dayton Grade School Community Garden
Date: June 2, 2025

Background and Information: Every Fiscal Year there is Community Giving budget set. This allows the Council to donate to organizations that serve the community. However, the State Shared Revenue Fund is at a deficit and instead the organizations mentioned above will make presentations to be considered for donations at another time.

Jennifer Choate DVM on behalf of the Homeward Bound Pets Humane Society is requesting a donation at the City Council's discretion.

Savannah Schmaltz is requesting a donation for supplies for the community garden. See the attached document provided by Savana Schmaltz.

City Manager Recommendation: n/a

Potential Motion: n/a

Council Options:

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

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City of Dayton

REQUEST FOR DONATION

- ✓ Please answer all questions, incomplete answers may cause your request to be denied.
- ✓ Donation Requests must be received 60 days before the event or project date.
- ✓ Requests need to be submitted by the 20th day of the month prior to the City Council Meeting date.
- ✓ The Dayton City Council meets on the first Monday of each month.

Date Received:

GROUP/ORGANIZATION CONTACT INFORMATION

Name of Organization/Group: Homeward Bound Pets Humane Society Spay/Neuter Clinic

Mailing Address: PO Box 8, McMinnville, OR 97128

Contact Person: Casey Shook

Phone #:503-472-0341 ext 9

Email Address: ED@hbpets.org

Date of City Council Meeting you will be attending:

Name of representative attending Council Meeting: Jennifer Choate DVM

Check should be made out to: Homeward Bound Pets Humane Society Date Donation is needed: no specific date

REQUEST INFORMATION

Amount Requested: \$

Number of Citizens who will benefit: see below

| # of Citizens | Request Amount | Dayton City Council reserves the right to amend amounts to be donated. | # of Citizens | Request Amount |
|----------------------------------|----------------|--|---|----------------|
| <input type="checkbox"/> 0 - 10 | \$100 | | <input type="checkbox"/> 51 - 100 | \$400 |
| <input type="checkbox"/> 11 - 25 | \$200 | | <input type="checkbox"/> 101 - 200 | \$500 |
| <input type="checkbox"/> 26 - 50 | \$300 | | <input checked="" type="checkbox"/> 201 + | By Council |

Out of the number of citizens who will benefit from this donation, what percentage are Dayton residents?:

How will the donated funds be used? (Be specific & Itemize dollar amounts)

Homeward Bound Pets Spay Neuter Clinic regularly sees and treats pets for Dayton residents. In 2024 we performed, for Dayton residents, 60 cat spays and neuters and 32 dog spays and neuters. We also performed 4 rabbit spays and neuters at no charge due to previous grants from the City of Dayton. In 2025 the clinic will be moving to a larger building. We hope to soon be able to increase the surgery spots available and decrease wait time in order to help more pets. In order to accomplish this we need to purchase additional equipment including another anesthetic machine and surgery table.

Will your project or event create excess funds?

☐ Yes

☒ No

What will they be used for?

FUNDRAISING

50% of your total fundraising goal amount must be raised by the date of this application

Fundraising Goal Amount? \$30,000

Fundraising amount earned to date: \$ 10,264

Please list all fundraising planned & estimate projected amounts to be earned:

In 2024 the Spay Neuter Clinic raised \$34,000 in donations. So far in 2025 we raised over 1/3 of the funds needed to purchase additional equipment. We are applying for grants and receiving donations from the general public.

BENEFITS OF YOUR EVENT OR PROJECT?**How does your project or event benefit or bring honor to the Dayton Community?**

Citizens of Dayton regularly participated in the HBPets community spay/neuter transport program (Feb 2011 to Aug 2017) before the clinic opened. Dayton residents continue to be clients of our McMinnville Spay Neuter Clinic which provides spay/neuter surgery and vaccinations for cats and dogs. Yamhill County citizens continue to need affordable spay/neuter and vaccination services for pets and stray animals.

Why do you think the Council should honor your request?

An affordable spay/neuter program is essential for successful animal population control. Spay/Neuter helps prevent the birth of unwanted kittens and puppies, reduce the number of animals needing to enter animal shelters, and improves the health and longevity of cats and dogs. The HBPets clinic is the only low-cost spay/neuter clinic in Yamhill County. As such we are greatly overwhelmed with the need and expanding the clinic is the only to meet the current demand.

Are there any unique or special things about your request or your project that you feel might assist the City Council in making a decision?

The clinic received a large building from a generous non profit group, thus movement and expansion are able to occur. Medical equipment has gone up significantly in price over the years. The Homeward Bound Pets Spay Neuter Clinic has received inquiries recently from veterinarians looking to donate their surgical services. We can increase the amount of surgeries and days that the clinic is open once we have the extra equipment for multiple vets to perform surgery.

How & when do you plan to advise City Council on how their donation was used & the results of your event?

Homeward Bound Pets will be happy to report on activities and services of the Spay/Neuter Clinic whenever requested by Dayton City Council.

Is your Group or Organization willing to do a volunteer project? ☐ Yes ☐ No**List the volunteer projects you are willing to complete & the date they can be completed by:**

The Homeward Bound Pets Humane Society Spay/Neuter Clinic volunteers are trained to assist in clinic office work and in assisting the recovery of cats and dogs from surgery. The clinic also works with local community groups such as YOOP, EasterSeals, and MVAdvancements to train job skills. We also allow students from Linfield, OSU, and other colleges to job shadow and learn about veterinary medicine and job opportunities. HBPets would be willing to participate in Dayton community events when it would be appropriate to have cats and dogs for adoption.

OFFICE/CITY COUNCIL USE**Date Application Received:****Council Meeting Review Date:****Requested Funds Date:****Date Application Approved:****Amount Approved:****Date results are to be reported:****Date results were reported:****Volunteer Project Required:** ☐ Yes ☐ No**Date of Volunteer Project:****Type of Volunteer Project:****Date Volunteer Project Completed:****PO Box 339 - 416 Ferry Street - Dayton OR 97114****Ph# (503) 864-2221 - Fax # (503) 864-2956 - Email: cityofdayton@ci.dayton.or.us - Website: ci.dayton.or.us**



City of Dayton REQUEST FOR DONATION

Please answer all questions, incomplete answers may cause your request to be denied.

Donation Requests must be received 60 days before the event or project date.

Requests need to be submitted by the 20th day of the month prior to the City Council Meeting date.

The Dayton City Council meets on the first Monday of each month.

Date Received:

| Group/Organization Contact Information | | | | |
|--|----------------|--|---------------------------------|----------------|
| Name of Organization/Group: <u>Dayton Grade School Community Garden</u> | | | | |
| Mailing Address: <u>526 Ferry St. Dayton OR</u> | | | | |
| Contact Person: <u>Savannah Schmaltz</u> | | Phone #: <u>503-522-1627</u> | | |
| Email Address: <u>Mrs. Savannah Schmaltz@gmail.com</u> | | | | |
| Date of City Council Meeting you will be attending: <u>5/5/2025</u> | | | | |
| Name of representative attending Council Meeting: <u>Savannah Schmaltz</u> | | | | |
| Check should be made out to: <u>Dayton Grade School</u> | | Date Donation is needed: <u>5/14/2025</u> | | |
| Request Information | | | | |
| Amount Requested: \$ | | Number of Citizens who will benefit: | | |
| # of Citizens | Request Amount | Dayton City Council reserves the right to amend amounts to be donated. | # of Citizens | Request Amount |
| <input type="radio"/> 0 - 10 | \$100 | | <input type="radio"/> 51 - 100 | \$400 |
| <input type="radio"/> 11 - 25 | \$200 | | <input type="radio"/> 101 - 200 | \$500 |
| <input type="radio"/> 26 - 50 | \$300 | | <input type="radio"/> 201 + | By Council |
| Out of the number of citizens who will benefit from this donation, what percentage are Dayton residents?: | | | | |
| How will the donated funds be used? (Be specific & itemize dollar amounts) <u>Lumber to build sustainable garden beds, Irrigation for timed water system, shovels, rakes, deck screws for construction</u> | | | | |
| <u>- See attached for itemized list.</u> | | | | |
| Will your project or event create excess funds? <input checked="" type="radio"/> Yes <input type="radio"/> No What will they be used for? | | | | |
| <u>Donated cedar will be made in to small planting box's for sale. The JH+HS students will be building those with Coody Stahl.</u> | | | | |
| Fundraising | | | | |
| 50% of your total fundraising goal amount must be raised by the date of this application | | | | |
| Fundraising Goal Amount? | | Fundraising amount earned to date: <u>\$3,031.92</u> | | |
| Please list all fundraising planned & estimate projected amounts to be earned: | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Benefits of your Event or Project? | |
|---|------------------------------|
| <p>How does your project or event benefit or bring honor to the Dayton Community? <i>Our community deserves more natural enrichment opportunities. The DGS/community garden would fulfill and improve the overall participation in community, staff and student engagement. It would also bring a vast teaching and learning opportunities to all K-12 students. Enrichment for the soul and will offer a sense of purpose.</i></p> | |
| <p>Why do you think the Council should honor your request?</p> <p><i>Our community deserves to have a space where they can grow together, propagate and carry through natural skills beyond the garden.</i></p> | |
| <p>Are there any unique or special things about your request or your project that you feel might assist the City Council in making a decision? <i>The grade school would benefit from the produce and fruit as wholesome snacks. The kitchen staff would like to grow all the greens needed for the meals. The garden would be a great way to cultivate kinship between all the community and K-12 students.</i></p> | |
| <p>How & when do you plan to advise City Council on how their donation was used & the results of your event?</p> <p><i>I will provide consistent updates on progress as the garden comes to fruition.</i></p> | |
| <p>Is your Group or Organization willing to do a volunteer project? ● Yes o No</p> | |
| <p>List the volunteer projects you are willing to complete & the date they can be completed by:</p> <p><i>• DGS/community Garden - Current • Yrun - Current</i> <i>• Nature trail - 2023 - Current</i> <i>• Yrun Movement nights - Current</i> <i>• DGS running club 2023 - Current</i></p> | |
| Office/City Council Use | |
| Date Application Received: | Council Meeting Review Date: |
| Requested Funds Date: | |
| Date Application Approved: | Amount Approved: |
| Date results are to be reported: | Date results were reported: |
| Volunteer Project Required: o Yes o No | Date of Volunteer Project: |
| Type of Volunteer Project: | |
| Date Volunteer Project Completed: | |

PO Box 339 - 416 Ferry Street - Dayton OR 97114

Ph# (503) 864-2221 - Email: cityofdayton@daytonoregon.gov - Website: www.daytonoregon.gov

Donations:

Builders First Source

1 unit of Cedar fence boards -400 quantity
= **\$1,787.52**

Oregon Vineyard Supply -

for all the supplies for the irrigation system
= **\$260.00**

Parr Lumber Newberg

50- 8ft weather resistant lumber
2 boxes - Deck screws
= **\$514.40**

Mitch Coleman

Ground cover
= **\$270.00**

DHS FFA

Vegetable and flower starts
= **\$200.00**

Fundraising total amount = **\$3,031.92**

I've sent a request over to Wilco for their sponsorship program and I am awaiting a response to our requests for whatever they are willing to help provide this project.

The list we sent over is as follows;

2 -100 ft hose- \$59.99 each
2 - 50 ft hose- \$32.99 each
4 - Nozzles - \$19.99 each
4 - 48"shovels - \$22.99 each
4 - 48" rakes - \$26.99 each
4 - 10 inch utility hooks - \$24.99 total
= **\$490.83**

ProGrow soil \$60 per yard = \$600.00

Reimbursement of \$400.00 for 2 dump runs of ground cover material that Mitch Coleman took out of the garden.

= **\$1,490.83**

Final funds request for the DGS/ Community Garden = **\$ 2,500.00**

Discretionary income -**\$ 1,009.17** (to-be used for prospective future garden necessities)

Hello Wilco,

I am a volunteer for the Dayton Grade School Garden, advocate for Dayton community green spaces and an ally of Yrun Dayton. We are reaching out for donations toward our Grade School community garden.

Our plan is to have the garden operational for the 2025 summer school and be ready for the new school year in September. We are working diligently with the city, community and volunteers to bring this green space back to a thriving and providing space for the students, staff and community. We are building 10 raised garden beds for the grade school and are tilling rows for the community to utilize.

On Monday 5/5/25 I will be presenting to the city council our projection Date for this green space, along with the gracious donations from our local FFA and community members. We are however in need of supplies for the growth of this space, We would greatly appreciate any consideration of these items.

- 2 -100 ft hose
- 2 - 50 ft hose
- 4 - Nozzles
- 4 - 48"shovels
- 4 - 48" rakes
- 4 - 10 inch utility hooks
- 4- rolls of ½ inch poly drip watering hose
- 10 - raindrop swivel adapters
- 10- 3 way- ½ inch compression tees
- 100 ft - 1/4 Raindrop drip watering tubing
- 10- ½ inch raindrop compression valves

Thank you for your time and look forward to hearing from you.

Savannah Schmaltz
503-522-1627
mrs.savannahschmaltz@gmail.com



From: [Savannah Schmaltz](#)
To: [Rocio Vargas](#)
Cc: [Chris Teichroew](#)
Subject: Updated Community Garden Funding
Date: Wednesday, May 28, 2025 2:29:08 PM

Hello Rocio,

Here is the updated funding/ sponsorships and request for the council.

DGS Community Garden Donations:

- Builders First Source
1 unit of Cedar fence boards -400 quantity
= \$1,787.52

- Oregon Vineyard Supply -
supplies for the irrigation system
= \$260.00

- Parr Lumber Newberg
50- 8ft weather resistant lumber
2 boxes - Deck screws
= \$514.40

- Mitch Coleman
Ground cover
= \$270.00

- DHS FFA
Vegetable and flower starts
= \$200.00

- Wilco
Gift Card
= \$100.00

- Recology Organics
20 yd of 50/50 plant mix
= **\$720.00**

- Kit Johnston
= **\$ 200.00**

Fundraising and Sponsorship total amount = **\$ 4,051.92**

Funding request: \$400.00- Mitch Coleman made two dump runs. We are asking the council if there is a way to reimburse Mr. Coleman.

Thank you

--

Savannah Schmaltz

mrs.savannahschmaltz@gmail.com

503-522-1627

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Honorable Mayor and City Councilors
From: Jeremy Caudle, City Manager
Issue: Second Reading of Ordinance 666 Amending Section 7.2.113 – Floodplain Overlay District (FPO) Of Title 7 (Dayton Land Use And Development Code) Of The Dayton Municipal Code
Date: June 2, 2025

Background and Information: The City Council held a first reading of proposed Ordinance 666 at the May 5, 2025, regular meeting. As explained in the staff report that accompanied the proposed ordinance, Ordinance 666 would amend the Dayton Land Use Development Code to implement changes to the Floodplain Overlay Zone (FPO) to incorporate FEMA's recent Model Floodplain Ordinance.

This item is on the agenda for final adoption. Per the City's past practice, the final steps for approval are: (1) The Mayor or a member of City Council will read the ordinance by title only. Approve a motion for a second reading. (2) Approve a motion to adopt the ordinance.

City Manager Recommendation: I recommend approval of the ordinance based on the findings and recommendations of the May 5, 2025; staff report for LA 2025-01.

Potential Motion:

[A MEMBER OF CITY COUNCIL WILL READ THE TITLE OF ORDINANCE 666.]

"I move to approve a second reading of Ordinance 666 by title only."

[FOLLOWING THE READING BY TITLE, THE NEXT RECOMMENDED MOTION IS AS FOLLOWS.]

"I move to adopt Ordinance 666 based on the findings and recommendations set forth in the May 5, 2025, staff report for LA 2025-01."

Council Options:

Page 5 of Exhibit A: Staff Report lists 4 possible motions for City Council consideration.

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**ORDINANCE No. 666
CITY OF DAYTON**

**AN ORDINANCE AMENDING SECTION 7.2.113 - FLOODPLAIN OVERLAY DISTRICT (FPO) OF
TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL
CODE**

WHEREAS, on July 15, 2024, the City of Dayton received a letter announcing the start of the Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. through the enactment of one of three PICMs.

WHEREAS, on October 7, 2024, the Dayton City Council, selected PICM Option 1 (Model Code update) and so initiated legislative proceedings; and

WHEREAS, on January 9, 2025, the Dayton Planning Commission held a work session to consider draft amendments to the City of Dayton Land Use and Development Code incorporating the FEMA Region 10 Model Floodplain Management Ordinance; and

WHEREAS, on February 7, 2025, the city provided the required notice of draft amendments to the Department of Land Conservation and Development, identifying city case file LA 2025-01; and

WHEREAS, public notice for LA 2025-01 was posted in the McMinnville News-Register, a newspaper of general circulation for the Planning Commission and Council hearing dates 20 days prior to the first public hearing; and

WHEREAS, on March 13, 2025, the Dayton Planning Commission conducted the first of two required public hearings for LA 2025-01 at which time interested parties were provided full opportunity to be present and heard; and

WHEREAS, on March 13, 2025, the Dayton Planning Commission voted unanimously in support of a recommendation to the City Council for adoption of LA 2025-01 as detailed in the staff report attached and incorporated herein as Exhibit A; and

WHEREAS, on May 5, 2025, the Dayton City Council initiated the second required public hearing for LA 2025-01 at which time interested parties were provided full opportunity to be heard, and

WHEREAS, on May 5, 2025, the Dayton City Council adopted LA 2025-01 identified in Exhibit A and set forth below.

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

Section 1. Development Code Amendments. The City of Dayton hereby adopts amendments to the Dayton Land Use and Development Code shown as Exhibit A in the staff report dated May 5, 2025:

Section 2. Findings. The findings set forth in the staff report dated May 5, 2025, The City of Dayton hereby adopts LA 2025-01 as shown in Exhibit A of staff report, and the findings therein.

Section 3. Unamended Provisions. All unamended provisions of the Dayton Land Use and Development Code shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

PASSED AND ADOPTED by the Dayton City Council this 2nd day of June 2025, and effective on 2nd day of July 2025.

Mode of Enactment:

Date of first reading: May 5, 2025, In full _____ or by title only _XX_____

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 Signed

ATTEST:

Rocio Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A



STAFF REPORT

LA 2025-01 PUBLIC HEARING BEFORE CITY COUNCIL

| | |
|----------------------------------|--|
| <u>Hearing Date:</u> | May 5, 2025 |
| <u>Subject:</u> | Legislative Public Hearing for a Development Code Amendment, Section 7.2.113 – FEMA Model Code Update for NFIP-ESA Integration. |
| <u>Approval Criteria:</u> | Dayton Land Use Development Code, Section 7.3.112.03, A – D. |
| <u>Exhibits:</u> | Exhibit A: Code amendments with changes shown in strikethrough format Exhibit B: PICM Community Letter City of Dayton Exhibit C: FEMA Region 10 Model Code Exhibit D: Published Public Notice |

I. REQUESTED ACTION

Conduct a public hearing on proposed legislative amendments to the Dayton Land Use Development Code (DLUDC), case file LA 2025-01. Options for action on LA 2025-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt LA 2025-01:
 - 1. As presented and recommended by staff; or
 - 2. As amended by the City council (indicating desired revisions).
- B. Recommend that the City Council take no action on LA 2025-01.
- C. Continue the public hearing, preferably to a date/time certain.

II. BACKGROUND

This legislative amendment proposal is specific to Section 7.2.113 of the Dayton Land Use and Development Code (DLUDC) titled Floodplain Overlay Zone (FPO). The last updates to the FPO were enacted in 2010 and do not reflect the most recent version of the model flood hazard ordinance published in 2019 by DLCD. The proposed replacement code in Exhibit A incorporates FEMA's recent Model Floodplain Ordinance of August 2024 which specifically addresses National Flood Insurance Program (NFIP) – Endangered Species Act (ESA) integration in Oregon. The need for these changes is discussed in Exhibit B and explains that cities can implement ESA integration through the enactment of one of three Pre Implementation Compliance Measures (PICMs). On October 7, 2024, the Dayton City Council, in review of FEMA's correspondence in Exhibit B, selected Option 1 (Model Code update) and so initiated legislative proceedings.

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.

On January 9, 2025, Planning Commission held a work session to review a draft of the code amendments described in Exhibit A.

On February 7, 2025, staff issued the required 35-day notice to the Department of Land Conservation and Development and mailed notice to potentially affect property owners within the City's Floodplain Overlay District. Written notice of the hearing before the Planning Commission and subsequent hearing before City Council was submitted to the McMinnville News-Register for publication

The scope of the proposed text amendments associated with LA 2025-01 involves striking the content of Section 7.2.113 entirely and replacing it with the model code language. The amendments are shown in Exhibit A in ~~strike through~~ format.

IV. 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 no impact to traffic generation and circulation patterns.

2. Demand for public facilities and services;

Findings: The proposed amendments do not impact demand for public facilities and services. Staff find no impact to public facilities and services.

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 no impact to park and recreation facilities.

4. Economic activities;

Findings: The proposed amendments do not impact economic activities. Staff find the impact to economic activity is negligible.

5. Protection and use of natural resources;

Findings: The proposed amendments increase the required level of protection and use of natural resources present within the Floodplain Overlay district by implementing the NFIP-ESA no net loss standards to avoid or offset adverse impacts on threatened and endangered species and their critical habitat within the regulated floodplain. The criterion is met.

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: As discussed in Section II of this staff report, the amendment is needed to comply with changes in federal law – FEMA adopted measures for NFIP-ESA compliance. Staff find this criterion is met.

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

Applicable Statewide Planning Goals.

Goal 1, Citizen Involvement.

Findings: A public hearing on the proposed amendments is scheduled before the Planning Commission on March 13, 2025, at City Hall at 6:30 p.m. and a second public hearing is scheduled before City Council on April 7, 2025. Public notice has been provided in accordance with noticing requirements in the Dayton Land Use and Development Code for legislative public hearings by the Planning Commission and the City Council. Goal 1 is satisfied.

Goal 2. Land Use Planning.

Findings: Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. The scope of this legislative proposal does not involve any amendments to the Comprehensive Plan policies. Staff finds Goal 2 is satisfied.

Goal 3 & 4. Agricultural Lands and Forest Lands

Findings: Goal 3 and 4 primarily pertain to rural areas, typically outside urban areas. Staff finds Goals 3 and 4 to be not applicable due to the limited scope of the proposed text amendments.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces.

Findings: Chapter 3 of the Dayton Comprehensive Plan includes policies intended to protect recognized natural resources, including fish and wildlife, and discuss the importance of Dayton’s riverine floodplain areas in providing essential habitat for fish and wildlife.

The proposed changes in Exhibit A are intended to comply with current FEMA floodplain management standards and recent requirements for NFIP-ESA integration. One of the issues the NFIP-ESA integration is intended to address is reducing the potential impact to 16 anadromous fish species and the Southern Resident Killer Whale that are listed as threatened or endangered. The amendments respond to this issue through the implementation of performance standards and mitigation ratios to achieve a “no net loss” standard for habitat for such species. 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.

The proposed changes shown in Exhibit A will implement goals and policies shown under Chapter 3 as they pertain within the Floodplain Overlay District.

Goal 5 is satisfied.

Goal 6. Air, Water and Land Resources Quality.

Findings: While the amendments included in LA 2025-01 are likely to have reciprocal positive impacts on water resources, the proposal does not directly address Goal 6 resources. Based on the limited scope of proposed text amendments, staff find Goal 6 to be not applicable.

Goal 7. Areas Subject to Natural Hazards.

Findings: Chapter 4 of the Dayton Comprehensive Plan includes policies intended to protect people and property from natural hazards, including floods. Proposed changes as shown in Exhibit A will implement goals and policies primarily shown under Chapter 4 as pertain to floodplain management. The overall goal is to protect people and property from the effects of natural hazards. The following Chapter 4 policies apply to floodplain management.

5. *The City shall continue to participate in the National Flood Insurance Program.*
6. *The City shall restrict or prohibit uses which are 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.*
7. *The City shall require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.*

Proposed changes in Exhibit A are intended for consistency with current FEMA floodplain management standards and recent changes for NFIP-ESA integration. Exhibit A does not encompass a map change or study related to natural hazards. Staff finds the proposed changes to Section 7.2.113 to be consistent with the Comprehensive Plan policies in Chapter 4 that describe participating in the National Flood Insurance Program (NFIP), restricting development dangerous to health, safety and property due to water or in damaging increases in flood heights or velocities, and requirements that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Staff also incorporate Section 2 of the FEMA Model Ordinance for NFIP-ESA Integration (titled “Regulatory Crosswalk” provided as Exhibit C of this report) as findings. While Exhibit C is made part of the record to identify related rule / statute and the relationship with statewide Goal 7. Goal 7 is satisfied.

Goal 8. Recreation Needs.

Findings: The proposal does not address Goal 8 resources. Based on the limited scope of work included in this report staff finds Goal 8 to be not applicable.

Goal 9. Economic Development.

Findings: Proposed amendments do not change the permitted employment uses in employment zones or impact employment areas identified in Chapter 8 of the City of Dayton Planning Atlas and Comprehensive Plan. Accordingly, staff find that Goal 9 does not apply.

Goal 10. Housing.

Findings: Staff finds that proposed changes to Exhibit A do not impact or impede the ability to satisfy Dayton Housing needs. Further, the amendments are necessary to comply with federal regulations. Staff find Goal 10 to be not applicable.

Goal 11. Public Facilities and Services.

Findings: Public facilities under Goal 11 include water, sanitary sewer, police, and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. The proposed amendments do not have any direct impact on any of the master planning documents required under Goal 11. The proposed amendments are consistent with Goal 11.

Goal 12. Transportation.

Findings: The proposed amendments to the DLUDC do not involve changes or amendments to local transportation requirements or road classifications. Goal 12 is met.

Goal 13. Energy Conservation.

Findings: Based on the limited scope of work described in this report, staff finds Goal 13 to be not applicable.

Goal 14. Urbanization.

Findings: Based on the limited scope of the text amendments described in this report, staff finds Goal 14 to be not applicable. No change to the existing Urban Growth Boundary (UGB) is proposed.

Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.

Findings: Staff observe Goals 15 through 19 to apply only to specific regions of the state (*Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources*). Goals 15 – 19 do not apply because the city is not on the Willamette River or in a coastal area.

Conclusion: Based on the facts and findings above, the proposed Legislative Amendment (LA 24-03) complies with applicable statewide planning goals and applicable goals, policies, and objectives of the Dayton Comprehensive Plan.

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: As discussed in Section II of this Staff report, the amendment is mandated by changes in federal law – FEMA adopted measures for NFIP-ESA compliance. Staff find criterion D.3 is met.

V. CITY COUNCIL ACTION – Sample Motion

A councilor 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 adopt the staff report and recommend the City Council 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 recommend 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 to 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: Draft Code Amendments

7.2.113 Flood Plain Overlay District (FPO)

7.2.113.01 Purpose

7.2.113.02 Definitions

7.2.113.03 General Provisions

7.2.113.04 Uses – Exempt

7.2.113.05 Uses – Permitted And Subject To Flood Plain Development Permit

7.2.113.06 (Reserved)

7.2.113.07 Flood Protection Standards

7.2.113.08 Generalized Flood Plain Areas

7.2.113.09 Variances

7.2.113.10 Variance Criteria

7.2.113.11 Warning And Disclaimer Of Liability

7.2.113.01 Purpose

The purpose of the Flood Plain Overlay Zone is to:

- ~~1. Restrict or prohibit uses which are 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.~~
- ~~2. Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding.~~
- ~~3. Minimize flood damage to new construction by elevating or flood proofing all structures.~~
- ~~4. Control the alteration of natural flood plains, stream channels, and natural protective barriers which hold, accommodate or channel flood waters.~~
- ~~5. Control filling, grading, dredging and other development which may be subject to or increase flood damage.~~
- ~~6. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.~~
- ~~7. Comply with the requirements of the Federal Insurance Administration to qualify the City of Dayton for participation in the National Flood Insurance Program.~~
- ~~8. Minimize flood insurance premiums paid by the citizens of the City of Dayton by reducing potential hazards due to flood damage.~~
- ~~9. Implement the flood plain policies in the City of Dayton Comprehensive Plan.~~
- ~~10. Coordinate and supplement provisions of the State Building Code with local land use and development ordinances. (Amended ORD 594 2/1/10 & enacted 3/2/10)~~

7.2.113.02 Definitions

For purposes of this Overlay Zone, the following terms shall mean:

1. ~~Accessory Structure: Sheds or small garages that are exempt from elevation or flood-proofing requirements. This definition shall be limited to detached structures less than 480 square feet in area.~~
2. ~~Area of Special Flood Hazard: Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.~~
3. ~~Base Flood Level: The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100 year flood plain).~~
4. ~~Below-Grade Space: An enclosed area below the base flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, and does not exceed four (4) feet at any point. (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
5. ~~Critical Facility: A facility for which even a slight change of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
6. ~~Conveyance: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.~~
7. ~~Development: Any activity that has the potential to cause erosion or increase the velocity or depth of flood water. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials.~~
8. ~~Encroachment: Any obstruction in the flood plain which affects flood flows.~~
9. ~~Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Code.~~
10. ~~Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).~~
11. ~~FEMA: The Federal Emergency Management Agency, the federal organization responsible for administering the National Flood Insurance Program.~~
12. ~~Fill: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.~~
13. ~~Flood or Flooding: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.~~

14. Flood Boundary Floodway Map (FBFM): The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plain, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS).
15. Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Dayton.
16. Flood Insurance Study (FIS): The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway map and the water surface elevation of the base flood and is on file with the City of Dayton.
17. Flood Plain: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Dayton. Also referenced in the State's Model Ordinance and the FEMA documents as the Special Flood Hazard Area (SFHA) as the 100-year flood plain. (Amended ORD 594 2/1/10, Enacted 3/2/10)
18. Flood Proofing: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.
19. Floodway: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation.
20. Floodway Fringe: The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.
21. Hazardous Material: Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.
22. Lowest Floor: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.
23. Manufactured Home: Means 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 connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in sub Q., of this Section. For insurance and flood plain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
24. Manufactured Home Park or Subdivision: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
25. Mean Sea Level (MSL): Means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (Amended ORD 594 2/1/10, Enacted 3/2/10)

26. **Mobile Home:** A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by sub CC., of this Section.
27. **New Construction:** Any structure(s) for which the start of construction commenced on or after the original effective date of the Flood plain Overlay Zone.
28. **Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property.
29. **Recreational Vehicle:** Means a "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801.350, and 801.565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in sub Z., of this Section.
30. **Special Flood Hazard Area (SFHA):** See Flood Plain. (Amended ORD 594, Effective 3/2/10)
31. **Start of Construction:** The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 used as part of the main structure.
- For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
- For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.
32. **State Building Code:** The combined specialty codes adopted by the State of Oregon. (Amended ORD 594 2/1/10, Enacted 3/2/10)
33. **Structure:** Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground.

34. ~~Substantial Improvement: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:~~

- ~~1. Before the improvement or repair is started; or~~
- ~~2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:~~
 - ~~1. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions.~~
 - ~~2. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure as determined by the City Manager or Planning Commission using alteration criteria. (Amended 11/4/10 ORD 600)~~

35. ~~Watercourse: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified flood plain.~~

7.2.113.03 General Provisions

The following regulations apply to all lands in identified flood plains as shown graphically on the zoning maps. The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon, and Incorporated Areas, with an effective date of March 2, 2010," with accompanying Flood Insurance Rate Maps. The report and maps are incorporated in the overlay zone by this reference and are on file at the City of Dayton. When base flood elevation data has not been provided, the City Manager, or designee, shall have the authority to determine the location of the boundaries of the flood plain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination. (Amended ORD 594 2/1/10, Enacted 3/2/10)

- ~~1. Duties of the City Manager, or designee, shall include, but not be limited to:~~
 - ~~1. Review all development permits to determine that the permit requirements and conditions of this Code have been satisfied. (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
 - ~~2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.~~
 - ~~3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 7.2.113, are met.~~
- ~~2. Use of Other Base Flood Data: When base flood elevation data has not been provided on the FIRM, or when more detailed data is available, the City Manager, or designee, shall obtain,~~

review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Section.

~~3.—Information to be Obtained and Maintained~~

- ~~1.—From the developer of the property, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement and below-grade crawl space) of all new or substantially improved structures. (Note: Below-grade crawl spaces are allowed subject to the standards as found in Federal Emergency Management Agency (FEMA) Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas.) (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
- ~~2.—For all new or substantially improved flood-proofed structures:~~
 - ~~1.—Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and,~~
 - ~~2.—Maintain any flood-proofing certifications required by this Section.~~
- ~~3.—Maintain for public inspection all records pertaining to the provisions of this Code.~~
- ~~4.—Permitted, but not exempt, activities in the flood area shall be reviewed as a Type I-A action. Activities requiring conditional use approval shall be reviewed as a Type II action.~~

~~7.2.113.04 Uses—Exempt~~

~~Within a Flood Plain Overlay zone no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. Except as provided herein all uses and flood plain development shall be subject to issuance of a determination or a conditional use permit as provided in Sections 7.2.113.06, and 7.2.113.07. The following uses are exempt from the regulations of this overlay zone:~~

- ~~1.—Signs, markers, aids, etc., placed by a public agency to serve the public.~~
- ~~2.—Driveways, parking lots and other open space use areas where no alteration of topography will occur.~~
- ~~3.—Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.110.~~
- ~~4.—Customary dredging associated with channel maintenance consistent with applicable State or Federal law.~~
- ~~5.—Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. This exemption does not apply to buildings, substations, or other types of flood plain development.~~

~~7.2.113.05 Uses—Permitted And Subject To Flood Plain Development Permit~~

~~If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit such as commercial and industrial uses, including the placement of fill to elevate a structure or site grading to prepare a site for development, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met:~~

1. ~~The structure is not located within a floodway. (See 7.2.113.07 L.) (Amended ORD 594, Enacted 3/2/10)~~
2. ~~The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.~~
3. ~~The structures will be located on natural grade or compacted fill.~~
4. ~~The lowest floor will be elevated to at least one (1) foot above the level of the base flood elevation and the anchoring requirements in Section 7.2.113.07.F.. (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
5. ~~The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Sections 7.2.113.A.4.07.~~
6. ~~The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 7.2.113.03.C, prior to occupancy.~~
7. ~~A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the Zoning Manager prior to use of the structure.~~
8. ~~No alteration of topography beyond the perimeter of the structure is proposed.~~
9. ~~A recreational vehicle may be located in a flood plain only during the non flood season (June 1 through September 30), provided, it is fully licensed and ready for highway use, or meet the requirements for manufactured homes. A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and, has no permanently attached additions.~~

7.2.113.06 (Reserved)

7.2.113.07 Flood Protection Standards

In all areas of identified flood plain, the following requirements apply:

1. ~~Dwellings and Manufactured Homes New residential construction, substantial improvement of any residential structures, location of a manufactured home on a lot or in a manufactured home park or park expansion approved after adoption of this Code shall:~~
 1. ~~Have the lowest floor, including basement and below grade crawl space, elevated on a permanent foundation to a minimum of one (1) foot above base flood elevation; and (Amended ORD 5942/1/10, enacted 3/2/10)~~
 2. ~~Manufactured homes shall be anchored in accordance with subsection F; and~~
 3. ~~No manufactured home shall be placed in a floodway, except in an existing manufactured home park.~~
 4. ~~Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

1. ~~A minimum of 2 openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.~~
2. ~~The bottom of all openings shall be no higher than one foot above grade.~~
3. ~~Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
2. ~~Manufactured Homes in Existing Manufactured Home Parks—Manufactured homes placed on sites within existing manufactured home parks must be anchored to a permanent foundation and either:~~
 1. ~~Have the finished floor elevated to a minimum of 18 inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; or, (Amended ORD 5942/1/10, enacted 3/2/10)~~
 2. ~~Have the chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (Amended ORD 5942/1/10, enacted 3/2/10)~~

~~Manufactured homes outside existing manufactured home parks must meet the requirements for residential structures.~~

3. ~~Non-residential Development—New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:~~
 1. ~~Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.~~
 2. ~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~
 3. ~~Be certified by a registered professional engineer or architect that the standards in this subsection and subsection E, are satisfied. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are flood proofed.~~
 4. ~~Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 7.2.110.07A,4.~~
 5. ~~Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one (1) foot below that level).~~
4. ~~Accessory Structures—Sheds or detached garages may be exempt from elevation and flood proofing standards providing the following development standards are met:~~
 1. ~~The structure cannot be more than 480 square feet in area and shall not be used for human habitation;~~
 2. ~~Shall be designed to have low potential for flood damage;~~

- ~~3. Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater; and,~~
- ~~4. Shall be firmly anchored to prevent flotation which may result in damage to other structures.~~

~~5. Fill~~

- ~~1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.~~
- ~~2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.~~

~~6. Anchoring~~

- ~~1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~
- ~~2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:~~
 - ~~1. Over the top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations with manufactured homes more than 50 feet long requiring only one additional tie per side.~~
 - ~~2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with manufactured homes less than 50 feet long requiring only four ties per side.~~
 - ~~3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.~~
 - ~~4. Any additions or expansions to the manufactured home be similarly anchored.~~
- ~~3. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater (must be certified).~~

~~7. Construction Materials and Methods~~

- ~~1. All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.~~
- ~~2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.~~

~~8. Utilities~~

- ~~1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system as approved by the State Health Division.~~

- ~~2.—New and replacement sanitary sewage systems shall be designed and located to minimize flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality.~~
- ~~3.—Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- 9.—Developments, Generally—Residential developments involving more than one single family dwelling, including subdivisions, manufactured home parks, multiple-family dwellings and planned developments including development regulated under A, and C, shall meet the following requirements:
 - ~~1.—Be designed to minimize flood damage.~~
 - ~~2.—Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
 - ~~3.—Have adequate drainage provided to reduce exposure to flood damage.~~
 - ~~4.—Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available, analysis by standard engineering methods (as approved by the Building Official and/or City Engineer) will be required. (Amended ORD 594 2/1/10, Effective 3/2/10)~~
- 10.—Storage of Materials and Equipment—Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.
- 11.—Alteration of Watercourses (Floodways)—When considering a conditional use permit to allow alteration or modification of a watercourse (floodway) the following shall apply:
 - ~~1.—Adjacent communities, the Oregon Division of State Lands and the Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Insurance Administration. (Amended ORD 594 2/1/10, Effective 3/2/10)~~
 - ~~2.—Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~
- 12.—Floodways—Located within areas of flood plain established in Section 7.2.110.03 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions shall apply in addition to the requirement in I: (These provisions shall also apply to areas within a flood plain where a floodway has not been technically determined and the base flood level is three (3) or more feet above the land surface:)
 - 1.—Except as provided in number 5 below, prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation is provided by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence

- of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review. (Amended ORD 594 2/1/10, Enacted 3/2/10)
2. ~~If Section 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 7.2.110.07.~~
 3. ~~Prohibit the placement of any new manufactured home parks and manufactured homes except in an existing manufactured home park. (Amended ORD 594 2/1/10, Enacted 3/2/10)~~
 4. ~~The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of flood waters beneath the structure.~~
 5. ~~Projects for stream habitat restoration may be permitted in the floodway provided: (Added ORD 594 2/1/10, Enacted 3/2/10))~~
 1. ~~The project is certified by a qualified professional (a Registered Professional Engineer, Yamhill County staff, or an applicable State agency); provides a feasibility analysis and certification indicating that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically possible given the goals of the project; evidence is presented that no structures will be impacted by a potential rise in flood elevation; and evidence that the local approval process requires an agreement to monitor the project, correct problems, and ensure the flood carrying capacity remains unchanged. (Added ORD 594 2/1/10, Enacted 3/2/10))~~
 6. ~~New Installation of Manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling Park and Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions. (Added ORD 594 2/1/10, Enacted 3/2/10)~~
 1. ~~If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or (Added ORD 594 2/1/10, Enacted 3/2/10))~~
 2. ~~A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or general welfare of the public and it meets the following: (Added ORD 594 2/1/10, Enacted 3/2/10)~~
 1. ~~Demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or property improvements (encroachments) will not result in any increase in flood levels during occurrence of the base flood discharge; (Added ORD 594 2/1/10, Enacted 3/2/10)~~
 2. ~~Provide evidence that the replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46cm) about the~~

base flood elevation as identified on the Flood Insurance Rate Map;
(Added ORD 594 2/1/10, Enacted 3/2/10)

3. Provide evidence that the replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by Yamhill County Building Official. Placement shall be as approved; (Added ORD 594 2/1/10, Enacted 3/2/10)
4. Provide evidence that the replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties; (Added ORD 594 2/1/10, Enacted 3/2/10)
5. Provide evidence that the location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and; (Added ORD 594 2/1/10, Enacted 3/2/10)
6. Provide evidence of compliance with any requirements deemed necessary by the authority having jurisdiction. (Added ORD 594 2/1/10, Enacted 3/2/10)

13. ~~Recreational Vehicles~~ For recreational vehicles on individual lots see Off-Street Parking and Loading, Section 7.2.303.10 C,3, and for recreational vehicles within recreational vehicle parks see Section 7.2.408.05, Floodplain. (Added ORD 594 2/1/10, Enacted 3/2/10)

14. ~~Critical Facilities~~ Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical Facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Added ORD 594 2/1/10, Enacted 3/2/10)

7.2.113.08 Generalized Flood Plain Areas

Where elevation data is generalized, such as the unnumbered A zones on the FIRM, conditional use permits shall include a review and determination that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed flood plain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is not in a flood plain. In such cases, a letter of map amendment may be required by the City Manager.

7.2.113.09 Variances

1. ~~A variance 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 criteria in Section 7.2.114.10.~~
2. ~~A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and, (2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C.~~
3. ~~A community shall: (1) maintain a record of all variance actions, including justification for their issuance; and, (2) report such variances issued in its annual report submitted to the Manager.~~

7.2.113.10 Variance Criteria

~~The following criteria shall be used to review variance applications.~~

1. ~~Variances shall only be issued upon a showing that:~~
 1. ~~There is a good and sufficient cause;~~
 2. ~~That failure to grant the variance would result in exceptional hardship to the applicant;~~
 3. ~~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 local laws;~~
 4. ~~The variance is the minimum necessary, considering the flood hazard, to afford relief;~~
 5. ~~The variance will be consistent with the intent and purpose of the provision being varied;~~
 6. ~~There has not been a previous land use action approved on the basis that variances would not be allowed; and~~
 7. ~~The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result.~~

7.2.113.11 Warning And Disclaimer Of Liability

~~The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This zone will not create liability on the part of the City of Dayton, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made thereunder~~

7.2.113 Floodplain Overlay District (FPO)

7.2.113.01 Purpose.

The flood hazard areas of Dayton 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.

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.

The purpose of the Flood Plain Overlay District (FPO) is 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.*

7.2.113.02 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.

7.2.113.03 Definitions.

For the FPO only, the following terms, words or phrases 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. “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.*

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 the City of Dayton 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 City of Dayton 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.

7.2.113.04 Applicability.

- A. Lands to which this Ordinance applies: This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Dayton.*
- B. Basis for Establishing the Areas of Special Flood Hazard. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas, dated March 2, 2010," with accompanying flood insurance map (FIRM) is hereby adopted by reference and declared to be part of this chapter. The flood insurance study and the FIRM are on file at the City Hall.*
- C. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of Dayton administers and enforces the State of Oregon Specialty Codes, the City of Dayton 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.*
- D. 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.*
- E. 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 this ordinance are subject to enforcement by the City of Dayton under Section 7.04.06.*
- F. 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.*
- G. 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.*
- H. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:*
 - 1. Considered as minimum requirements;*
 - 2. Liberally construed in favor of the governing body; and*
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.*

7.2.113.05 Warning and disclaimer of liability

- A. 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.*

- B. *Disclaimer of liability. This ordinance shall not create liability on the part of the City of Dayton, 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.*

7.2.113.06 Administration.

- A. *Designation of the Floodplain Administrator. The City Manager (or designee) 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.*

- B. *Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:*

1. *Permit Review. Review of all floodplain 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 in a floodway.*
 - i. *If located in the floodway assure that the floodway provisions of this ordinance in Section 7.113.09 are met; and*
 - ii. *Determine if the proposed development is 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 Section 7.113.09; and*
 - iii. *Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a floodplain development permit.*
- d. *Determine if the proposed development qualifies as a substantial improvement as defined in Section 7.113.03.*
- e. *Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 7.113.09.A.*
- 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 7.113.11.*

- C. *Information to be obtained and maintained.*

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

1. *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 7.113.09.H.*
2. *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 7.113.06.B.1 and 7.113.07 are adhered to.*

3. *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).*
 4. *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.*
 5. *Maintain all Elevation Certificates (EC) submitted to the community.*
 6. *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 7.113.09.H.*
 7. *All floodproofing certificates required under this ordinance.*
 8. *All variance actions, including justification for their issuance.*
 9. *All hydrologic and hydraulic analyses performed as required under Section 7.113.10.D.*
 10. *All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 7.113.06.D.4.*
 11. *Documentation of how no net loss standards have been met (see Section 7.113.11.A).*
 12. *All records pertaining to the provisions of this ordinance.*
- D. Requirement to notify other entities and submit new technical data.*
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.
 2. *Watercourse Alterations.*
 - a. *The Floodplain Administrator shall 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 7.113.06.D.*
- 3. Requirement to Submit New Technical Data. 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. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:*
 - a. Proposed floodway encroachments that increase the base flood elevation; and*
 - b. 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.*

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).

- 4. Substantial Improvement and Substantial Damage Assessments and Determinations.*

Conduct Substantial Improvement (SI) (as defined in Section 7.113.03) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 7.113.06.C. Conduct Substantial Damage (SD) (as defined in Section 7.113.03) 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 7.113.06.B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

7.2.113.07 Floodplain Development Permit

- A. Floodplain Development Permit Required.*

A floodplain development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in 7.113.06.B. The floodplain development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 7.113.03, including fill and other development activities.

- B. Application for Floodplain Development Permit.*

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

- 1. 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 7.113.06.C.*

2. *Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.*
3. *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 7.113.10.C.3.*
4. *Description of the extent to which any watercourse will be altered or relocated.*
5. *Base Flood Elevation data for subdivision proposals or other development when required per Sections 7.113.06.B.1 and 7.113.09.G.*
6. *Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.*
7. *The amount and location of any fill or excavation activities proposed.*

7.2.113.08 Variance Procedure.

- A. *A variance as described in this section is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.*
- B. *Conditions for variances.*
 1. *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 7.113.08.B.3 and 5, and 7.113.08.C. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.*
 2. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
 3. *Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.*
 4. *Variances shall only be issued upon finding:*
 - a. *A showing of good and sufficient cause;*
 - b. *A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,*
 - c. *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.*
 5. *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 this section 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.*
 6. *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 7.113.11 and associated options in Table 1).

C. 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 7.113.06.C.

7.2.113.09 Provisions for Flood Hazard Reduction.

General Standards. In all special flood hazard areas, the no net loss standards (see Section 7.113.11.A) and the following standards shall be adhered to:

A. Alteration of Watercourses.

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Section 7.113.06.D.2. and 7.113.06.3.

B. Anchoring.

- 1. 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.*
- 2. All manufactured dwellings shall be anchored per Section 7.113.10.C.4.*

C. Construction Materials and Methods.

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

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

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

E. 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 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 meet all the requirements of this section if replaced as part of a substantial improvement.

F. Tanks.

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

G. Subdivision proposals and other proposed developments.

- 1. 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.*
- 2. 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 7.113.11.A.*

H. Use of Other Base Flood Elevation Data.

- 1. When Base Flood Elevation data has not been provided in accordance with Section 7.113.04.B, the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 7.113.09. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 7.113.09.G.*
- 2. 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. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

10. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon

I. Structures Located In Multiple Or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- 1. 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.*

2. *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.*

7.2.113.10 Specific Standards for Riverine Flood Zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 7.113.09 of this ordinance and the no net loss standards (see Section 7.113.11.A).

A. 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:

1. *Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;*
2. *Be used solely for parking, storage, or building access;*
3. *Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:*
 - a. *A minimum of two openings;*
 - b. *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;*
 - c. *The bottom of all openings shall be no higher than one foot above grade;*
 - d. *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,*
 - e. *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.*

B. Garages

1. *Attached Garages. 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:*
 - a. *If located within a floodway the proposed garage must comply with the requirements of section 7.113.10.D;*
 - b. *The floors are at or above grade on not less than one side;*
 - c. *The garage is used solely for parking, building access, and/or storage;*
 - d. *The garage is constructed with flood openings in compliance with section 7.113.10.A to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;*
 - e. *The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;*
 - f. *The garage is constructed in compliance with the standards in section 7.113.09.I and,*

- g. 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.*
 - 2. Detached Garages. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 7.113.10.C.6 or non-residential structures in section 7.113.10.C.3 depending on the square footage of the garage.*
- C. For Riverine Special Flood Hazard Areas with Base Flood Elevations.*

In addition to the general standards listed in Section 7.113.10. A the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

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 7.113.11.A.

2. Residential Construction.

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). Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 7.113.10.A.

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); 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 7.113.06.C.*
 - (b). Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 7.113.10.A.*

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

4. *Manufactured Dwellings.*

- a. *Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with Section 7.113.10.A.*
- b. *The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;*
- c. *Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;*
- d. *Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).*

5. *Recreation Vehicles.*

Recreational vehicles placed on sites are required to:

- a. *Be on the site for fewer than 180 consecutive days, and*
- b. *Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or*
- c. *Meet the requirements of Section 7.113.10.C.4, including the anchoring and elevation requirements for manufactured dwellings.*

6. *Appurtenant (Accessory) Structures.*

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine flood zones may be granted for appurtenant structures that meet the following requirements:

- a. *Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 7.113.10.D.*
- b. *Appurtenant structures must only be used for parking, access, and/or 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 7.113.10.A.*
- 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 7.113.09.F; 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.*

D. Floodways.

Where 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:

1. *Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:*
 - a. *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*
 - b. *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 7.113.11.A.*
2. *If the requirements of Section 7.113.10.D. are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Sections 7.113.09 and 7.113.11.*

E. 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.

1. *Standards for AH Zones.*

Development within AH Zones must comply with the standards in 7.113.09 and 7.113.10.

2. Standards for AO Zones.

In AO zones, the following provisions apply in addition to the requirements in 7.113.10.

- 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) or 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 nonresidential 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 Maps (FIRMS) or at least two (2) feet if no depth number is specified; or*
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 5.2.3.3(A)(4).*
- c. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:*
 - i. Be on the site for fewer than 180 consecutive days, and*
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or*
 - iii. Meet the elevation requirements of Section 7.113.10.E.2 and the anchoring and other requirements for manufactured dwellings of Section 7.113.10.E.2(c).*
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 7.113.10.C.6*
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 7.113.10.A*

7.2.113.11 Standards for Protection of SFHA Floodplain Functions

The standards described below apply to all special flood hazard areas as defined in Section 7.113.03.

A. No Net Loss Standards.

No net loss of the three proxies for the floodplain functions is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that 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:

- 1. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);*
 - 2. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;*
 - 3. 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.*
- D. Undeveloped Space.*
- 1. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.*
 - 2. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.*
 - 3. 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).*
 - a. 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*
 - b. Hydrologically connected to the waterbody that is the flooding source;*
 - c. Designed so that there is no increase in velocity; and*

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

E. *Impervious Surfaces.*

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

1. *Development proposals shall not result in a net increase in impervious surface area within the SFHA, or*
2. *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*
3. *If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See Section 7.113.11.G for stormwater retention specifications.*

F. *Trees.*

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

1. *Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.*
2. *Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.*

G. *Stormwater Management.*

Any development proposal that cannot mitigate as specified in Section 7.113.11.E.1. and 2. must include the following:

1. *Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and*
2. *Retention facilities that must:*
 - a. *Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).*
 - b. *Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.*
 - c. *Be designed to not entrap fish and drain to the source of flooding.*
 - d. *Be certified by a qualified professional.*
3. *Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:*

- a. *Access to stormwater treatment facilities at the site by the City of Dayton for the purpose of inspection and repair.*
- b. *A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.*
- c. *For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.*
- d. *The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Dayton for five years.*

H. Activities Exempt from No Net Loss Standards.

The following activities are not subject to the no net loss standards in Section 7.113.11.A; however, they may not be exempt from floodplain development permit requirements.

- 1. *Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;*
- 2. *Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts. Activities exempt do not include expansion of paved areas;*
- 3. *Routine maintenance of landscaping that does not involve grading, excavation, or filling;*
- 4. *Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;*
- 5. *Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts;*
- 6. *Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;*
- 7. *Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;*
- 8. *Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.*
- 9. *Habitat restoration activities.*

I. Riparian Buffer Zone (RBZ)

- 1. *The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 70 feet horizontally on each side of the*

stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

2. *Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.*
3. *Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.*
4. *Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.*
5. *Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.*

Table 1 No Net Loss Standards

| <i>Basic Mitigate Ratios</i> | <i>Undeveloped Space (ft³)</i> | <i>Impervious Surface (ft²)</i> | <i>Trees (6" < dbh ≤ 20")</i> | <i>Trees (20" < dbh ≤ 39")</i> | <i>Trees (39" < dbh)</i> |
|---|---|--|----------------------------------|-----------------------------------|-----------------------------|
| <i>RBZ and Floodway</i> | <i>2:1*</i> | <i>1:1</i> | <i>3:1*</i> | <i>5:1</i> | <i>6:1</i> |
| <i>RBZ - Fringe</i> | <i>1.5:1*</i> | <i>1:1</i> | <i>2:1*</i> | <i>4:1</i> | <i>5:1</i> |
| <i>Mitigation multipliers</i> | | | | | |
| <i>Mitigation onsite to Mitigation offsite, same reach</i> | <i>100%</i> | <i>100%</i> | <i>100%</i> | <i>100%</i> | <i>100%</i> |
| <i>Mitigation onsite to Mitigation offsite, different reach, same watershed (5th field)</i> | <i>200% *</i> | <i>200% *</i> | <i>200% *</i> | <i>200%</i> | <i>200%</i> |

Notes (table above):

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 square feet of the total 1000 square feet of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500*

square feet of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.

3. *RBZ impacts must be offset in the RBZ, on-site or off-site.*
4. *Additional standards may apply in the RBZ (See Riparian Buffer Zone)*



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/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9g_y

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

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).

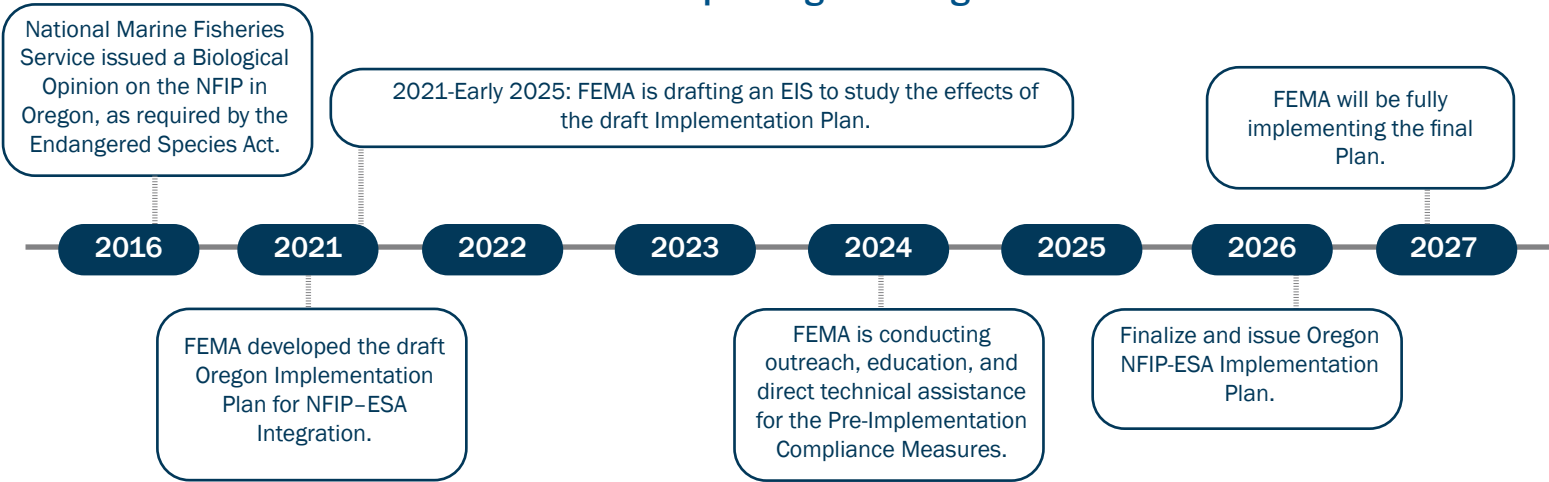


The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

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

EXHIBIT C



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

Maps (FIRMS) (**COMMUNITY FREE BOARD REQUIREMENT**) (at least two (2) feet if no depth number is specified); or

- ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM (**COMMUNITY FREEBOARD REQUIREMENT**) or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section **5.2.3.3(A)(4)**.

C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the elevation requirements of section **5.2.5.2(A)**, and the anchoring and other requirements for manufactured dwellings of section **5.2.3.4**.

D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section **5.2.3.6**.

E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section **5.2.1**.

5.3 SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD FLOOD ZONES

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

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)



NOTICE OF PUBLIC HEARINGS

CITY OF DAYTON LAND USE AND DEVELOPMENT CODE AMENDMENT

CITY CASE FILE LA 2025-01

FEMA Model Floodplain Management Ordinance for NFIP-ESA Integration in Oregon

NOTICE IS HEREBY GIVEN that the City of Dayton will hold public hearings to consider adoption of proposed legislative amendments to the Dayton Land Use and Development Code, also recognized as Title 7 of the Dayton Municipal Code. Proposed legislative amendments are specific to Chapter 7.2.113., titled *Floodplain Overlay District*. The proposal is to remove all codified provisions in Chapter 7.2.113 and replace with similar updated provisions as contained in 2024 Federal Emergency Management Agency's (FEMA) Model Floodplain Management Ordinance. The FEMA model ordinance (recently changed for National Flood Insurance Program–Endangered Species Act integration in Oregon) can be viewed at:

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

This notice has also been mailed to the owners of all properties encumbered by portions of the existing Floodplain Overlay District within the City of Dayton. Chapter 7.2.113 (standards / regulations) pertain only to land where encumbered by the 100-year floodplain / overlay area.

Oregon Revised Statutes (ORS) 227.186 requires public notices to contain the text (above) across the top of face page, extending from left margin to right margin. ORS 227.186 also requires the same notice to state that *adoption of an Ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property*. No analysis or determination has been made (or will be made) on how proposed updates affect permissible use of property or property value.

The first public hearing is scheduled for **Thursday, March 13, 2025, at 6:30 p.m.** before the Dayton Planning Commission; the second public hearing is scheduled for **Monday, April 7, 2025, at 6:30 p.m.** before the Dayton City Council. Both hearings will be held at the Dayton City Hall Annex, addressed at 408 Ferry Street, Dayton, OR 97114. Proposed changes to Chapter 7.2.113 are available for inspection at city offices, addressed at 416 Ferry Street, Dayton OR 97114 or may be purchased at a reasonable cost. An electronic version of the changes to Chapter 7.2.113 will also posted on the city website.

Persons wishing to participate in the public hearings may appear in person or by representative at the dates and times listed above, or virtually (meeting agendas include a Zoom link for this purpose). The legislative amendment procedure and approval criteria are described in Section 7.3.112 of the Dayton Land Use and Development Code. Failure of an issue to be raised at the hearing, in person or in writing, or failure to provide sufficient specificity to afford the City Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals.

For more information, please contact Rocio Vargas City Recorder at rvargas@daytonoregon.gov or 503-864-2221.

To: Honorable Mayor and City Councilors
From: Rocio Vargas, City Recorder
Through: Jeremy Caudle, City Manager
Issue: Appointment of Budget Committee Member
Date: June 2, 2025

Background and Information: The Budget Committee currently has three vacancies. In response to the vacancies, staff issued a call for volunteers online, in the Ferry Street News and the News Register on 10th and 24th of January.

Steven Hesseling submitted the application that is before you for consideration tonight. If appointed, Steve Hesseling's term would end December 31, 2028.

For reference, DMC Sec. 1.10.01 states: "The budget committee consists of the members of Council and seven persons who are registered voters residing within the City and are appointed by council for staggered three-year terms. No appointed member may be an officer, agent or employee of the City."

City Manager Recommendation: Appointment of Budget Committee members is at the discretion of City Council. Therefore, I have no recommendation.

Potential Motion: "I move to appoint Steven Hesseling to the City of Dayton Budget Committee for the term ending December 31, 2028."

Council Options:

- 1 - Approve the motion listed above.
- 2 - Do not approve the motion listed above.
- 3 - Leave the application period open, or some other action at City Council's direction.



APPLICATION FOR CONSIDERATION FOR APPOINTMENT TO CITIZEN COMMITTEE

City of Dayton

PO Box 339 - 416 Ferry Street

Dayton OR 97114

Phone: (503) 864-2221

Website: www.daytonoregon.gov

Email: cityofdayton@daytonoregon.gov

NOT A FORM
NOT IN 2018 5-10

Committee Name: DAYTON BUDGET COMMITTEE

Term of Appointment: Three, 3-year positions available

Qualifications for Candidates: Must be 18 years of age and reside within the City Limits of Dayton, Oregon.

Deadline for Applications: Until filled

Submit Applications to: PO Box 339, Dayton OR 97114; or deliver to Dayton City Hall, 416 Ferry Street

If You Have Questions Call: Rocio Vargas, City Recorder
(503) 864-2221

The City of Dayton Budget Committee is a 14-member committee made up of the seven members of the Dayton City Council and an equal number of citizens at large. Citizen members must be at least 18 years of age and reside within the City Limits. The purpose of the Budget Committee is to review the budget or supplemental budget as prepared by the Budget Officer, make changes, if necessary, approve the budget for City Council consideration, and set the maximum amount of taxes that may be levied by the City of Dayton.

Name of Applicant: STEVEN J. HESSELINE

Physical Address: 1153 ASH ST, DAYTON, OR 97114

Mailing Address: 1153 ASH ST, DAYTON, OR 97114

Phone Numbers: 503-883-3596

Email Address: SHESSELINE@MSN.COM

Occupation: RETIRED

Please provide a brief description of your education, work or volunteer experience, skills, or interests that you feel would be useful as a member of the Budget Committee (attach additional sheets if necessary).

BS. BIOLOGY WITH DOUBLE MINOR IN MATH AND CHEMISTRY

AA ACCOUNTING

8 YEARS AS ARMY ENGINEER OFFICER

30 YEARS MANAGEMENT IN PROCESSING PLANTS IN EXECUTIVE POSITIONS.

WRITTEN STORM WATER AND WASTE WATER PROGRAMS FOR APPROVAL

BY DEQ, EPA AND LOCAL WASTE WATER MANAGEMENT


LICENSED TAX PREPARER ^{IN} STATE OF OREGON

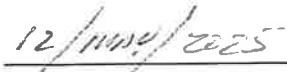
Why do you want to serve as a member of the Budget Committee? (Attach additional sheets if necessary)

WITH ISSUES FACING OUR COMMUNITY THOUGHT IT WOULD BE
TIME TO GIVE BACK TO THE COMMUNITY WITH WHAT EXPERIENCE
I HAVE GAINED OVER MY WORKING CAREER.

I LIKE PLANNING AND OPERATIONS AS MEANS TO ESTABLISH
A PATH FOR THE FUTURE OF OUR COMMUNITY.

I certify that I am at least 18 years of age and reside within the City Limits of Dayton, Oregon.


Signature of Applicant:


Date:

To: Honorable Mayor and City Councilors

From: Jeremy Caudle, City Manager

Issue: Recology Western Oregon Proposed Rate Increase

Date: June 2, 2025

Background and Information

Dan Blue with Recology Western Oregon will attend our June 2, 2025, City Council meeting to present the Annual Report.

Attached are reports and Dan will answer any questions the Council may have.

City Manager Recommendation: N/A

Potential Motion: None required.

Council Options:



Jeremy Caudle
City Manager
City of Dayton
416 Ferry St.
Dayton, OR 97114

March 31, 2025

RE: Annual Report and Rate Increase

Dear Jeremy:

In compliance with the terms of our franchise agreement, I am attaching our Annual Report and rates effective July 1, 2025.

The Annual Report includes the following:

- a. 2024 calendar year reviewed financial statements, as well as expenses and revenues we reasonably anticipate will be incurred for the current 12-month cycle.
- b. The Operating Ratios for the preceding calendar year and the current rate year.

As you are aware, our franchise agreement provides two mechanisms for adjusting collection rates. The first mechanism is to utilize an annual CPI cost of living adjustment intended to maintain collection rates to keep up with current economic conditions. The second mechanism is via a rate review process which may either be requested by us or required by the franchise if the Annual Reports show us landing outside the allowable margin of 85% - 91%.

Recology's review of 2024 financials, as well as projected revenues and expenses for the current 12-month period, indicate that we fall within the allowable operating range. As a result, no full rate review is necessary this year. Per the terms of the franchise, Recology is increasing rates 2.1% using CPI effective July 1, 2025.

As always, we appreciate the opportunity to provide essential solid waste and recycling services. We look forward to attending an upcoming council meeting, either in person or virtually. Dan Blue will be reaching out to you soon to coordinate scheduling.

Please let us know if you have any questions or need any additional information. You can reach out to me at (503) 803-4984 or by email at ccarey@recology.com or to Dan Blue at 503-405-0261 or dblue@recology.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chris Carey', is written over a light blue horizontal line.

Chris Carey
General Manager

RECOLOGY WESTERN OREGON**DAY CITY OF DAYTON****EFF. DATE: 9/1/2025**

| CODE | DESCRIPTION | CURRENT RATE | INC % | INC \$\$ | NEW RATE |
|------|-------------|--------------|-------|----------|----------|
|------|-------------|--------------|-------|----------|----------|

CART SERVICES - CURBSIDE

CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS.

32 GALLON CART SERVICE**MONTHLY RATES**

| | | | | | |
|-------|--------------------------|----------|-------|---------|----------|
| 32GWC | 32G CART-CURB | \$ 23.93 | 2.10% | \$ 0.50 | \$ 24.43 |
| 32GEC | 32G CART EOW-CURBSIDE | \$ 15.57 | 2.10% | \$ 0.33 | \$ 15.90 |
| 32GMC | 32G CART MONTHLY-CURB | \$ 8.38 | 2.10% | \$ 0.18 | \$ 8.56 |
| OC3C | 32 GAL CART ON CALL CURB | \$ 8.38 | 2.10% | \$ 0.18 | \$ 8.56 |

90 GALLON CART SERVICE**MONTHLY RATES**

| | | | | | |
|-------|--------------------------|----------|-------|---------|----------|
| 90GWC | 90G CART-CURB | \$ 39.87 | 2.10% | \$ 0.84 | \$ 40.71 |
| 90GEC | 90G CART EOW-CURB | \$ 25.93 | 2.10% | \$ 0.54 | \$ 26.47 |
| 90GMC | 90G CART OAM-CURB | \$ 13.93 | 2.10% | \$ 0.29 | \$ 14.22 |
| OC9C | 90 GAL CART ON CALL CURB | \$ 13.93 | 2.10% | \$ 0.29 | \$ 14.22 |

MONTHLY CART RENT (FOR ON-CALL SERVICE)

| | | | | | |
|-------|-------------------------|---------|-------|---------|---------|
| 90GOC | 90G CART WILL CALL-CURB | \$ 3.05 | 2.10% | \$ 0.06 | \$ 3.11 |
|-------|-------------------------|---------|-------|---------|---------|

SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTION)**RATE PER EACH**

| | | | | | |
|-------|----------------------------------|----------|-------|---------|----------|
| SP32C | SPEC P/U 32G CART CURBSIDE | \$ 8.38 | 2.10% | \$ 0.18 | \$ 8.56 |
| SP90C | SPEC P/U 90G CART CURBSIDE | \$ 13.93 | 2.10% | \$ 0.29 | \$ 14.22 |
| 90OEC | SUBSCRIPTION YARD DEBRIS (90GAL) | \$ 8.46 | 2.10% | \$ 0.18 | \$ 8.64 |

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

CART SERVICES - NON-CURBSIDE (SIDEYARD)

NON-CURBSIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARAGES AND FENCED AREAS.

32 GALLON CART SERVICE**MONTHLY RATES**

| | | | | | |
|-------|--------------------------|----------|-------|---------|----------|
| 32GWS | 32G CART-SIDE | \$ 24.39 | 2.10% | \$ 0.51 | \$ 24.90 |
| 32GES | 32G CART EOW-SIDEYARD | \$ 15.85 | 2.10% | \$ 0.33 | \$ 16.18 |
| 32GMS | 32G CART MONTHLY-SIDE | \$ 8.53 | 2.10% | \$ 0.18 | \$ 8.71 |
| OC3S | 32 GAL CART ON CALL SIDE | \$ 8.53 | 2.10% | \$ 0.18 | \$ 8.71 |

90 GALLON CART SERVICE**MONTHLY RATES**

| | | | | | |
|-------|--------------------------|----------|-------|---------|----------|
| 90GWS | 90G CART-SIDE | \$ 61.10 | 2.10% | \$ 1.28 | \$ 62.38 |
| 90GES | 90G CART EOW-SIDE | \$ 39.75 | 2.10% | \$ 0.83 | \$ 40.58 |
| 90GMS | 90G CART OAM-SIDE | \$ 21.38 | 2.10% | \$ 0.45 | \$ 21.83 |
| OC9S | 90 GAL CART ON CALL SIDE | \$ 21.38 | 2.10% | \$ 0.45 | \$ 21.83 |

MONTHLY CART RENT (FOR ON-CALL SERVICE)

| | | | | | |
|-------|-------------------------|---------|-------|---------|---------|
| 90GOS | 90G CART WILL CALL-SIDE | \$ 3.05 | 2.10% | \$ 0.06 | \$ 3.11 |
|-------|-------------------------|---------|-------|---------|---------|

SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTION)**RATE PER EACH**

| | | | | | |
|-------|--------------------------------|----------|-------|---------|----------|
| SP32S | SPEC P/U 32G CART NON CURBSIDE | \$ 8.53 | 2.10% | \$ 0.18 | \$ 8.71 |
| SP90S | SPEC P/U 90G CART NON CURBSIDE | \$ 21.38 | 2.10% | \$ 0.45 | \$ 21.83 |

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

RECOLOGY WESTERN OREGON**DAY CITY OF DAYTON****EFF. DATE: 9/1/2025**

| CODE | DESCRIPTION | CURRENT RATE | INC % | INC \$\$ | NEW RATE |
|------|-------------|--------------|-------|----------|----------|
|------|-------------|--------------|-------|----------|----------|

OTHER SERVICES & FEES**EXTRAS - PER UNIT CHARGES (APPROX. 32 GALLONS PER UNIT)****RATE PER EACH**

| | | | | | |
|-------|-------------------|---------|-------|---------|----------|
| XBAG | EXTRA BAG(S) | \$ 6.13 | 2.10% | \$ 0.13 | \$ 6.26 |
| XBOX | EXTRA BOX | \$ 6.13 | 2.10% | \$ 0.13 | \$ 6.26 |
| XCAN | EXTRA CAN(S) | \$ 6.13 | 2.10% | \$ 0.13 | \$ 6.26 |
| XMISC | EXTRA MISC | \$ 6.13 | 2.10% | \$ 0.13 | \$ 6.26 |
| X32 | EXTRA 32G CART(S) | \$ 6.13 | 2.10% | \$ 0.13 | \$ 6.26 |
| X90 | EXTRA 90G CART(S) | \$ 9.95 | 2.10% | \$ 0.21 | \$ 10.16 |

BULKY ITEM COLLECTION (SVC CHARGE + CHARGE PER ITEM)

RATES LISTED ARE FOR COLLECTION AT CURB. ADDITIONAL CHARGES MAY APPLY FOR RETRIEVAL.

RATE PER EACH

| | | | | | |
|------|-------------------------|----------|-------|---------|----------|
| APF | REFRIGERATOR/FREEZER | \$ 33.03 | 2.10% | \$ 0.69 | \$ 33.72 |
| APL | APPLIANCE | \$ 12.94 | 2.10% | \$ 0.27 | \$ 13.21 |
| FURN | FURNITURE CHARGE | \$ 19.82 | 2.10% | \$ 0.42 | \$ 20.24 |
| TREE | EXTRA CHRISTMAS TREE | \$ 12.23 | 2.10% | \$ 0.26 | \$ 12.49 |
| IRSC | IN ROUTE SERVICE CHARGE | \$ 28.67 | 2.10% | \$ 0.60 | \$ 29.27 |
| SC | SERVICE CHARGE | \$ 85.79 | 2.10% | \$ 1.80 | \$ 87.59 |

RELATED FEES**RATE PER EACH**

| | | | | | |
|-------|-----------------------------|----------|-------|---------|----------|
| CRIR | CART REDELIVERY IN ROUTE | \$ 11.28 | 2.10% | \$ 0.24 | \$ 11.52 |
| CROR | CART REDELIVER OUT OF ROUTE | \$ 22.55 | 2.10% | \$ 0.47 | \$ 23.02 |
| CORDF | CONTAINER RE-DELIVERY FEE | \$ 85.79 | 2.10% | \$ 1.80 | \$ 87.59 |

Note: Re-Delivery fees apply for resume service after suspend.

RATE PER EACH

| | | | | | |
|-----|----------------------|----------|-------|---------|----------|
| CCF | CART CLEANING FEE | \$ 11.28 | 2.10% | \$ 0.24 | \$ 11.52 |
| CRF | CART REPLACEMENT FEE | \$ 73.30 | 2.10% | \$ 1.54 | \$ 74.84 |

Note: Replacement fee is used for loss/damage beyond normal wear and tear.

RATE PER EACH

| | | | | | |
|-------|--------------------|----------|-------|------|----------|
| RF | REINSTATEMENT FEE | \$ 15.00 | 0.00% | \$ - | \$ 15.00 |
| NSFCF | RETURNED CHECK FEE | \$ 25.00 | 0.00% | \$ - | \$ 25.00 |

FRONT-LOAD CONTAINER SERVICE**1 YARD CONTAINERS****MONTHLY RATES**

| | | | | | |
|-----|-------------------------|-----------|-------|---------|-----------|
| 1GW | 1YD TRASH | \$ 181.98 | 2.10% | \$ 3.82 | \$ 185.80 |
| 1GE | 1YD TRASH EOW | \$ 109.63 | 2.10% | \$ 2.30 | \$ 111.93 |
| 1GM | 1YD TRASH MONTHLY | \$ 70.68 | 2.10% | \$ 1.48 | \$ 72.16 |
| 1OC | ON CALL-1YD TRASH | \$ 36.73 | 2.10% | \$ 0.77 | \$ 37.50 |
| 1XP | EXTRA PICK UP-1YD TRASH | \$ 36.73 | 2.10% | \$ 0.77 | \$ 37.50 |

1.5 YARD CONTAINERS**MONTHLY RATES**

| | | | | | |
|------|---------------------------|-----------|-------|---------|-----------|
| 1HGW | 1.5YD TRASH | \$ 226.94 | 2.10% | \$ 4.77 | \$ 231.71 |
| 1HGE | 1.5YD TRASH EOW | \$ 132.11 | 2.10% | \$ 2.77 | \$ 134.88 |
| 1HGM | 1.5YD TRASH MONTHLY | \$ 81.09 | 2.10% | \$ 1.70 | \$ 82.79 |
| 1HOC | ON CALL-1.5YD TRASH | \$ 48.19 | 2.10% | \$ 1.01 | \$ 49.20 |
| 1HXP | EXTRA PICK UP-1.5YD TRASH | \$ 48.19 | 2.10% | \$ 1.01 | \$ 49.20 |

RECOLOGY WESTERN OREGON
DAY CITY OF DAYTON
EFF. DATE: 9/1/2025

| CODE | DESCRIPTION | CURRENT RATE | INC % | INC \$\$ | NEW RATE |
|------|-------------|--------------|-------|----------|----------|
|------|-------------|--------------|-------|----------|----------|

2 YARD CONTAINERS
MONTHLY RATES

| | | | | | |
|-----|-------------------------|-----------|-------|---------|-----------|
| 2GW | 2YD TRASH | \$ 271.84 | 2.10% | \$ 5.71 | \$ 277.55 |
| 2GE | 2YD TRASH EOW | \$ 154.56 | 2.10% | \$ 3.25 | \$ 157.81 |
| 2GM | 2YD TRASH MONTHLY | \$ 91.44 | 2.10% | \$ 1.92 | \$ 93.36 |
| 2OC | ON CALL-2YD TRASH | \$ 59.59 | 2.10% | \$ 1.25 | \$ 60.84 |
| 2XP | EXTRA PICK UP-2YD TRASH | \$ 59.59 | 2.10% | \$ 1.25 | \$ 60.84 |

3 YARD CONTAINERS
MONTHLY RATES

| | | | | | |
|-----|-------------------------|-----------|-------|---------|-----------|
| 3GW | 3YD TRASH | \$ 361.73 | 2.10% | \$ 7.60 | \$ 369.33 |
| 3GE | 3YD TRASH EOW | \$ 199.53 | 2.10% | \$ 4.19 | \$ 203.72 |
| 3GM | 3YD TRASH MONTHLY | \$ 112.23 | 2.10% | \$ 2.36 | \$ 114.59 |
| 3OC | ON CALL-3YD TRASH | \$ 82.40 | 2.10% | \$ 1.73 | \$ 84.13 |
| 3XP | EXTRA PICK UP-3YD TRASH | \$ 82.40 | 2.10% | \$ 1.73 | \$ 84.13 |

4 YARD CONTAINERS
MONTHLY RATES

| | | | | | |
|-----|-------------------------|-----------|-------|---------|-----------|
| 4GW | 4YD TRASH | \$ 451.61 | 2.10% | \$ 9.48 | \$ 461.09 |
| 4GE | 4YD TRASH EOW | \$ 244.44 | 2.10% | \$ 5.13 | \$ 249.57 |
| 4GM | 4YD TRASH MONTHLY | \$ 132.96 | 2.10% | \$ 2.79 | \$ 135.75 |
| 4OC | ON CALL-4YD TRASH | \$ 105.26 | 2.10% | \$ 2.21 | \$ 107.47 |
| 4XP | EXTRA PICK UP-4YD TRASH | \$ 105.26 | 2.10% | \$ 2.21 | \$ 107.47 |

5 YARD CONTAINERS
MONTHLY RATES

| | | | | | |
|-----|-------------------------|-----------|-------|----------|-----------|
| 5GW | 5YD TRASH | \$ 541.49 | 2.10% | \$ 11.37 | \$ 552.86 |
| 5GE | 5YD TRASH EOW | \$ 289.39 | 2.10% | \$ 6.08 | \$ 295.47 |
| 5GM | 5YD TRASH MONTHLY | \$ 153.74 | 2.10% | \$ 3.23 | \$ 156.97 |
| 5OC | ON CALL-5YD TRASH | \$ 128.10 | 2.10% | \$ 2.69 | \$ 130.79 |
| 5XP | EXTRA PICK UP-5YD TRASH | \$ 128.10 | 2.10% | \$ 2.69 | \$ 130.79 |

6 YARD CONTAINERS
MONTHLY RATES

| | | | | | |
|-----|-------------------------|-----------|-------|----------|-----------|
| 6GW | 6YD TRASH | \$ 631.35 | 2.10% | \$ 13.26 | \$ 644.61 |
| 6GE | 6YD TRASH EOW | \$ 334.30 | 2.10% | \$ 7.02 | \$ 341.32 |
| 6GM | 6YD TRASH MONTHLY | \$ 174.48 | 2.10% | \$ 3.66 | \$ 178.14 |
| 6OC | ON CALL-6YD TRASH | \$ 150.92 | 2.10% | \$ 3.17 | \$ 154.09 |
| 6XP | EXTRA PICK UP-6YD TRASH | \$ 150.92 | 2.10% | \$ 3.17 | \$ 154.09 |

8 YARD CONTAINERS
No new customers at this size - safety issues

| | | | | | |
|-----|-------------------------|-----------|-------|----------|-----------|
| 8GW | 8YD TRASH | \$ 743.88 | 2.10% | \$ 15.62 | \$ 759.50 |
| 8GE | 8YD TRASH EOW | \$ 390.58 | 2.10% | \$ 8.20 | \$ 398.78 |
| 8GM | 8YD TRASH MONTHLY | \$ 200.46 | 2.10% | \$ 4.21 | \$ 204.67 |
| 8OC | ON CALL-8YD TRASH | \$ 179.50 | 2.10% | \$ 3.77 | \$ 183.27 |
| 8XP | EXTRA PICK UP-8YD TRASH | \$ 179.50 | 2.10% | \$ 3.77 | \$ 183.27 |

CONTAINER MONTHLY RENT (CHARGED TO WILL-CALL CUSTOMERS, SAME FOR ALL SIZES)

| | | | | | |
|------|------------------|----------|-------|---------|----------|
| RNT1 | 1YD RENT - TRASH | \$ 22.55 | 2.10% | \$ 0.47 | \$ 23.02 |
|------|------------------|----------|-------|---------|----------|

FRONT-LOAD COMPACTOR RATE FACTORS - For all compacted material, including pre-compacted waste.

| | | | |
|---|--------------|--------------|--------------|
| Compactor Rating | 4 : 1 | 3 : 1 | 2 : 1 |
| Factor applied to container rate of same size | 1.5 | 1.3 | 1.12 |

RECOLOGY WESTERN OREGON**DAY CITY OF DAYTON****EFF. DATE: 9/1/2025**

| CODE | DESCRIPTION | CURRENT RATE | INC % | INC \$\$ | NEW RATE |
|------|-------------|--------------|-------|----------|----------|
|------|-------------|--------------|-------|----------|----------|

DEBRIS BOX SERVICES**SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES)****RATE PER HAUL**

| | | | | | |
|------|--------------------------------|-----------|-------|---------|-----------|
| DEL | DELIVERY CHARGE | \$ 76.13 | 2.10% | \$ 1.60 | \$ 77.73 |
| 10HG | TRASH BOX HAUL FEE (ALL SIZES) | \$ 167.47 | 2.10% | \$ 3.52 | \$ 170.99 |
| 40CG | COMPACTOR HAUL FEE (ALL SIZES) | \$ 200.96 | 2.10% | \$ 4.22 | \$ 205.18 |

DEBRIS BOX DISPOSAL FEES**RATE PER UNIT**

| | | | | | |
|------|--|----------|-------|---------|----------|
| DFDM | DISPOSAL FEE - DEMOLITION (\$\$/TON) | \$ 85.23 | 2.10% | \$ 1.79 | \$ 87.02 |
| DFG | DISPOSAL FEE - GARBAGE (\$\$/TON) | \$ 85.23 | 2.10% | \$ 1.79 | \$ 87.02 |
| DFWD | DISPOSAL FEE - CLEAN WOOD (\$\$/TON) | \$ 49.26 | 2.10% | \$ 1.03 | \$ 50.29 |
| DFYD | DISPOSAL FEE - YARD DEBRIS (\$\$/YD ³) | \$ - | 2.10% | \$ - | \$ - |

Note: Recycling ton fees will be equal to or less than trash fees, based on current market pricing.

TEMPORARY DEBRIS BOXES - COD RATES (INCLUDES HAUL & AVERAGE DISPOSAL FOR BOX SIZE)

| | | | | | |
|------|------------------------|-----------|-------|----------|-----------|
| 10DG | 10 YARD BOX W/DISPOSAL | \$ 359.29 | 2.10% | \$ 7.55 | \$ 366.84 |
| 20DG | 20 YARD BOX W/DISPOSAL | \$ 508.37 | 2.10% | \$ 10.68 | \$ 519.05 |
| 30DG | 30 YARD BOX W/DISPOSAL | \$ 657.57 | 2.10% | \$ 13.81 | \$ 671.38 |

RELATED FEES**RATE PER DAY**

| | | | | | |
|-------|------------------|----------|-------|---------|----------|
| RENTD | DAILY RENTAL FEE | \$ 11.92 | 2.10% | \$ 0.25 | \$ 12.17 |
|-------|------------------|----------|-------|---------|----------|

Note: Daily Rent applies after 48 hours, excluding evenings and weekends.

RATE PER MONTH

| | | | | | |
|-------|--------------------|-----------|-------|---------|-----------|
| RENTM | MONTHLY RENTAL FEE | \$ 168.96 | 2.10% | \$ 3.55 | \$ 172.51 |
|-------|--------------------|-----------|-------|---------|-----------|

Note: Monthly rent applies for customers who keep a box for a year or longer.

RATE PER HOUR

| | | | | | |
|------|-----------------------|-----------|-------|---------|-----------|
| TIME | TRUCK TIME FEE | \$ 147.54 | 2.10% | \$ 3.10 | \$ 150.64 |
| 1T1E | 1 TRUCK - 1 EMPLOYEE | \$ 171.60 | 2.10% | \$ 3.60 | \$ 175.20 |
| 1T2E | 1 TRUCK - 2 EMPLOYEES | \$ 257.41 | 2.10% | \$ 5.41 | \$ 262.82 |

Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas.

TEMPORARY RENTAL CONTAINERS**RATE PER EACH**

| | | | | | |
|-------|-------------------------------|-----------|-------|---------|-----------|
| 3YRGD | DELV 3 YD RENTAL FOR TRASH | \$ 107.97 | 2.10% | \$ 2.27 | \$ 110.24 |
| 3YRGP | SERVICE 3 YD RENTAL FOR TRASH | \$ 97.59 | 2.10% | \$ 2.05 | \$ 99.64 |
| 3YRXD | ADDL DAY - 3YD RENT CONTAINER | \$ 2.26 | 2.10% | \$ 0.05 | \$ 2.31 |

Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days.

BULKY ITEMS - DEBRIS BOX

STANDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS.

ADDITIONAL FEES MAY APPLY FOR ITEMS FOUND IN LOADS.

RATE PER EACH

| | | | | | |
|-------|----------------------|----------|-------|---------|----------|
| TOFFR | TIRE CHARGE NO RIM | \$ 5.28 | 2.10% | \$ 0.11 | \$ 5.39 |
| TONR | TIRE CHARGE ON RIM | \$ 10.57 | 2.10% | \$ 0.22 | \$ 10.79 |
| APPL | APPLIANCE | \$ 13.22 | 2.10% | \$ 0.28 | \$ 13.50 |
| APF | REFRIGERATOR/FREEZER | \$ 33.03 | 2.10% | \$ 0.69 | \$ 33.72 |

MEDICAL WASTE COLLECTION SERVICES**RATE PER EACH**

| | | | | | |
|-------|--------------------------------|----------|-------|---------|----------|
| M4HSC | 4.7 QT SHARPS CONTAINER | \$ 35.57 | 2.10% | \$ 0.75 | \$ 36.32 |
| M10SC | 10 QT SHARPS CONTAINER | \$ 39.27 | 2.10% | \$ 0.82 | \$ 40.09 |
| M23SC | 23 QT SHARPS CONTAINER | \$ 64.56 | 2.10% | \$ 1.36 | \$ 65.92 |
| 9CDBC | 9GAL CONFIDENTIAL DOCUMENT BOX | \$ 54.53 | 2.10% | \$ 1.15 | \$ 55.68 |
| MLGPB | PATHOLOGY BOX | \$ 57.51 | 2.10% | \$ 1.21 | \$ 58.72 |
| MW17G | MEDICAL WASTE 17 GAL | \$ 25.38 | 2.10% | \$ 0.53 | \$ 25.91 |
| MW31G | MEDICAL WASTE 31 GAL | \$ 32.70 | 2.10% | \$ 0.69 | \$ 33.39 |
| MW43G | MEDICAL WASTE 43 GAL | \$ 39.47 | 2.10% | \$ 0.83 | \$ 40.30 |
| MWTCB | MEDICAL WASTE TRACE CHEMO BOX | \$ 57.51 | 2.10% | \$ 1.21 | \$ 58.72 |

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues).
Billing Terms: Commercial Accounts are billed on a monthly basis.
Residential accounts are billed once every three months, in advance.

RWO - Annual Report 2024-25



REVENUE

Collection Services - Residential
Collection Services - Commercial
Collection Services - Debris Box
COLLECTION SERVICES:
Proposed Rate Adjustment
Revenue - DB Disposal
Revenue - Medical Waste
Revenue - Other (fees & related)
Non-Franchised Revenue

Total Revenue

Franchise Fees
Revenue w/o Franchise Fees

LABOR EXPENSES

Operational Personnel
Payroll Taxes
Medical Insurance
Other Benefits (Pension/401k, WC)

Total Labor Expense

DISPOSAL EXPENSES

Total Disposal Expense

OPERATIONAL EXPENSES

Fuel
Repairs and Maintenance
Business Taxes and PUC
Supplies & Uniforms
Operational Supplies/Safety
Contract Labor
Depreciation and Amortization
Operational Lease and Rent
Insurance Expense
Yard Debris/Wood
Recycling Processing Fees
Non Franchise Expense
Other Operational

Total Operations Expense

SUBTOTAL

Total Admin Expense

EARNINGS FROM OPERATIONS

Interest Income
Loss on Asset Disposal

NET INCOME BEFORE TAX

Operating Margin
Calculated Operating Ratio

| RWO - Valley Total | | | City of Dayton | | | |
|------------------------------------|--------------------------------------|----------------------|------------------------------------|--------------------------------------|--------------------------------------|--|
| 2024 Calendar Year Actual | 2025-26 Projected Rate Year | Allocation Method | 2024 Calendar Year Actual | Adjustments and Projected Changes | 2025-26 Projected Rate Year | |
| | | | Rate Adj. % >>> 2.10% | | | |
| \$ 9,400,814 | \$ 9,934,763 | Actual | \$ 303,852 | \$ 20,532 7% | \$ 324,384 | |
| \$ 5,364,082 | \$ 5,740,702 | Actual | \$ 88,566 | \$ 5,511 6% | \$ 94,078 | |
| \$ 1,826,012 | \$ 1,857,735 | Actual | \$ 32,931 | \$ (1,504) -5% | \$ 31,427 | |
| \$ 16,590,909 | \$ 17,533,201 | Actual | \$ 425,349 | | \$ 449,888 | |
| | | Actual | | | \$ 9,448 | |
| \$ 1,088,904 | \$ 1,088,904 | Actual | \$ 13,052 | \$ - 0% | \$ 13,052 | |
| \$ 98,352 | \$ 100,908 | Actual | \$ 312 | \$ 410 132% | \$ 722 | |
| \$ 97,665 | \$ 34,990 | Actual | \$ 1,515 | \$ 414 27% | \$ 1,929 | |
| \$ 1,187,410 | \$ 1,036,779 | Actual | \$ - | \$ - 0% | \$ - | |
| \$ 19,063,239 | \$ 19,794,781 | | \$ 440,228 | \$ 34,812 8% | \$ 475,040 | |
| \$ (688,218) | \$ (722,176) | Actual | \$ (11,059) | | \$ (11,934) | |
| \$ 18,375,021 | \$ 19,072,605 | | \$ 429,169 | | \$ 463,106 | |
| | | | | | | |
| \$ 2,181,223 | \$ 2,275,408 | Labor Hours | \$ 51,445 | \$ 2,221 4% | \$ 53,666 | |
| \$ 203,669 | \$ 212,464 | Labor Hours | \$ 4,804 | \$ 207 4% | \$ 5,011 | |
| \$ 449,261 | \$ 665,461 | Labor Hours | \$ 10,596 | \$ 5,099 48% | \$ 15,695 | |
| \$ 294,285 | \$ 314,482 | Labor Hours | \$ 6,941 | \$ 476 7% | \$ 7,417 | |
| \$ 3,128,438 | \$ 3,467,815 | | \$ 73,785 | \$ 8,004 11% | \$ 81,789 | |
| | | | | | | |
| \$ 3,152,405 | \$ 3,559,914 | | \$ 92,265 | \$ 12,116 13% | \$ 104,381 | |
| | | | | | | |
| \$ 628,118 | \$ 707,641 | Franchised Labor | \$ 13,842 | \$ 1,752 13% | \$ 15,594 | |
| \$ 2,467,176 | \$ 2,618,987 | Franchised Labor | \$ 54,368 | \$ 3,345 6% | \$ 57,714 | |
| \$ 192,178 | \$ 213,788 | Franchised Labor | \$ 4,235 | \$ 476 11% | \$ 4,711 | |
| \$ 47,700 | \$ 48,702 | Labor Hours | \$ 1,125 | \$ 24 2% | \$ 1,149 | |
| \$ 34,890 | \$ 35,623 | Labor Hours | \$ 823 | \$ 17 2% | \$ 840 | |
| \$ - | \$ - | Labor Hours | \$ - | \$ - 0% | \$ - | |
| \$ 8,316 | \$ 8,316 | Franchised Labor | \$ 183 | \$ - 0% | \$ 183 | |
| \$ 717,036 | \$ 763,733 | Franchised Labor | \$ 15,801 | \$ 1,029 7% | \$ 16,830 | |
| \$ 153,687 | \$ 156,915 | Labor Hours | \$ 3,625 | \$ 76 2% | \$ 3,701 | |
| \$ 1,283,278 | \$ 1,396,810 | Program | \$ 16,363 | \$ 1,448 9% | \$ 17,811 | |
| \$ 926,359 | \$ 737,640 | Recycling | \$ 30,681 | \$ (6,250) -20% | \$ 24,431 | |
| \$ 784,705 | \$ 817,061 | | \$ - | \$ - 0% | \$ - | |
| \$ 54,409 | \$ 55,551 | Labor Hours | \$ 1,283 | \$ 27 2% | \$ 1,310 | |
| \$ 7,297,852 | \$ 7,560,765 | | \$ 142,330 | \$ 1,944 1% | \$ 144,274 | |
| \$ 4,796,326 | \$ 4,484,110 | | \$ 120,789 | \$ 11,873 10% | \$ 132,662 | |
| | | | | | | |
| \$ 2,915,684 | \$ 2,757,130 | | \$ 66,347 | \$ 2,530 4% | \$ 68,877 | |
| \$ 1,880,642 | \$ 1,726,981 | | \$ 54,442 | \$ 9,342 | \$ 63,784 | |
| \$ (30,581) | \$ (30,835) | Not Allocated | \$ - | \$ - | \$ - | |
| \$ - | \$ - | Not Allocated | \$ - | \$ - | \$ - | |
| \$ 1,911,224 | \$ 1,757,815 | | \$ 54,442 | \$ 9,342 17% | \$ 63,784 | |
| 10.40% | 9.22% | | 12.69% | 2.10% | 13.77% | |
| 89.69% | 90.87% | | 87.22% | | 86.13% | |

Recology Western Oregon - Valley Inc.
(A Wholly Owned Subsidiary of Recology Inc.)

Financial Statements
And Supplementary Information

December 31, 2024



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INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors of
Recology Western Oregon - Valley Inc.

We have reviewed the accompanying financial statements of Recology Western Oregon - Valley Inc., which comprise the balance sheet as of December 31, 2024, and the related statements of income and stockholder's investment, and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Accountant's Responsibility

Our responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

We are required to be independent of Recology Western Oregon - Valley Inc. and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our review.

Accountant's Conclusion

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

Supplementary Information

The supplementary information included on page 13 is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management. We have not audited or reviewed such information and do not express an opinion, a conclusion, nor provide any assurance on such supplementary information.

A handwritten signature in black ink that reads "Armanino LLP".

San Ramon, California

April 3, 2025

RECOLOGY WESTERN OREGON - VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Balance Sheet

December 31, 2024

Assets

Current assets:

| | |
|--|--------------|
| Accounts receivable, net of allowance for credit losses of \$32,198 | \$ 2,210,935 |
| Other receivables | 2,425 |
| Prepaid expenses | 72,589 |
| Due from parent | 450,199 |

| | |
|----------------------|-----------|
| Total current assets | 2,736,148 |
|----------------------|-----------|

Property and equipment:

| | |
|-------------------------------|-------------|
| Machinery and equipment | 2,127,134 |
| Less accumulated depreciation | (1,974,557) |

| | |
|-----------------------------|---------|
| Property and equipment, net | 152,577 |
|-----------------------------|---------|

| | |
|--------------|--------------|
| Total assets | \$ 2,888,725 |
|--------------|--------------|

Liabilities and Stockholder's Investment

Current liabilities:

| | |
|---------------------------|-----------|
| Accounts payable | \$ 73,229 |
| Accrued liabilities | 323,256 |
| Deferred revenues | 1,611,919 |
| Total current liabilities | 2,008,404 |

| | |
|-------------------------------|---------|
| Stockholder's investment, net | 880,321 |
|-------------------------------|---------|

| | |
|--|--------------|
| Total liabilities and stockholder's investment | \$ 2,888,725 |
|--|--------------|

See accompanying notes to financial statements and independent accountant's review report.

RECOLOGY WESTERN OREGON - VALLEY INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Income and Stockholder's Investment

For the year ended December 31, 2024

| | |
|--|--------------------------|
| Revenues, net | <u>\$ 18,375,021</u> |
| Cost of operations | |
| Intercompany refuse disposal | 3,048,650 |
| Third party refuse disposal | 103,756 |
| Labor costs | 3,128,438 |
| Operational expenses | <u>7,251,626</u> |
| Total cost of operations | <u>13,532,470</u> |
| Gross profit | 4,842,551 |
| General and administrative expenses | <u>2,915,749</u> |
| Income from operations | <u>1,926,802</u> |
| Other income | |
| Interest income | <u>30,581</u> |
| | <u>30,581</u> |
| Net income | 1,957,383 |
| Stockholder's investment, net, beginning of year | 417,637 |
| Net distributions to Parent and affiliates | <u>(1,494,699)</u> |
| Stockholder's investment, net, end of year | <u><u>\$ 880,321</u></u> |

See accompanying notes to financial statements and independent accountant's review report.

RECOLOGY WESTERN OREGON - VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Cash Flows

For the year ended December 31, 2024

| | |
|---|--------------------|
| Cash flows from operating activities: | |
| Net income | \$ 1,957,383 |
| Adjustments to reconcile net income to net cash provided by operating activities: | |
| Depreciation | 8,316 |
| Provision for bad credit losses | 135,392 |
| Changes in assets and liabilities: | |
| Accounts receivable | (350,612) |
| Prepaid expenses | (51,058) |
| Accounts payable | (1,611) |
| Accrued liabilities | (248,211) |
| Deferred revenues | 59,999 |
| Net cash provided by operating activities | <u>1,509,598</u> |
| Cash flows from investing activities | |
| Purchases of property and equipment funded by parent | <u>(47,753)</u> |
| Net cash used in investing activities | <u>(47,753)</u> |
| Cash flows from financing activities: | |
| Due to Parent | 32,854 |
| Net distributions to Parent and affiliates | <u>(1,494,699)</u> |
| Net cash used in financing activities | <u>(1,461,845)</u> |
| Net change in cash | - |
| Cash, beginning of year | <u>-</u> |
| Cash, end of year | <u><u>\$ -</u></u> |

See accompanying notes to financial statements and independent accountant's review report.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(1) NATURE OF BUSINESS

Recology Oregon Waste - Valley Inc. (the "Company") is a wholly owned subsidiary of Recology Oregon Inc., which is a wholly owned subsidiary of Recology Inc. (the "Parent" or "Recology"), which in turn is wholly owned by the Recology Employee Stock Ownership Plan (the "Recology ESOP" or the "ESOP").

The Company collects refuse and recyclables in the City of McMinnville and surrounding municipalities in Yamhill and Polk Counties. The Company's refuse collection rates are set by these municipalities. The rate setting process may result in the disallowance of certain costs and/or delays in cost recovery, as well as differences in the timing of when revenues and expenses are recognized.

During the year ended December 31, 2024, the Company disposed of refuse collected by its operations at a facility owned and operated by an affiliate as well as a facility owned and operated by a third party. Yard debris and other recyclable commodities were primarily disposed at a facility owned and operated by an affiliate.

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of accounting and financial statement presentation

The accompanying financial statements are presented in accordance with accounting principles generally accepted in the United States of America ("U.S. GAAP").

Revenue recognition and accounts receivable

The Company recognizes revenue on an accrual basis when services are performed. Deferred revenues primarily consist of revenues billed in advance that are recorded as revenue in the period in which the related services are rendered. The majority of the Company's revenue is subject to rate regulation by the municipalities in which it operates.

The Company's receivables are recorded when billed and represent claims against third parties that will be settled in cash. The carrying value of the Company's receivables, net of the allowance for credit losses, represents their estimated net realizable value. The Company estimates its allowance for credit losses based on several factors, including historical collection trends, type of customer, existing economic conditions, reasonable and supportable forecasts and other factors. Outstanding balances are reviewed on an account-specific basis based on the credit risk of the customer. The Company determined that its accounts receivable share similar risk characteristics. The Company also monitors its credit exposure on an ongoing basis and assesses whether assets in the pool continue to display similar risk characteristics. The Company performs ongoing credit evaluations of its customers, but generally does not require collateral to support customer receivables.

Past due receivable balances are written off when the Company's internal collection efforts have been unsuccessful. Finance charge income is recognized on outstanding accounts receivable balances under the respective terms of the amounts due.

In accordance with the Company's adoption of the revenue recognition standard during 2019, municipal franchise fees totaling \$688,218 are presented as a reduction to revenue for the year ended December 31, 2024.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Property and equipment

Property and equipment, including major renewals and betterments, are stated at cost. It is the Company's policy to periodically review the estimated useful lives of its property and equipment. Depreciation is calculated on a straight-line basis over the estimated useful lives of assets as follows:

| | <u>Estimated useful lives</u> |
|-------------------------|------------------------------------|
| Buildings | 20-40 years |
| Leasehold improvements | Shorter of lease or useful life |
| Machinery and equipment | 6-8 years |
| Furniture and fixtures | 8 years |
| Vehicles | 9 years |
| Containers | 10 years |

Depreciation expense on the above amounted to \$8,316 for the year ended December 31, 2024. The cost of maintenance and repairs is charged to operations as incurred; significant renewals and betterments are capitalized.

Environmental remediation liabilities

The Company accrues for environmental remediation costs when they become probable and based on its best estimate within a range. If no amount within the range appears to be a better estimate than any other, the low end of the range is used. Remediation costs are estimated by environmental remediation professionals based upon site remediation plans they develop and on their experience working with regulatory agencies and the Company's environmental staff and legal counsel. All estimates require assumptions about future events due to a number of uncertainties, including the nature and extent of any contamination, the appropriate remedy or remedies, the final apportionment of responsibility among the potentially responsible parties, if any are identified, the financial viability of other potentially responsible parties, and regulatory agency requirements. Thus, actual costs incurred may differ from the Company's initial estimate. These estimates do not take into account discounts for the present value of total estimated future costs, as the timing of cash payments is not reliably determinable. The Company regularly evaluates the recorded liabilities when additional information becomes available or regulatory changes occur to ascertain whether the accrued amounts are adequate. The Company does not recognize recoverable amounts from other responsible parties or insurance carriers until receipt is deemed probable. No environmental liabilities were accrued at December 31, 2024.

Impairment of long-lived assets

The Company's policy is to review estimated undiscounted future cash flows and other measures of an asset's value for its operations when events or changes in circumstances indicate the carrying value of an asset may not be fully recoverable.

During the year ended December 31, 2024, there were no events or changes in circumstances that indicated the carrying value of an asset was not fully recoverable.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Leases

The Company leases certain land, buildings, vehicles, and equipment used in the Company's operations under lease agreements. The Company is responsible for all maintenance costs, taxes, and insurance on the buildings, vehicles, and equipment under lease agreements.

The Company accounts for leases in accordance with Accounting Standards Codification Topic 842, Leases. The Company determines if an arrangement is or contains a lease at contract inception. The Company recognizes a right-of use ("ROU") asset and a lease liability at the lease commencement date.

The ROU asset is initially measured at cost, which comprises the initial amount of the lease liability adjusted for lease payments made at or before the lease commencement date, plus any initial direct costs incurred less any lease incentives received.

The Company's leases have varying terms, some of which include renewal or escalation clauses, which are considered in determining minimum leases payments. The lease term for all the Company's leases includes the noncancelable period of the lease plus any additional periods covered by either a Company option to extend (or not to terminate) the lease that the Company is reasonably certain to exercise, or an option to extend (or not to terminate) the lease controlled by the lessor. The Company has cancelable agreements with an affiliate that have one-year terms, whereby it pays for use of certain operating equipment and property. The Company has elected not to include these leases with an initial term of 12 months or less in the balance sheet and payments associated with these short term-leases are recognized as an operating expense on a straight-line basis over the lease term. Leases are classified as either operating leases or finance leases at inception.

Income taxes

Effective October 1, 1998, the Parent elected to become an S corporation with the Company electing to be treated as a Qualified Subchapter S corporation subsidiary. Under S corporation rules, the Parent's taxable income and losses are passed through to the ESOP, the Parent's sole shareholder, which is exempt from income tax, and the Company is treated as a division of the Parent having no separate income tax obligations. The Parent has not allocated the income tax expense to the Company.

The Company recognizes income tax positions only if those positions are more likely than not of being sustained. Recognized income tax positions are measured at the largest amount that has a greater than 50% likelihood of being realized. Changes in recognition or measurement are reflected in the period in which the change in judgment occurs. The Company's accounting policy for evaluating uncertain tax positions is to accrue estimated benefits or obligations relating to those positions.

The Company records interest related to unrecognized tax benefits as interest expense and penalties as an administrative expense. For the year ended December 31, 2024, there was no interest or penalties recorded because the Company has no uncertain tax positions that meet the more likely than not threshold.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Cash concentration account

The Company's bank account is linked to the Parent's concentration account. Cash balances (or deficits) at the end of each day are automatically transferred to (or from) the concentration account, so that at the end of any particular day, as well as at year-end, the Company's bank account has a zero balance, with related amounts debited or credited to the underlying intercompany account.

Allocations

The Company includes allocated charges from the Parent and affiliates in operating expenses. The charges are allocated by applying activity appropriate factors to direct and indirect costs of the Parent and affiliates or based upon established fees.

Use of estimates

Management of the Company has made a number of estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with U.S. GAAP. The more significant estimates requiring the judgment of management include the valuation of the allowance for credit losses, accrued franchise fees and the allocation methodology used in the allocation of direct and indirect costs of the Parent and affiliates. Actual results could differ from those estimates.

Stockholder's investment

The Company has 100,000 shares of common stock authorized and 1,000 shares issued and outstanding with no par value as of December 31, 2024. Stockholder's investment, net is comprised of the legal capital plus cumulative contributions net of distributions.

Fair value of financial instruments

The carrying amounts reported in the balance sheet of the assets and liabilities, which are considered to be financial instruments (such as receivables, accounts payable, and accrued liabilities), approximate their fair value based upon current market indicators.

Concentration of credit risk

Cash and accounts receivable are financial instruments that potentially expose the Company to credit risk. The Company's bank account is linked to the Parent's concentration account. Cash balances (or deficits) at the end of each day are automatically transferred to (or from) the concentration account. Management believes that the Company is not exposed to any significant risk on cash. As of December 31, 2024, two jurisdictions accounted for approximately 79% of accounts receivable.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Subsequent events

The Company has evaluated its subsequent events through April 3, 2025, which is the date the financial statements were available for issuance. As a result of the evaluation, we are not aware of any material modifications that should be made to these financial statements for them to be in conformity with U.S. GAAP.

(3) COMMITMENTS AND CONTINGENCIES

Substantially all of the assets of the Company are pledged to secure the obligations of the Parent. The Company, along with the Parent and the Parent's wholly owned subsidiaries, has guaranteed the repayment, on a joint and several basis, of any and all obligations under the Parent's Revolving Credit Agreement. The Company could be required to honor the guarantee upon an uncured default event, as defined in the Parent's Revolving Credit Agreement. The Parent's Revolving Credit Agreement expires in December 2026. At December 31, 2024, there was an outstanding balance of \$314.0 million on the Parent's Revolving Credit Agreement and there were standby letters of credit issued for \$188.9 million. The Parent has represented to the Company that it is in compliance with all covenants of the Revolving Credit Agreement.

The Company, along with the Parent and the Parent's wholly owned subsidiaries, has guaranteed the payment of amounts owed to unrelated third parties, which provided the equipment financing to affiliates of the Company. The affiliates are obligated to the unrelated third parties with various expiration dates through December 2026. At December 31, 2024, the outstanding principal on the financed equipment recorded by the affiliates was \$4.2 million.

The Parent and its subsidiaries, including the Company, are subject to various laws and regulations relating to the protection of the environment. It is not possible to quantify with certainty the potential impact of actions regarding environmental matters, particularly any future remediation, and other compliance efforts. The Parent has environmental impairment liability insurance, which covers the sudden or gradual onset of environmental damage to third parties, on all owned and operated facilities. In the opinion of management, compliance with present environmental protection laws will not have a material adverse effect on the results of operations of the Company provided costs are substantially covered in the Company's rates on a timely basis.

The Company and the Parent are involved in various legal actions arising in the normal course of business. It is the Company's opinion that these matters are adequately provided for or that the resolution of such matters will not have a material adverse impact on the financial position or results of operations of the Company or the Parent.

(4) LEASES

The Company's main office facility and storage yard, located in Western Oregon Valley, is leased under 12 month fully cancelable leases ranging from \$2,617 to \$10,874 per month. The Company also leases all equipment under 12-month, fully cancelable, annually renegotiated leases, ranging from \$14 to \$2,642 per month. The rent expense for the main office facility and storage yard totaled \$159,600 and for all equipment totaled \$668,062 for the year ended December 31, 2024.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(4) LEASES (CONTINUED)

Under the terms of the equipment lease agreement with an affiliate, and in accordance with existing internal policies, the Company may continue to use certain equipment under operating leases without a related payment once the affiliate's equipment cost and related interest have been funded through operating lease payments.

(5) TRANSACTIONS WITH RELATED PARTIES

During the year ended December 31, 2024, revenue, operating and other expenses of the Company included allocated charges from the Parent and affiliates. Such charges are based upon the direct and indirect costs of the Parent and affiliates, or established fees, and allocated based on specific activities. The allocated charges are as follows:

Parent:

| | |
|-------------------------------|----------------|
| Health Insurance | \$ 13,513 |
| Worker's Compensation | 73,193 |
| 401(k) Employer Portion | 5,167 |
| General and Vehicle Insurance | 153,687 |
| | <u>245,560</u> |

Affiliates:

| | |
|---|---------------------|
| Collection Revenue | (1,153,435) |
| Rental of Equipment | 668,233 |
| Disposal Costs | 4,331,928 |
| Processing Fees | 926,359 |
| General and Administration Allocation | 2,288,274 |
| Truck and Garage | 1,854,932 |
| Regional Management and Accounting Fees | 192,695 |
| | <u>9,108,986</u> |
| | <u>\$ 9,354,546</u> |

During the year ended December 31, 2024, amounts due from or payable to Parent and affiliates were accumulated by the Company and, as of the Parent's fiscal year-end, September 30, 2024, the net amount was settled by way of capital contributions or distributions. Changes in amounts due from or payable to Parent or affiliates are presented as a financing activity in the statement of cash flows, except as related to expenditures attributable to property and equipment. For the three months from October 1, 2024 to December 31, 2024, the net amount was not settled by way of capital contributions or distributions.

(6) EMPLOYEE STOCK OWNERSHIP PLAN

In 1986, the Parent established an employee stock ownership plan and trust, which purchased all of the Parent's outstanding stock. The ESOP is a noncontributory plan that covers substantially all of the employees of the Company and other Recology subsidiaries. Employees, except under certain conditions, become fully vested after a requirement of three years of service. No vesting occurs until the full service requirement is satisfied.

RECOLOGY WESTERN OREGON – VALLEY INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2024

(6) EMPLOYEE STOCK OWNERSHIP PLAN (CONTINUED)

The Parent's common stock is not traded on an established market. Presently, all shares are held by the ESOP. All distributions will be made from the ESOP in cash, which is received from Recology, or shares, subject to immediate repurchase by Recology. A participant who is vested is entitled to begin receiving a distribution from his or her ESOP account at a future date following his or her termination of employment. Distributions may be made in a lump-sum, equal annual installments over a period generally not to exceed five years, or a combination of the foregoing, generally as determined by the ESOP Administrative Committee (the "Committee"). The Committee also generally determines the time and manner of distributions, subject to the following limitations: (i) in the event of a participant's retirement, disability, or death, distribution must begin prior to September 30 of the plan year following the plan year in which employment terminates; and (ii) if a participant's employment terminates for any other reason, distribution must begin prior to September 30 of the sixth plan year following the plan year in which employment terminates, although the Committee may further defer distributions that are not attributable to post-1986 shares until the participant reaches the age that he or she would be required to reach in order to qualify for retirement under the ESOP. Each participant who has attained age 55 and has participated in the ESOP for at least 10 years may elect to receive cash distributions for in-service withdrawals attributable to post-1986 shares allocated to his or her account. An eligible participant is entitled to elect payment attributable to as much as 25% of his or her eligible shares during the first five years of election and up to 50% of eligible shares in the sixth year. The cash distributions are based upon the appraised value of Recology stock and other assets, if any, as of the most recent valuation of the participant's account.

The Parent makes contributions to the ESOP to make benefit payments to eligible participants under the Plan.

SUPPLEMENTARY INFORMATION

RECOLOGY WESTERN OREGON - VALLEY INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Schedule of Operational and General and Administrative Expenses

For the year ended December 31, 2024

| | |
|---|---------------------|
| Operational expenses | |
| Depreciation | \$ 8,316 |
| Fuel | 755,367 |
| Insurance | 153,687 |
| Supplies | 36,366 |
| Operational lease expense | 827,662 |
| Recycling processing costs | 926,359 |
| Repair and maintenance | 2,921,079 |
| Taxes and licenses | 285,104 |
| Yard debris funding | 1,283,278 |
| Other operational expenses | 54,408 |
| Total operational expenses | <u>\$ 7,251,626</u> |
| General and administrative expenses | |
| General administration allocation | \$ 2,288,274 |
| Regional management and accounting fees | 192,695 |
| Advertising and promotion | 369 |
| Provision for credit losses | 135,392 |
| Contributions | 13,722 |
| Billing services | 48,257 |
| Dues and subscriptions | 14,296 |
| Education and training | 7,057 |
| Bank service charges | 84,744 |
| Meals | 9,722 |
| Office supplies | 15,478 |
| Postage | 22,661 |
| Professional services | 20,867 |
| Telephone | 46,638 |
| Travel | 6,121 |
| Other administration | 9,456 |
| Total general and administrative expenses | <u>\$ 2,915,749</u> |

See accompanying notes to financial statements and independent accountant's review report.

To: Honorable Mayor and City Councilors

From: Cyndi Park, Library Director

Through: Jeremy Caudle, City Manager

Issue: Approval of Resolution 24/25-13 Chemeketa Cooperative Regional Library Service (CCRLS) IGA Amendment #2

Date: June 2, 2025

Background Information:

The City of Dayton has been a member library of the Chemeketa Cooperative Regional Library Service (CCRLS) since 2008.

This current IGA with CCRLS is for a five-year term (July 1, 2023 - June 30, 2028) to provide library services for the Mary Gilkey Library. For your consideration is Amendment #2 to the current IGA.

This amendment will update contact information if there were any changes, will replace the Exhibit 1 - Compensation Schedule with FY2025-2026 amounts, and will replace the original Attachment A - Statement of Work/Consideration document found in the 2023-2028 boilerplate, with an updated version.

The following updates were made to language in Attachment A.

Update #1: Language was updated to reference the new Formula Based Reimbursement policy on Page 5, 2) Consideration, a) i):

Old statement:

1. In the amount shown in Exhibit 1 - Compensation Schedule for providing nonresident library service for the residents of the College District. Payments shall be made in four equal installments at the end of each quarter as provided herein; and

New statement:

1. In the amount shown in Exhibit 1 - Compensation Schedule for formula-based reimbursement, as defined and expressed in CCRLS Policy REIMB-001. Payments shall be made in four equal installments at the end of each fiscal year quarter as provided herein; and

Update #2: This statement was deleted from Page 1, 1) Statement of Work, a), x) and the language was updated and moved to Page 5, 2) Consideration, a), iv):

Old Statement found on Page 1, 1) Statement of Work, a), x):

x) Provide for the regular participation of library staff at subcommittee meetings and training events provided by vendors and/or College. The College will reimburse mileage at current

college rates; roundtrip from participating library to the meeting/training. Reimbursement will be made biannually.

New statement now found on Page 5, 2) Consideration, a), iv):

iv) The College will reimburse mileage related to the following activities: PYM director and sub-committee meetings (in-person), CCRLS-sponsored meetings and trainings (in-person). Mileage is calculated as roundtrip, from participating library to the meeting/training location. Reimbursement will be made biannually.

Update #3: The statement below was deleted from Page 4, 1) Statement of Work, b), i), (2), (t) and moved to Page 5, 2) Consideration, a), iii):

iii) Reimburse CCRLS Member Library for library materials borrowed by district non-residents and college students, faculty, and staff under this agreement and not returned by the borrowers within twelve months of due date. CCRLS Member Library hereby transfers and assigns all interests in such materials and replacement charges to the College with respect thereto. If lost materials are returned, CCRLS Member Library will reimburse the College for any lost materials replacement charges paid to the CCRLS Member Library;

City Manager Recommendation: I recommend approval of Resolution 24/25-13.

Potential Motion Language: "I move to approve Resolution 24/25-13, a Resolution Approving Amendment #2 to the Intergovernmental Agreement between Chemeketa Community College and the City of Dayton for the Chemeketa Cooperative Regional Library Service (CCRLS)."

City Council Options:

- 1 - Move to approve Resolution 24/25-13.
- 2 - Move to approve Resolution 24/25-13 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.

RESOLUTION NO. 2024/25-13
City of Dayton, Oregon

**A Resolution Approving Amendment #2 to the Current Intergovernmental Agreement
between Chemeketa Community College and the City of Dayton for the Chemeketa
Cooperative Regional Library Service (CCRLS).**

WHEREAS in 2008-2009, the City of Dayton entered into a 5-year Intergovernmental Agreement with Chemeketa Community College for the Chemeketa Cooperative Regional Library Service (CCRLS), hereafter called "Agreement"; and

WHEREAS Chemeketa Community College renewed the Agreement in 2012-2013 for another 5-year Agreement with an annual payment amounts update; and

WHEREAS Chemeketa Community College renewed the Agreement in 2018-2019 for another 5-year Agreement with annual payment amounts update that expires on June 30, 2023; and

WHEREAS Chemeketa Community College renewed the Agreement in 2022-2023 for another 5-year Agreement with annual payment amounts update that expires on June 30, 2028.

Therefore, the City of Dayton resolves as follows:

- 1) THAT** the City Manager and appropriate staff are hereby authorized to execute the Amendment #2 to the Agreement with CCRLS (attached hereto as Exhibit A and by this reference incorporated herein); and
- 2) THAT** this resolution shall become effective immediately upon adoption.

Adopted this 2nd day of June 2025

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date Signed

ATTESTED BY:

Rocio Vargas, City Recorder

Date of Enactment

Attachment - Exhibit A



Procurement Services – 4000 Lancaster Drive NE, Salem, OR 97305

**Library Participation in Chemeketa Cooperative Regional Library Services (CCRLS)
Intergovernmental Agreement #10698200, Amendment #02**

Purpose: Replace Attachment A, Notices, and Add 10698202 Exhibit 1.

This Agreement is by and between Chemeketa Community College through its Chemeketa Cooperative Regional Library Services (CCRLS), hereafter known as “College,” and the City of Dayton, Oregon, by and through its Mary Gilkey City Library, hereafter known as “CCRLS Member Library,” both herein referred to individually and collectively as “Party” or “Parties.”

- 1) **Clause 18) Notices, subsection CCRLS Member Library** is deleted in its entirety and replaced with the following:

18) Notices

Any notice required to be given to the College or CCRLS Member Library under this Agreement shall be sufficient if given, in writing, by email, first class mail or in person as follows:

CCRLS Member Library

Jeremy Caudle, City Manager
City of Dayton
PO Box 339
416 Ferry Street
Dayton, Oregon, 97114
Office: 503.864.2221, Fax: 503.864.2956
Email: jcaudle@daytonoregon.gov

- 2) **10698200 Attachment A** is deleted in its entirety and replaced by **10698202 Attachment A** attached hereto and incorporated herein by this reference.
- 3) Add **10698202 Exhibit 1 FY2025-2026 Compensation Schedule** is attached hereto and incorporated herein by this reference.
- 4) This amendment is effective July 1, 2025.

Signatures on the next page

Signatures

Parties concur that all other terms and conditions of the original Agreement, and the terms and conditions of any Amendment to the original agreement, shall remain in effect.

In witness whereof, the parties hereto have caused this agreement to be executed on the date set forth below, effective as of the date set forth herein.

College

(Signature) (Date)
Doug Yancey
Executive Director, Chemeketa Cooperative
Regional Library Services (CCRLS)

CCRLS Member Library

Signature of Library Director (Date)

Cyndi Park, Library Director

Name/Title (Typed or Printed)

Signature of Authorized Entity Signer (Date)

Jeremy Caudle, City Manager

Name/Title (Typed or Printed)

The College is an equal opportunity/affirmative action employer and educational institution committed to an environment free of discrimination and harassment. Questions regarding sexual harassment, gender-based discrimination and sexual misconduct policies or wish to file a complaint contact the Title IX coordinator at 503.365.4723. For questions about equal employment opportunity and/or affirmative action, contact 503.399.2537. To request this publication in an alternative format, please call 503.399.5192.



Chemeketa Cooperative Regional Library Service

10698202 Attachment A – Statement of Work/Consideration

1) Statement of Work

a) Under this agreement CCRLS Member Library shall:

- i) Provide at least the basic level of service to nonresidents within the College District and to nonresident staff currently employed with the College. Basic level of service is defined as ten checkouts and ten holds per person at a time, utilizing individual rather than household cards; Basic level of service also includes access to currently licensed electronic resources provided by the College;
- ii) Provide free borrowing privileges to card holding residents/patrons of other CCRLS Member Libraries and all currently registered College students who present a valid library card;
- iii) Ensure that in no case shall card-holding residents of the College District receive less than the basic level of service from CCRLS Member Library;
- iv) CCRLS Member Library may, at its sole discretion, elect to provide services to persons incarcerated in county, state, or federal jail or prison facilities. CCRLS Member Library may, at its sole discretion, elect not to allow its owned materials to be circulated to such facilities;
- v) Notify each current non-resident cardholder within its geographic zone at least 30 days prior to instituting a fee for service above the basic level. No advance notification is necessary for fee increases;
- vi) Provide reference and information services to patrons of the participating libraries of the CCRLS District in cooperation with College and other participating libraries;
- vii) Share local basic circulating collections with other CCRLS Member Libraries as determined appropriate by Polk, Yamhill and Marion Library Association (PYM) and CCRLS Advisory Council. Nothing in this agreement shall require the CCRLS Member Library to share the portions of its collection that it deems private and for local use only;
- viii) Provide daily fulfillment of loan/hold requests from other CCRLS Member Libraries, originating both within the shared ILS and from other resource sharing systems adopted by CCRLS, on days the CCRLS courier runs;
- ix) Provide for the regular participation of the library director in meetings of the PYM and as may be necessary in meetings of the CCRLS Advisory Council. The College depends on member participation. Regular participation shall be defined as attendance by the library director at each meeting, unless excused. CCRLS Member Library director's attendance at the September meeting of the PYM Association is highly encouraged. Library directors will have private secure email for communicating confidential College information. Directors will provide a chain of command to allow coverage in their absence;
- x) Provide for the regular participation of library staff at subcommittee meetings and training events provided by vendors and/or College;
- xi) Assume full responsibility for the accuracy of data at its entry into the integrated library system, and for updating that data accurately to reflect library holdings. Such data includes, but is not limited to, ISBN, Barcode number, library location, volume number, call number, copy number, type of material, status, etc.;
- xii) Take reasonable measures to protect equipment in CCRLS Member Library's possession from abuse, theft, and misuse. CCRLS Member Library shall, while in possession of the computer system hardware, including peripheral devices, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism or other sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS Member Library shall have no obligation under this paragraph with respect to loss resulting from defect in the computer system itself, or from the acts of vandals gaining access to the computer system programs. Or data accessed externally and not by the application of physical force to the tangible components of the system; and, provided further, that the CCRLS Member Library shall not be liable under this agreement for any consequential damages incident to any loss under this section;

- xiii) Prepare, provide, and maintain the furniture and physical location for installation of allocated hardware and equipment in its library. This responsibility includes network, cable installation, electrical power, and environment, all meeting industry, manufacturer, and vendor specifications;
 - xiv) CCRLS Member Library may purchase equipment and software to expand and enhance its own operations; provided that, if any such equipment and software will be linked to the integrated library system or the College telecommunications network, the College shall be notified ahead of time and such equipment and software is to be acceptable to the College as compatible with the integrated library system and the College telecommunications network. The College shall not be responsible for maintenance of CCRLS Member Library equipment but will configure and ensure the College network connectivity. CCRLS Member Library shall not connect or install any such equipment or software without the review and written approval of the College after at least 90 days prior to notice by CCRLS Member Library. The College may remove non-approved equipment from the network at the College's discretion. To facilitate this approval, it is recommended that CCRLS Member Library includes the College in the examination and selection process. The College cannot be responsible for making equipment and software work if this process is not followed. Any computer device connected to the College network must have approved anti-virus security software and a current, secure Operating System. CCRLS Member Library will not alter College network or workstation equipment within their building without communication or direction from the College;
 - xv) Provide library staff possessing minimum level of technical ability and skill, with available phone access, to provide an onsite interface with College technical staff; and
 - xvi) Notify College of any desired reductions to the number of CCRLS Member Library software licenses held through group software purchases, at least three months prior to renewal.
- b) Under this agreement College shall:
- i) Provide for the fiscal and administrative management of the CCRLS
 - (1) Maintain the following:
 - (a) The Chemeketa Cooperative Regional Library Advisory Council hereinafter referred to as the CCRLS Advisory Council, through which recommendations on policies of the Service can be expressed. The present membership of the CCRLS Advisory Council shall be updated as needed and sent electronically for inclusion to all Library Directors and posted on the College website; and
 - (b) An ongoing liaison with Polk, Yamhill, and Marion Library Association (PYM) (or their executive committee) through which recommendations on procedures and their implementation can be expressed.
 - (2) Provide operation and maintenance of the College integrated library system and related platforms, including:
 - (a) Maintain bibliographic, circulation, and borrower data in an integrated library system. Design, applications, enhancements of, and major changes of operation to the integrated library system shall be subject to review by the PYM Technology Committee;
 - (b) Manage the College integrated library system under the terms of this agreement and other applicable agreements with vendors and participating library so that CCRLS Member Library has access to its bibliographic, circulation, and borrower records during library business hours and at other times as agreed upon between the CCRLS Member Library Director and the CCRLS Executive Director or their designee. The management responsibility for the integrated library system includes the obligation of College to monitor, evaluate, and create as needed entries for new materials and retrospective conversion of cataloging of old materials to maintain the highest quality bibliographic MARC database;
 - (c) Acquire and provide for effective maintenance and support of all essential present and future, central and remote integrated library system equipment at its own expense; and provide for secure installation and housing for integrated library system except such integrated library system equipment as is acquired by CCRLS Member Library for installation at its library, or as otherwise provided in Attachment A 1)a)xiv) of this agreement;
 - (d) Coordinate and assume cost for installation of telecommunications equipment and lines needed at CCRLS Member Library's central and branch libraries for use with integrated library system. Parties agree that College does not control, and therefore cannot warrant, the telecommunication networks used to communicate data from a remote site, nor does this agreement cover maintenance of telecommunication lines;
 - (e) Acquire and furnish to CCRLS Member Library, at College's direct cost, certain necessary supplies, and services, such as utilities, library cards, barcodes, patron notices, storage media, and other supplies except

printer paper, cartridges and toner which may be required to provide the services of integrated library system to CCRLS Member Library;

- (f) Provide at CCRLS Member Library's request, specialized reports not regularly generated by integrated library system;
- (g) Coordinate all service, support, equipment purchases and maintenance necessary to the proper operation of integrated library system and enforce rules and standards for use of integrated library system by CCRLS Member Library. CCRLS Member Library shall enter, retrieve, modify, and delete data in and from integrated library system in accordance with those rules and standards;
- (h) Maintain agreements for hardware maintenance and software support with current provider of library automation service(s). The College shall provide reasonable approved maintenance and support for integrated library system hardware and software not provided by automation vendor. The College shall provide reasonable prior notice to CCRLS Member Library when system operation must be suspended for operational or maintenance requirements. The College shall exercise its best efforts to schedule such periods of suspension during hours when CCRLS Member Library's libraries are closed. Except for suspension of operation for necessary system maintenance or because security of the College integrated library system is compromised or damaged, College shall not "lock out" CCRLS Member Library terminals from integrated library system;
- (i) Provide, through the College, one or more dedicated telephone lines to serve the system, and related telecommunication equipment as provided in the agreement with the vendor for the integrated library system, and pay all related installation, acquisition, maintenance, and use cost;
- (j) Except for equipment and software purchased by CCRLS Member Library under Attachment A 1) a) xiv), all integrated library system hardware, software, and other capital equipment shall remain the property of College, and CCRLS Member Library shall have no claim thereto other than the right to use thereof under this agreement;
- (k) The College will provide ILL service through OCLC. CCRLS will serve as the 'Referral Center,' coordinating external loans and mediating borrowing requests from CCRLS Member Library staff. CCRLS Member Library will be responsible for shipping costs incurred through non-Orbis channels; the College will reimburse CCRLS Member Library for material lost and/or damaged in the ILL lending process; CCRLS Member Library will be responsible for material lost and/or damaged in the ILL borrowing process;
- (l) Contract for hosting maintenance and backup of the College integrated library system data. In the event of system malfunction or loss of data, the College shall promptly arrange for restoration of the most recently backed up data to the system once it is again functioning. No liability is assumed by the College if the integrated library system experiences down time or loss of data, which cannot be recovered;
- (m) Facilitate integrated library system training for CCRLS Member Library staff as deemed necessary. The College shall provide access to integrated library system user documentation for CCRLS Member Library's staff. All other training of CCRLS Member Library staff shall be the responsibility of CCRLS Member Library;
- (n) Provide for general maintenance and utilities to support the College integrated library system. This obligation includes janitorial service, maintenance painting as necessary, structural repairs, lighting and electrical system maintenance, and HVAC maintenance;
- (o) While providing computer network access to the College integrated library system, repair or replace as necessary any such items which are lost, physically damaged, or destroyed as a result of fire, theft, vandalism, or other sudden and unforeseen occurrence which would be a peril insurable under a standard form electronic data processing property insurance policy; provided that CCRLS Member Library shall have no obligation under this paragraph with the acts of vandals gaining access to the computer system, programs, or data tangible components of the system; and, provided further, that CCRLS Member Library shall not be liable under this agreement for any consequential damages incident to any loss covered under this section;
- (p) Provide personnel for the operation of the system. "Operation" includes: use of supplied software to generate reports, notices, lists, and similar documents and files; preparation and sending of overdue notices, hold notices, reports, billings, and other specified documents produced for routine system operation by the vendor(s) of the system and its installation, maintenance, or support of software, or the maintenance, repair or replacement of hardware or firmware;

- (q) Through its governing board, retain final authority over the policies and decisions relating to budget, operating procedures, system design, participation by other libraries, and other like issues of a general policy nature affecting their operation of College and integrated library system. The board, however, shall not take such actions without the recommendation of the CCRLS Advisory Council;
 - (r) In serving card-holding College District nonresident patrons, abide by each CCRLS Member Library's rules and procedures regarding borrowing privileges. In no case shall card-holding residents of the College District receive less than the basic level of service from College;
 - (s) Provide a quarterly financial report to the CCRLS Advisory Council that includes revenue and expense information for the quarter and year to date, compared to a) current year budget and b) prior year for the same period. The report will be made available to CCRLS Member Library;
 - (t) Provide regular courier service between the participating libraries;
 - (u) May coordinate group purchasing of College related equipment, software, or non-essential supplies, as needed, to assist CCRLS Member Library and other participants. Charges for purchased supplies, equipment, services, maintenance contracts, delivery charges, postage, etc., will be billed to CCRLS Member Library at direct cost and payable to College;
 - (v) Coordinate group purchasing of computer access and print management software licenses from Envisionware (or subsequent vendor); and
 - (w) Coordinate group purchasing of such College related services on behalf of member libraries including, but not limited to Debt Collect, ORBIS, and Cascade Alliance Courier. College will invoice CCRLS Member Library annually or quarterly for the cost of Debt Collect on a usage basis.
- (3) Electronic Payments for Fines, Lost Book Charges, or Other Charges
- (a) Through College, collect and process electronic payments for fines, lost book charges, or other charges owed to CCRLS Member Library. The College recognizes that CCRLS Member Library may adopt payment options which are not processed through College PayPal account and that College has no opportunity or obligation to service those transactions;
 - (b) Process charges that are paid only through the shared integrated library system operated by College;
 - (c) College shall not be financially responsible to refund corrected charges to a library patron. Any dispute of charges is the responsibility of CCRLS Member Library to resolve with the patron. Deductions from the merchant banking account will be deducted from the next regular payment to the associated CCRLS Member Library;
 - (d) Compile and calculate monthly charges. However, payment to CCRLS Member Library will be made on a quarterly basis. In the event the amount due to CCRLS Member Library is less than \$15, the payment may be held for the next quarterly payment;
 - (e) Make payment to CCRLS Member Library in the amount paid on their behalf, minus merchant services for the period. Associated fees will be distributed on a pro-rata basis to each library based on the percentage of total funds collected that month and total fees that month;
 - (f) College shall be credited payments for unidentified charges, or for items, which College has previously reimbursed CCRLS Member Library;
 - (g) College shall acknowledge responsibility only for the amount of any correction without penalty;
 - (h) College shall, at all times during the term of this agreement, comply with Oregon Revised Statutes Chapter 295 and shall deposit any fines, fees, charges, or other payments collected pursuant to this agreement in an institution included in the Oregon State Treasurer's list of Qualified Depositories for Public Funds; and
 - (i) College shall, at all times during the term of this agreement, be able to demonstrate that the integrated library system and that of any acquirer, third party provider or processor that is used in providing services pursuant to this agreement, comply with Payment Card Industry Data Security Standards.

2) Consideration

- a) College will compensate CCRLS Member Library:
 - i) In the amount shown in Exhibit 1 – Compensation Schedule for formula-based reimbursement, as defined and expressed in CCRLS Policy REIMB-001. Payments shall be made in four equal installments at the end of each fiscal year quarter as provided herein; and
 - ii) For each net loan provided, i.e., the difference between the number of CCRLS Member Library items loaned to and checked out in another CCRLS library and the number of items owned by other CCRLS libraries borrowed and checked out by the CCRLS Member Library. Tabulation of net loans shall be provided by the College integrated library system. Each net loan shall be paid in the amount shown in Exhibit 1. Payments shall be made quarterly as provided herein; and
 - iii) Reimburse CCRLS Member Library for library materials borrowed by district non-residents and college students, faculty, and staff under this agreement and not returned by the borrowers within twelve months of due date. CCRLS Member Library hereby transfers and assigns all interests in such materials and replacement charges to the College with respect thereto. If lost materials are returned, CCRLS Member Library will reimburse the College for any lost materials replacement charges paid to the CCRLS Member Library; and
 - iv) The College will reimburse mileage related to the following activities: PYM director and sub-committee meetings (in-person), CCRLS-sponsored meetings and trainings (in-person). Mileage is calculated as roundtrip, from participating library to the meeting/training location. Reimbursement will be made biannually.
- b) City of Newberg Only:
 - i) In consideration for participation in the College system and in lieu of taxes, since the CCRLS Member Library is outside the area taxed to provide this service, the CCRLS Member Library shall pay to the College the sum shown in Exhibit 1 on or before December 15 of each year; and
 - ii) In the interest of expanding library access to an unserved population, College will permit the City of Newberg to issue CCRLS basic library cards to applicants who reside in that portion of Yamhill County that is within the boundaries of the Portland Community College district, including the City of Dundee.
- c) The College will invoice CCRLS Member Library for services and licenses provided through group purchases quarterly or annually as more specifically described in 1)b)i)(2). (Including but not limited to §v, w, x) and fees described in 1)b)i)(3); and
- d) Payments made or invoices issued under this agreement, either for full or partial payment, shall reference the College contract number written herein.



10698202 Exhibit 1
FY 2025–2026 Compensation Schedule
(July 1, 2025 – June 30, 2026)

Formula Based Reimbursement to CCRLS Participating Entity Library by College

| Library | Annual Amount | Quarterly Payment |
|--|------------------|---------------------|
| Amity Public Library | \$9,025 | \$2,256.25 |
| Chemeketa Community College Library | \$2,830 | \$707.50 |
| Confederated Tribes of Grand Ronde Tribal Library | \$326 | \$81.50 |
| Dallas Public Library | \$114,772 | \$28,693.00 |
| Dayton Library (Mary Gilkey City Library) | \$9,369 | \$2,342.25 |
| Independence Public Library | \$55,977 | \$13,994.25 |
| Jefferson Public Library | \$22,212 | \$5,553.00 |
| Lyons Public Library | \$12,556 | \$3,139.00 |
| McMinnville Public Library | \$210,025 | \$52,506.25 |
| Monmouth Public Library | \$62,214 | \$15,553.50 |
| Mt. Angel Public Library | \$27,544 | \$6,886.00 |
| Newberg Public Library | \$170,939 | \$42,734.75 |
| Salem Public Library | \$828,404 | \$207,101.00 |
| Sheridan Public Library | \$15,522 | \$3,880.50 |
| Silver Falls Library District | \$91,714 | \$22,928.50 |
| Stayton Public Library | \$119,470 | \$29,867.50 |
| Willamina Public Library | \$13,082 | \$3,270.50 |
| Woodburn Public Library | \$111,929 | \$27,982.25 |

Net Lending Payment to CCRLS PARTICIPATING ENTITY by College: The net lending payment rate for fiscal year 2025-2026 shall be \$1.50 per item.

Participation Payment to College (City of Newberg Only): The participation payment to College by the City of Newberg for fiscal year 2025-2026 shall be \$203,996.70.

To: Honorable Mayor and City Councilors

From: Cyndi Park, Library Director

Through: Jeremy Caudle, City Manager

Issue: Approval of Resolution 24/25-14 Declaring Certain Property as Surplus & Authorizing its Disposition

Date: June 2, 2025

Background and Information

The City owns items that are no longer of use that we would like to request to be approved for surplus. Some of these items have been in the storage shed for years and were discovered during recent cleaning and organizing efforts.

A list of items recommended for surplus are attached in Exhibit A.

City Manager Recommendation: I recommend approval of Resolution 24/25-14.

Potential Motion Verbiage: "I move approval of Resolution 24/25-14 A Resolution Declaring Certain Property as Surplus and Authorizing its Disposition."

City Council Options:

- 1 - Move approval of Resolution 24/25-14.
- 2 - Move approval of Resolution 24/25-14 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. 2024/25-14
City of Dayton, Oregon

A Resolution Declaring Certain Property as Surplus & Authorizing its Disposition

WHEREAS, the City of Dayton owns the items listed and depicted in Exhibit A, attached hereto and by this reference made a part hereof, that the items are no longer needed or useful for city purposes; and

WHEREAS, the City has the authority to dispose of such property in the manner in which is deemed to be in the best interest of the citizens of the community.

The City of Dayton resolves as follows:

- 1) **THAT** these items are hereby declared surplus to the needs of the City, and
- 2) **THAT** the items shall be disposed of at the discretion of the City Manager in the manner deemed to be in the best interests of the City; and
- 3) **THAT** this resolution shall take effect immediately upon its adoption.

ADOPTED this 2nd day of June 2025.

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date Signed

ATTESTED BY:

Rocio Vargas, City Recorder

Date of Enactment

Attachment - Exhibit A

ITEMS TO REQUEST TO SURPLUS

| DATE | ITEM | NOTES |
|-----------|---|---|
| 4/7/2025 | Three library public use NUC mini computers | CCRLS now provides these for all libraries in the consortium |
| 4/7/2025 | Three keyboards from library public use computers | CCRLS now provides these for all libraries in the consortium |
| 4/15/2025 | Misc library supplies | VHS movie cases, paint, markers, decorations, and other items that have been stored in the shed for years and are no longer usable |
| 4/15/2025 | Black MDF desk | Desk was broken when disassembled and has been in storage for several years |
| 4/15/2025 | Metal shelf | The shelf appears to have been placed in storage because it is not stable enough to hold items |
| 5/6/2025 | Cell phones | Several are broken; the rest are T-Mobile phones that are no longer in use as we have switched to Verizon (will recycle with local company) |
| 5/9/2025 | HP Printer | old broken |
| 5/9/2025 | Heavy Duty Stapler | broken |
| 5/9/2025 | Battery Backup x 3 | broken |
| 5/9/2025 | Keurig | broken and musty smell |
| 5/9/2025 | Computer Keyboard | broken |
| 5/9/2025 | Brother Printer | broken |

| | | |
|-----------|--|--|
| 5/28/2025 | Misc broken Christmas decorations | Toy soldiers (4), Large wreath (4), Star ornaments (4) |
| 5/28/2025 | Misc obsolete Christmas decorations | Candy canes (6), Small wreath |
| 5/28/2025 | Wood door | odd size |
| 5/28/2025 | Black cabinet | broken |
| 5/28/2025 | Sandwich boards | obsolete (unable to repurpose) |
| 5/28/2025 | Misc cans of paint | old/dried up |
| 5/28/2025 | File cabinet | broken |
| 5/28/2025 | Desk | broken |
| 5/28/2025 | Portable bed | dirty/stained |
| 5/28/2025 | Metal shelving | Broken |
| 5/28/2025 | 1-6ft rectangle table, 1-5ft round table | Broken |



broken/old carrier cell phones

To: Honorable Mayor and City Councilors

From: Jeremy Caudle, City Manager

Issue: Approval of Resolution 24/25-15 City Council Rules Amendment #9

Meeting: June 2, 2025

Background and Information

Per the Dayton City Charter, Section 10, "The council must by resolution adopt rules to govern its meetings". In May 2005, the Dayton City Council adopted Resolution 04/05-31 "A Resolution Adopting City Council Rules" which are to be reviewed by the Council in January of even numbered years.

The council reviewed the council rules on March 17, 2025, and on April 7, 2025, during which the City Council reviewed its rules and directed staff to revise Sections 3.8 and 10.1.B for further review.

Revisions to Section 3.8 – Attendance

The Council determined that absences would be deemed "excused" if at least 24 hours' notice is provided to the Mayor. Additionally, Subsection B allows for retroactive excusal in emergencies, encouraging notification within 24 hours after the missed meeting.

To address potential patterns of absenteeism, I added Subsection C. While the Council prefers to give members the benefit of the doubt, there should be a mechanism to verify that absences remain excusable if a pattern develops. Lastly, Subsection D clarifies the notification procedure, listing the City Manager as the secondary contact to ensure smooth communication among staff and the Presiding Officer.

Revisions to Section 10.1.B (Renumbered to Section 10.2.B)

The Council noted that the current language ("not attempting to influence...") could be misinterpreted to mean Councilors may influence the City Manager and staff as long as it occurs in official meetings. The revised section corrects this by reinforcing the Council-Manager structure.

I also clarified procurement-related language, linking it to applicable policies, and expanded on the appropriate process for information-sharing, specifying coordination through the City Manager's office.

Expanded and Clarified Section 10

While reviewing Section 10, I identified areas that could benefit from expansion and clarification. If the Council prefers a narrower update, it may choose to adopt only the revised

10.2.B while rejecting the broader changes. Below is the rationale for the proposed restructuring:

Clarifying Roles (10.1) – Instead of simply stating the separation of functions, the new language explicitly references the Council-Manager form of government and highlights the Council’s role in leadership, priority-setting, and accountability. This provides a stronger foundation for Section 10.2.

Refined Subsections in 10.2:

Subsection A – Reworded to be more affirmative.

Subsection B – Addressed above.

Subsection C – Recognizes informal Council-staff interactions while upholding the Council-Manager model and ensuring equal information access for all Councilors.

Subsection D – Adds provisions for City Manager interactions with Council members outside official meetings while maintaining compliance with Public Meetings Law.

Subsection E – Minor rewording from the original.

Omitted Sections

Current Section 10.2 – I omitted this as Subsection C already ensures equal access to information. If the Council prefers, it may choose to retain it for additional clarity on identifying individual Councilors who request information.

Current Section 10.3 – The Council already directs questions to staff during reports, making formal procedures unnecessary. However, if the Council wishes to retain this for procedural clarity, it can be reinstated.

Attachments

The proposed and current Sections 3.8 and 10 follow this staff report.

City Manager Recommendation: I recommend approving Resolution 24/25-15.

Potential Motion to Approve: “I move to approve Resolution 24/25-15 City Council Rules Amendment #9 to Resolution 04/05-31, a Resolution Adopting City Council Rules.”

Council Options:

- 1 – Approve Resolution 24/25-15 as recommended.
- 2 – Approve Resolution 24/25-15 with amendments.
- 3 – Take no action and direct staff to do further research or provide additional options.

RESOLUTION NO. 2024/25-15

City of Dayton, Oregon

A Resolution Adopting Amendment #9 to Resolution No. 04/05-31, a Resolution Adopting City Council Rules

WHEREAS, on May 2, 2005, the Dayton City Council adopted Resolution #04/05-31, "A Resolution Adopting City Council Rules" (hereinafter called "Rules") and subsequently amended same by Resolution #05/06-14, adopted March 6, 2006; by Resolution #06/07-28 adopted March 5, 2007; and by Resolution #07/08-26 adopted March 3, 2008; by Resolution 10/11-13 adopted November 1, 2010; and by Resolution 11/12-16 adopted February 13, 2012; by Resolution 18/19-13 adopted March 4, 2019; by Resolution 20/21-09 adopted March 1, 2021; by Resolution 23/24-11 adopted March 4, 2024; and

WHEREAS, pursuant to Section 1.1 of the Rules, the Council has conducted its review and desires to amend various language.

The City of Dayton resolves as follows:

- 1) THAT** the City Council hereby adopts the language modifications to the Rules outlined in Exhibit A, attached hereto and made a part hereof; and
- 2) THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 2nd day of June 2025.

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

ATTESTED BY:

Rocio Vargas, City Recorder

Date of Enactment

Attachment – Exhibit A

CITY OF DAYTON, OREGON
City Council Rules

SECTION 1 AUTHORITY

- 1.1** City Charter Section 10 provides that the Council must, by resolution, adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments to the rules will be made by majority vote. The Council will have clear and simple procedures for considering agenda matters. Council rules are not intended to replace or supersede applicable federal or state laws, the City Charter or City ordinances.

SECTION 2 DEFINITIONS As used in these Rules, the following mean:

- **City Committees:** All City committees, commissions, task forces, and advisory bodies.
- **Council and Council members:** The Mayor, the Council President, and the Councilors.
- **Councilors:** The Council President and the Councilors.

SECTION 3 MEETINGS

3.1 Public Meetings

- A. A quorum is required to conduct official City business. Four Council members shall constitute a quorum. Vacancies in office do not count towards determining a quorum. Vacancies in office do not count towards determining a quorum. If a quorum is not present, Council members present shall adjourn the meeting.
- B. A public meeting occurs when a quorum of Council members convenes to make a decision or to deliberate towards a decision on any matter. A quorum of Council members may not convene in private for the purpose of deciding on or deliberating towards a final decision on any matter, except as otherwise specified in the City Council Rules or state law.
- C. For the purpose of this Section, “convene” means to: (1) gather in a physical location; (2) use electronic, video, or telephonic technology to communicate contemporaneously among participants; (3) use serial electronic written communication among participants; or (4) use an intermediary to communicate among participants, except as otherwise provided in ORS 192.690(m).

...

3.2 Council Meetings

- A. Regular Session Council meetings will be hybrid meetings and will generally be held in the City Hall Annex and/or virtually online on the first Monday of each month for the purpose of conducting business or developing policy, per ORS 192.670.

- B. Council Regular Session meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. Work Session or Special Session meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. For any meeting to continue past the normal adjournment time, a majority of the Council members present at the meeting must agree.
- C. If possible, only one or two major topics (defined as issues of special interest, controversial, or difficult) will be scheduled per meeting.

3.3 Work Sessions

- A. Work Session meetings will be hybrid meetings and will normally be held in the City Hall Annex and/or virtually online on the 3rd Monday of each month, per ORS 192.670.
- B. Work Session meetings will be to develop policy, review programs, and receive progress reports, where no action is expected.
- C. Each agenda shall contain a segment that is reserved for the Mayor and Councilors to comment on ideas, exchange information, and make announcements.

3.4 Special or Emergency Meetings

- A. Special Session Meetings

Special Session meetings may be held on any evening and will be hybrid meetings generally held in the City Hall Annex and/or virtually online per ORS 192.670. Special Session meetings may be called by the Mayor or upon the request of three City Councilors. Action can be taken where at least 72-hour notice is possible, but not less than a 24-hour notice. Required notifications will be given in accordance with the Attorney General's Public Records and Meetings Manual.

- B. Emergency Meetings

An Emergency meeting is a Special meeting called on less than 24 hours' notice and will be hybrid meetings, generally held in the City Hall Annex and/or virtually online per ORS 192.670. An actual emergency must exist, and the minutes of the meeting must describe the emergency justifying less than 24 hours' notice. City staff will attempt to contact the media and other interested persons to inform them of the meeting. Emergency meetings may be held on any evening and may be called by the Mayor, or in his/her absence, the Council President. Action can be taken.

3.5 Executive Session

- A. An Executive Session meeting (meeting closed to the general public) must be held in accordance with the terms of Oregon's Public Meetings Law (ORS 192.610 to ORS 192.690) and will be hybrid meetings, to be held generally in the City Hall Annex and/or virtually online. Executive Session meetings may be held during Regular Session or Special Session meetings provided relevant statutory limitations are met.

- B. Only the Council, City Attorney, specific staff members, media representatives, and those invited by the Mayor or a majority of the Council can attend.
- C. No formal decisions can be taken during an Executive Session. When the Council reconvenes in open session, formal action may be taken.
- D. The Council needs to specify that Executive Session meeting information may not be reported. In accordance with Oregon Public Meetings Law, only the subject of the Executive Session may be disclosed.
- E. Media representatives are allowed to attend Council Executive Sessions subject to the understanding that information from such meetings that consider proper Executive Session subjects will not be reported.

3.6 Minutes. Only the Mayor and Councilors have the authority to make revisions to the minutes subject to a majority vote of the Council. If a citizen wishes to suggest an amendment, the request must be made through the Mayor or a Councilor.

3.7 Telephonic/Electronic Meetings

- A. Council members may participate in Council meetings by telephone. The provisions of the Oregon state statutes governing public meetings apply. All Council members, whether attending the meeting in person or by telephonic means have the same voting rights.

3.8 Attendance. City Councilors recognize the importance of regular attendance at Council meetings while also acknowledging that, as volunteers, they have personal and professional commitments.

- A. Notice of Absence. Councilors should notify the Mayor as soon as they know they will be unable to attend a Council meeting. Whenever possible, notice should be given at least 24 hours in advance, in which case the absence will be considered excused.
- B. Emergencies and Retroactive Excusal. In cases of emergencies where advance notice is not possible, Councilors should provide notification as soon as circumstances allow, preferably within 24 hours after the missed meeting, for a retroactive determination of whether the absence is excused.
- C. Determination of Excused and Unexcused Absences. The Presiding Officer is responsible for determining whether an absence is excused or unexcused based on the provided notice and circumstances. While the Council respects the personal lives of its members, a pattern of absences may result in requests for additional information to determine whether future absences will be excused.

D. Notification Procedures.

- Councilors must notify the Mayor of any absence and are encouraged to provide secondary notice to the City Manager.
- If the Mayor is absent, Councilors must notify the Council President instead.
- If the City Manager is absent, secondary notice may be provided to the City Recorder.
- The Mayor will inform the Council President and City Manager if they will be absent from a meeting.

SECTION 4 AGENDA

- 4.1** A. The Mayor or in his/her absence, the Council President, will work with the City Manager to schedule agenda items.
- B. Items may be placed on the Council agenda by any of the following methods: (1) the Mayor; (2) any Councilor by advising the Mayor, or City Manager; (3) vote of the Council, or (4) the City Manager or City Attorney.

4.2 Headings

The agenda headings will generally be as follows:

- CALL TO ORDER & PLEDGE OF ALLEGIANCE
- ROLL CALL
-
- APPEARANCE OF INTERESTED CITIZENS (on any topic except a public hearing held that night)
- CONSENT AGENDA (any item may be removed from the Consent Agenda for discussion at the request of a Councilor)
- PUBLIC HEARING (when scheduled)
- ACTION ITEMS
- CITY COUNCIL COMMENTS/CONCERNS
- INFORMATION REPORTS
- CITY MANAGER REPORT
- CITY ATTORNEY REPORT
- ADJOURN

4.3 Preparation

- A. The City Manager will prepare an agenda for each Council meeting specifying the time and place of the meeting, and a brief general description of each item to be considered by the Council.
- B. Agenda materials will generally be available to the Council, media, and public a minimum of three calendar days before all meetings with the exception of Emergency Sessions.

4.4 Scheduling

- A. The agenda may be amended to add additional items after the agenda is printed and the notice published if the Mayor, Councilor, or City Manager explains the necessity and receives Council consent. The City Manager will notify the media and any known interested citizens as soon as possible after receiving information about proposed agenda additions.
- B. Agenda items that are continued from one meeting to another will have preference on the subsequent agenda.
- C. With the consent of the Council, the Mayor may consider agenda items out of order.

SECTION 5 PUBLIC HEARINGS

5.1 Generally

- A. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
- B. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.
- C. The city recorder shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
- D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the Council as a body and not to any member thereof.
- E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
 - a. Staff presentation (15 minutes total).
 - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 - d. Other interested persons (3 minutes per person).
 - e. Questions of staff (No time limit).
 - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
- F. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer or mayor, as applicable, may intervene if a councilor is violating the spirit of this guideline.
- G. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
- H. The presiding officer or Mayor, as applicable, may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer or Mayor, as applicable, may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, or Mayor, as applicable, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer or Mayor shall announce any such restrictions prior to

the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer or Mayor, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder to note the numbers in the minutes.

- I. At the end of public testimony and questions of staff, the Council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
- J. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a Councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
- K. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for nondisclosure to the city recorder pursuant to ORS 192.368(1).

5.2 Land Use Hearings. All land use hearings conducted by City Council pursuant to Article 7 of the Dayton Municipal Code shall follow the following rules of procedure:

- A. General Conduct
 - a. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
 - b. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
 - c. No person may speak more than once without obtaining permission from the presiding officer.
 - d. Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
 - e. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.
 - f. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

- a. Scope of Review. All appeals from the Planning Commission to City Council and Council-initiated reviews in quasi-judicial land use proceedings shall be held on the record in accordance with Dayton Municipal Code 7.3.206.03. Initial hearings held by City Council shall be de novo.
- b. Hearing Procedures. The order of hearings in quasi-judicial land use matters before City Council shall be:
 - i. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclosure statement, which shall include:
 1. A list of the applicable criteria;
 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 - ii. Call for ex parte contacts. The presiding officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.
 - iii. Call for abstentions. The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to an actual conflict of interest, or must announce an apparent conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and if the conflict is an actual conflict of interest, shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
 - iv. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
 - v. Presentation of the Case.
 1. Proponent's case. Twenty minutes total.
 2. Persons in favor. Five minutes per person.
 3. Persons opposed. Five minutes per person.
 4. Other interested persons. Five minutes per person.
 5. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
 - vi. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
 - vii. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - viii. Findings and Order. In the case of appeals from the Planning Commission to City Council and Council-initiated reviews in quasi-judicial land use proceedings, the Council may affirm, affirm with conditions, or reverse the decision. In the case of an initial hearing held by the City Council, the Council may approve, approve with conditions, or deny the application.
 1. The Council shall adopt findings to support its decision.

2. The Council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- c. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. Legislative Land Use Matters.

- a. Hearings Procedures. Subject to any express Dayton Municipal Code requirements to the contrary, the order of procedures for hearings on legislative land use matters shall be:
 - i. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings.
 - ii. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - iii. Presentation of the Case.
 1. Proponent's case. Twenty minutes total.
 2. Persons in favor. Five minutes per person.
 3. Persons opposed. Five minutes per person.
 4. Other interested persons. Five minutes per person.
 5. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 - iv. **Deliberations.** Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - v. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

SECTION 6 COUNCIL DISCUSSIONS AND DECORUM

- 6.1 Council should conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.
- 6.2 Councilors will assist the Presiding Officer to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues then under discussion and not:
 - engage in personal attacks; or
 - impugn the motives of any speaker.
- 6.3 The following ground rules should be followed in order to maintain order and decorum during Council members discussions, Council members will:
 - A. Gather necessary information and have questions answered from staff before a meeting.
 - B. Speak for themselves and not for other Council members.

- C. Not state they represent the Council, unless they have been asked by Council to do so.
- D. During public meetings, Council members should not attempt to substantially rewrite prepared ordinances. Editing an ordinance may be appropriate but comprehensive changes should follow staff research.
- E. Be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
- F. Focus on City issues and priorities and avoid becoming involved in extra-territorial issues outside the City's jurisdiction.
- G. Give all members an opportunity to express their views on the issues before the Council.
- H. Avoid disguising a statement as a question or using repetition as a way to convince others.
- I. Keep the discussion moving and call for a process check if the Council becomes bogged down in discussions.
- J. If a Council member wishes to discuss a major policy issue, it should be suggested as a future agenda item and not raised as an addendum.

6.4 Public Comment

- A. Public comment sign-up forms will be available at each meeting. At the time on the agenda designated for public comment, and during any public hearing, any member of the public desiring to address the Mayor and the Council shall first request to be recognized by the Presiding Officer and then state his or her name and address for the record. If necessary, the Council may limit comments to three minutes. The Council may request that groups with like comments choose a spokesperson to present their joint remarks.
- B. During public hearings, all public comment should be directed to the question under discussion and addressed to the Presiding Officer representing the Council as a whole.
- C. In general, Council will not respond to any comment made during the time on the agenda for public comment, except to provide information and ask clarifying questions.

SECTION 7 MOTIONS

7.1 General

- A. Council members should clearly and concisely state their motions. The Mayor will state the name of the Council member who made the motion and the Council member who made the second. The Mayor may make a motion or a second, provided that he or she first designates the Council President or, in his or her absence or inability to act, a senior member of the Council as the Presiding Officer during consideration of the matter.
- B. *If so requested*, the motion maker, Mayor, or City Manager should repeat the motion prior to voting.
- C. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a

Adopted by Resolution No. 24/25-15.

motion, agenda order, roll call votes, a point of order, and inquires of any kind do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

D. The Mayor will ask for a voice vote for all final decisions. The City Recorder will maintain a record of the votes. Any Council member may request an oral roll call vote on any decision.

E. At the conclusion of any vote, the Mayor will announce the results.

7.2 Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

7.3 Tie. A motion that receives a tie vote fails.

7.4 Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the matter may be taken from the table only by adding it to a future agenda at which time discussion may continue

7.5 Postpone

A. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.

B. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion is not to postpone, but to reject the matter without a direct vote.

7.6 Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a two-thirds' vote. Debate may continue if the motion fails.

7.7 Amendment

A. A motion to amend may be made to a previous motion that has been seconded but not voted on. An amendment is made by adding, striking out, or substituting words.

B. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.

C. Amendments are voted on first, then the main motion as amended.

7.8 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

SECTION 8 COUNCIL ETHICS; COUNCIL CONDUCT

8.1 Ethics. All Council members shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all Council members shall refrain from taking action which benefits special interest groups or persons at the expense of the City as a whole.

8.2 Representing City. If a Council member appears before another governmental agency, the media or an organization to give a statement on an issue, the Council member must state: 1) whether the statement

reflects personal opinion or is the official position of the City; 2) whether the statement is supported by a majority of the Council. If the Council member is representing the City, the Council member must support and advocate for the official City position on the issue rather than a personal viewpoint.

8.3 Censure Process

8.3.1 Internal Oversight. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council members may issue a censure or memorandum of concern pursuant to the following procedure:

- A. The process is initiated by a written statement by a Council member explaining the alleged misconduct of a Council member and if true, why disciplinary action is needed. Two Council members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next Regular Session meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting, otherwise the matter shall be placed on the agenda for the following Council meeting.
- B. An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council member shall not indicate that such member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection C) below. The Council member in question shall not take part in the discussion or the vote.
- C. If initiated, an investigation shall be conducted by a committee consisting of three Council members appointed by the Council. Two additional Dayton residents shall be included if the Council member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a City Council member, including, but not limited to the following instances:
 - 1) During a city meeting or while representing the City of Dayton;
 - 2) City Council member announced that they were a City Council member (and therefore infers that conduct is as a City Council member);
 - 3) Conduct occurred in writing available to the public (social media, newspaper) as identified as a City Council member.
- D. If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include:
 - 1) A memo of concern from the full City Council, or
 - 2) Censure

- E. The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council member in question shall not take part in the discussion or the vote.
- F. If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council member who was investigated.

8.4 Investigation of Misconduct. The Council may investigate the actions of any Council member and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies or elected officials has occurred, or that malfeasance in office or willful or wanton neglect of duty has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

SECTION 9 CONFIDENTIALITY

- 9.1** The Council will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager, or City Attorney.
- 9.2** In Executive Sessions, Council members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion unless directed.
- 9.3** All public statements, information or press releases relating to a confidential matter should be handled by designated staff or a designated member of Council.
- 9.4** The Council may censure a member who discloses a confidential matter or otherwise violates the terms of these rules. (Subject to Section 7.2)

SECTION 10 COMMUNICATION WITH STAFF

- 10.1 Policy and Administrative Roles.** Under the Council-Manager form of government, the City Council provides leadership and direction for the City by setting policy, establishing priorities, and ensuring accountability in the administration of City operations. The City Manager, in contrast, is responsible for implementing Council decisions and managing the City's daily functions. To maintain this distinction, Council members and staff must operate within their respective roles, ensuring effective governance and professional working relationships.
- 10.2 Guidelines for Council and Staff Interactions**
 - A. Professional Collaboration. Council members and staff will work together in a spirit of mutual respect and professionalism to ensure effective communication and service to the community.
 - B. Respect for Administrative Authority. Council members will not direct or unduly influence city employees or the City Manager in the administration of day-to-day operations, including personnel matters, the processing of applications, or the granting of City licenses and permits. The City's procurement process will be administered in accordance

with the City's procurement code, purchasing policies, and state law. Information-sharing between staff and Councilors on these matters is appropriate when done through the City Manager's office. Official decisions and direction must be made by the full Council in a duly convened meeting.

- C. Individual Communication with Staff. Council members may engage in routine or informal interactions with staff but should ensure that substantive discussions regarding City operations, policy implementation, or administrative matters are coordinated through the City Manager's office. Communication should preserve the independence of staff decisions and recommendations, respect staff workloads to avoid unnecessary disruptions, and uphold the authority of supervisors and the integrity of the Council-Manager form of government. Additionally, all Council members should have equal access to relevant information.
- D. Staff Communication with Council Members. Staff will not attempt to unduly influence individual Council members regarding City business outside of a Council meeting. However, the City Manager may meet with individual Council members to share information, provide updates, and offer professional recommendations, provided that such discussions do not circumvent the decision-making authority of the full Council or Oregon Public Meetings Law.
- E. Addressing Concerns About Staff. Council members will express concerns or criticism about staff in a respectful manner and should avoid doing so in public meetings or electronic communications in a way that may undermine staff professionalism or morale.

SECTION 11 MINUTES

11.1 Minutes shall be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

- The name of Council members and staff present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- The result of all votes, including ayes and nays and the names of the Council members who voted.
- The substance of the discussion on any matter.
- Reference to any document discussed at the meeting.

11.2 The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Manager so that a corrected copy can be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.

SECTION 12 ADJOURNMENT

12.1 Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment may be for a period longer than until the next regular meeting.

Adopted by Resolution No. 24/25-15.

12.2 Upon the request of two or more Council members a short break may be taken.

12.3 A motion to adjourn will be in order at any time except as follows:

- When made as an interruption of a member while speaking; or
- While a vote is being taken.

SECTION 13 DISQUALIFICATION

13.1 Bias

13.1.1 Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Council member to participate in such hearing and decision. Such challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member cannot participate and make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Presiding Officer will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.

13.1.2 In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether they can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, they have a duty to disqualify themselves from participating in proceedings and leave the Council table.

13.1.3 If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.

13.2 Conflict of Interest

13.2.1 Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding or public meeting, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit or detriment of the Council member, a relative of a Council member or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit or detriment of the Council member, a relative of a Council member or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue. A Council member must publicly announce the actual or potential conflict of interest at each quasi-judicial proceeding or public meeting at which it arises, not just the first proceeding or meeting at which it arises.

13.3 Ex Parte Contacts

- 13.3.1** For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing, including conversations with other Councilors. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive. A site visit is not in and of itself an *ex parte* contact unless there is communication from an outside party or information is gleaned from the visit that will be used for a future decision. Even if the site visit is not classified as an *ex parte* contact, it should still be disclosed during any applicable hearing.
- 13.3.2** If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and prior to the hearing. The Council member shall describe the substance of the contact and the Presiding Officer shall announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether he or she will participate or abstain.
- 13.3.3** For quasi-judicial hearings, a Council member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.

SECTION 14 OREGON GOVERNMENT ETHICS COMMISSION REQUIREMENTS AND REPORTING

- 14.1** Council members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
- 14.2** Council members shall give public notice of any conflict of interest or potential conflict of interest prior to every meeting at which such actual or potential conflict arises, and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
- 14.3** In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Oregon Government Ethics Commission.
- 14.4** Council members shall attend or view training prepared by the Oregon Government Ethics Commission at least once during the member's term of office and shall verify member's attendance using the Commission's prescribed methods.

SECTION 15 LEGAL ADVICE

- 15.1** Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager.

SECTION 16 ROBERT'S RULES

- 16.1** Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings.
Adopted by Resolution No. 24/25-15.

SECTION 17 COMMITTEES, ORGANIZATIONS & MEDIA

17.1 Citizen Appointment and Removal

- A. The Mayor will appoint City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
- B. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- C. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- D. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

17.2 Council Member Participation. Council members shall encourage City committee member participation.

17.3 Councilor Liaison

- A. The Mayor will appoint Councilors to liaison positions on any or all City committees, including ad hoc or limited term committees, as the Mayor deems necessary.
- B. Councilors, serving as Committee liaisons, shall not have a vote.
- C. Councilors may be removed from liaison positions by the Mayor, in his or her discretion.

17.4 Organizations, Media

- A. If the Mayor or a Councilor represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that he or she does not express the Council position.
- B. Council members should obtain the appropriate permission before speaking on behalf of the City.

SECTION 18. CITY MANAGER EVALUATION PROCESS

18.1 Criteria. The job expectations and goals used in the evaluation of the City Manager will be adopted at a regular Council meeting in accordance with state law.

18.2 Form

- A. Council members and the City Manager will mutually agree on the form of the annual evaluation.

SECTION 19. COUNCIL EXPENSES

19.1 Reimbursement. Council members will follow the same rules and procedures for reimbursement as City employees.

19.2 Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by City staff during a public meeting.

19.3 Guests. Under Oregon Government Ethics Commission rules, expenses for one guest per Councilor will be covered for attendance at official City functions.

To: Honorable Mayor and City Councilors

From: Jeremy Caudle, City Manager

Issue: Approval of Resolution 24/25-16 Adopting the City of Dayton 2025/2026 City Council Strategic Goals

Date: June 2, 2025

Background and Information

Attached are two documents. A summary report of the retreat, and a finalized version of the strategic goals for your review.

City Manager Recommendation: n/a

Potential Motion: "I move to approve Resolution 24/25-16 Adopting the City of Dayton 2025/2026 City Council Strategic Goals"

City Council Options:

- 1 - Approve the strategic goals as recommended.
- 2 - Approve the strategic goals with amendments.
- 3 - Take no action and direct staff to do further research or provide further options.

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RESOLUTION NO. 2024/25-16
City of Dayton, Oregon

A Resolution Adopting the City of Dayton 2025/2026 City Council Strategic Goals

WHEREAS, on March 28, 2025, the City of Dayton City Council held a retreat to develop and prepare to adopt a new set of strategic goals for 2025/2026; and

WHEREAS, the purpose of the goals is to focus the efforts of the City Council and City Staff on specific plans of action to achieve certain goals.

The City of Dayton resolves as follows:

- 1. THAT** the 2025/2026 Council Goals (attached hereto as Exhibit A and by this reference incorporated herein) is hereby adopted
- 2. THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 2nd day of June 2025.

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date Signed

ATTESTED BY:

Rocio Vargas, City Recorder

Date of Enactment

Attachments - Exhibit A



City of Dayton City Council

Goals 2025-26 Retreat Summary Report

ATTENDING:

Members of City Council

Mayor Frank

Council President Hildebrandt

Councilor Mackin

Councilor Maguire

Councilor Pederson

Councilor Teichroew

Councilor Wildhaber

City Staff

Jeremy Caudle

Cyndi Park

Dave Rucklos

Don Cutler

DeAnna Ball-Karb

Rocio Vargas

Jensen Strategies Team

Amelia Wallace

Emily Rehder

OVERVIEW:

On March 28, 2025 the Dayton City Council held a retreat to develop and prepare to adopt a new set of goals for 2025-26. The goalsetting retreat was a collaborative process informed by input from members of City Council and staff as well as the previous 2024-25 Strategic Plan Goals.

The goals are arranged into five (5) goal areas, each with an associated statement and set of strategies. Goals outline the City's key policy priorities. Strategies are assigned to each goal to allow Council to provide additional direction on more specific priorities or methods. This structure is designed to support staff's ability to fulfill the Council's directives by utilizing their expertise and being responsive to evolving operational needs or environments.

Based on the established goals and strategies, staff will prepare annual work plans with specific action steps to implement Council's directives. Staff will provide Council with regular updates to share progress and request additional direction as needed.

The retreat was facilitated by Jensen Strategies, led by Amelia Wallace with support from Erik Jensen, Dave Waffle, and Emily Rehder.

City of Dayton City Council

2025-26 Goals and Strategies

Goal A: Infrastructure Resilience

Develop and maintain resilient infrastructure to support long-term community and business needs.

1. Evaluate and implement option(s) for high quality, stable, ongoing water supply and distribution.
2. Maintain systematic maintenance and necessary replacement of key Dayton public facilities and infrastructure to assure reliable service, staff efficiencies, and compliance with regulatory requirements.
3. Identify and pursue opportunities to provide services to allow development in the new UGB expansion area.
4. Update, maintain, and acquire funding when needed, for core City planning documents such as but not limited to: Utility, Transportation Systems, Parks and Recreation Master Plans, and Pavement Preservation Plan.
5. Monitor City planning and evaluation efforts to align infrastructure funding demands with available resources.

Goal B: Economic Vitality and Sustainable Growth

Foster a livable community with a vibrant and diverse economy that is affordable, attractive, and welcoming to City residents and visitors.

1. Implement the Urban Renewal Plan and determine the scope of projects within the Urban Renewal Area and amend as desired based on each updated master plan.
2. Implement initiatives underway and explore new opportunities to expand and enhance Dayton's reputation and branding.

Goal C: Public Safety and Emergency Preparedness

Maintain and strengthen public safety and emergency preparedness efforts through effective planning to meet community needs.

1. Identify key community public health and safety goals and provide information, engagement, service funding options, and other support as necessary.
2. Promote community preparedness through implementation of the City of Dayton Emergency Operations Plan including considering the establishment of an Emergency Operations Response Team.

Goal D: Community Engagement, Communications, and Activities

Promote awareness of and engagement in City matters through regular, accessible communications, and through support of community recreational and cultural events.

1. Ensure City communications are accessible, efficient, and effective to enhance civic awareness and engagement.
2. Continue cooperation and support of citizen-led committees to uphold and enhance community and activities.
3. Continue to support and promote access to a variety of recreational resources and opportunities as outlined in the Parks and Recreation Master Plan.

Goal E: Organizational Excellence and Public Service Enhancement

Facilitate ongoing evaluation and enhancement of the City's operations and policies to promote organizational excellence and provision of high-quality public services.

1. Enhance City policies, infrastructure, and services through strategic planning and implementation.
2. Foster and maintain a workforce and environment that meets the City's goal of organizational excellence.
3. Maintain City financial oversight and enhance record management practices and policies.



City of Dayton

City Council 2025-26 Goals

Goal A: Infrastructure Resilience

Develop and maintain resilient infrastructure to support long-term community and business needs.

Goal B: Economic Vitality and Sustainable Growth

Foster a livable community with a vibrant and diverse economy that is affordable, attractive, and welcoming to City residents and visitors.

Goal C: Public Safety and Emergency Preparedness

Maintain and strengthen public safety and emergency preparedness efforts through effective planning to meet community needs.

Goal D: Community Engagement, Communications, and Activities

Promote awareness of and engagement in City matters through regular, accessible communications, and through support of community recreational and cultural events.

Goal E: Organizational Excellence and Public Service Enhancement

Facilitate ongoing evaluation and enhancement of the City's operations and policies to promote organizational excellence and provision of high-quality public services.

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To: Honorable Mayor and City Councilors

From: Jeremy Caudle, City Manager

Issue: City Manager 6-month performance evaluation

Date: June 2, 2025

Background and Information

My employment agreement with the city states that the City Council may, at its discretion, conduct a performance evaluation within my first 6 months of employment. June 14 will mark my 180th day on the job.

I would welcome a formal evaluation of my performance over the past 6 months. My recommended process and timeline if the Council so chooses is as follows:

| Deliverable | Date |
|---|-----------|
| City Council selects 1 to 2 councilors to collaborate with me to develop the evaluation instrument. | 6/2/2025 |
| The City Council reviews and approves the evaluation instrument. | 6/16/2025 |
| First meeting to review preliminary evaluation documents and to draft evaluation results. | 7/21/2025 |
| Second meeting to finalize evaluation and present to City Manager. | 8/4/2025 |

The employment agreement requires a performance evaluation annually. So, if the City Council elects not to complete the 6-month evaluation, an evaluation will be required at the 12-month mark.

City Manager Recommendation: n/a

Potential Motion: "I move to approve the City Manager's recommended 6-month evaluation process and timeline and to appoint Councilor [STATE NAME] to develop an evaluation instrument in collaboration with the City Manager for City Council approval."

City Council Options:

- 1 - Elect to complete a 6-month evaluation.
- 2 - Take no further action, in which case a 6-month evaluation will not be completed.

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jcaudle@daytonoregon.gov 
416 Ferry Street / PO Box 339, Dayton, Oregon 97114 
503-864-2221 
www.DaytonOregon.gov 

To: Mayor Frank and City Council
From: City Manager Jeremy Caudle
Re: City Manager's report – June 2, 2025 meeting
Date: Friday, May 30, 2025

MEMO

This report covers activities since the May 5, 2025 regular meeting.

FY 23/24 financial statement audit.

The FY 23/24 financial statement audit is completed. We have submitted it to the Secretary of State's Audit Division. We will also upload the financial statements onto the city website. The audit opinion was unmodified, meaning no material weaknesses or significant deficiencies were identified.

Works with TKW follow up.

At your 4/2/25 meeting, I reported that I asked TKW, a CPA firm in Portland, to assist with certain accounting tasks. They have completed their engagement this fiscal year, which included reconciling the FY 24/25 bank statements. They also prepared a document with observations and recommendations for improvement, which we will incorporate into our practices.

Public safety and stormwater fee ordinances

I am working with our legal counsel on drafting ordinances to authorize the public safety and stormwater fees. You will likely see those in July.

Follow up on SB 5531 and Fisher Farms capital request

The legislature held a hearing on SB 5531 on May 9 and May 16. The offices for Rep. Scharf and Sen. Starr encouraged me to testify. I registered to testify, but the assistant for the Joint Ways and Means Committee noted that those who already testified, including at the road show, are ineligible for further testimony due to high number of people who wish to testify. Councilor Maguire had previously testified at one of the road shows. I instead uploaded written testimony, which you can view here:

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/205326>

I informed Rep. Scharf and Sen. Starr that I would be uploading written testimony due to the instructions I received from the Joint Committee, and they acknowledged my message to them.

Business Oregon – loan for pump station

We submitted a reimbursement request to Business Oregon for \$1 million for work completed to-date on the pump station project. This month, we received the reimbursement, representing the total value of the loan.

Lafayette IGA discussions

In May, I held numerous meetings with Lafayette, McMinnville Water and Light, and the City team on the Ash Road transmission line. We

Land use billings

I have asked staff to prepare billings to land use applicants for the costs the City incurred to process those applicants during FY 24/25. Staff sent billings totaling around \$12,000, and we have received approximately half of that. I will continue being diligent in recouping our costs for land use applications and Type A/B permits.

Community center follow up

Based on the Budget Committee's approved budget, I have directed staff not to take reservations for the community center until further notice. I have met with representatives from the DCDA and VFW, and I informed them that their use of the facility is guaranteed at least through December 31.

FY 24/25 budget process

My focus in May was on completing the FY 24/25 recommended budget, including preparing for the Budget Committee meetings. A public hearing and vote to adopt the budget are scheduled for your June 16 meeting. Also at this meeting, expect a supplemental/line-item budget resolution for end of year budget adjustments. My time between now and then will be focusing on final year-end projections to ensure compliance with the Local Budget Law. The final year-end projections may result in changes to the numbers you'll see in the final adopted budget.

To: Honorable Mayor and City Councilors
From: Jason Shirley
Through: Jeremy Caudle, City Manager
Issue: April and May Code Enforcement Report
Date: June 2, 2025

Code Enforcement Topic Counts
For Date Period From 04/01/2025 Through 05/01/2025

| Topic | Count |
|--|-------|
| Junk | 2 |
| Storing RVs, Trailers, Boats, Trucks, and Vehicles | 2 |
| Parking in Public Right-of-Ways | 1 |
| Property Management | 1 |
| Barking Dogs | 1 |
| Sidewalks | 1 |
| Temporary Camping Permit | 1 |
| Total | 9 |

Code Enforcement Topic Counts
For Date Period From 04/30/2025 Through 05/30/2025

| Topic | Count |
|--|-------|
| Junk | 3 |
| Barking Dogs | 3 |
| Property Management | 2 |
| Parking in Public Right-of-Ways | 2 |
| Storing RVs, Trailers, Boats, Trucks, and Vehicles | 1 |
| Total | 11 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|------------------|------------|---------|--------|--------|----------|-------------|------------|
| Water Usage | 130,853 | 3,300 | 28 | 0 | 64,221 | 568,817 | 767,219 |
| | | | | | | | |
| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
| Water Amount | 10,055.34 | 289.87 | 48.87 | - | 6,590.50 | 59,648.39 | 76,632.97 |
| Sewer Amount | 4,517.04 | - | 58.18 | - | 2,440.56 | 50,121.89 | 57,137.67 |
| Misc Amount | - | - | - | - | - | 480.00 | 480.00 |
| Backflow Amount | 720.00 | - | - | 150.00 | 960.00 | 4,110.00 | 5,940.00 |
| NSFCheck Amount | 36.00 | - | - | - | - | - | 36.00 |
| Late Chrg Amount | - | 10.00 | - | - | - | 1,160.00 | 1,170.00 |
| Total Charges: | 15,328.38 | 299.87 | 107.05 | 150.00 | 9,991.06 | 115,520.28 | 141,396.64 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|----------------------|------------|-----------|--------|--------|------------|-------------|-------------|
| Previous Balance | 13,888.35 | 4,259.00 | 99.91 | - | 10,018.55 | 130,699.45 | 158,965.26 |
| Payments | 4,200.50- | 3,957.00- | 99.91- | - | 10,018.55- | 104,765.41- | 123,041.37- |
| Contract Adjustments | - | - | - | - | - | - | - |
| Assistance Applied | - | - | - | - | - | - | - |
| Deposits Applied | - | - | - | - | - | 137.28- | 137.28- |
| Interest Applied | - | - | - | - | - | - | - |
| Balance Transfers | - | - | - | - | - | - | - |
| Balance Write-offs | - | - | - | - | - | - | - |
| Reallocations | - | - | - | - | - | - | - |
| Total Charges | 15,328.38 | 299.87 | 107.05 | 150.00 | 9,991.06 | 115,520.28 | 141,396.64 |
| Current Balance: | 25,016.23 | 601.87 | 107.05 | 150.00 | 9,991.06 | 141,317.04 | 177,183.25 |

Year To Date: 07/01/2023 - 05/31/2024

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|------------------|------------|----------|--------|--------|------------|--------------|--------------|
| Water Usage | 1,407,846 | 386,743 | 49 | 10 | 955,525 | 7,180,503 | 9,930,676 |
| | | | | | | | |
| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
| Water Amount | 103,850.48 | 5,596.16 | 94.48 | - | 89,673.01 | 708,272.18 | 907,486.31 |
| Sewer Amount | 42,140.46 | - | 112.48 | - | 22,535.71 | 468,894.39 | 533,683.04 |
| Misc Amount | - | - | - | - | - | 3,182.89 | 3,182.89 |
| Backflow Amount | 720.00 | - | - | 150.00 | 960.00 | 4,110.00 | 5,940.00 |
| NSFCheck Amount | 61.00 | - | - | - | - | 549.00 | 610.00 |
| Late Chrg Amount | 336.00 | 70.00 | - | - | 110.00 | 14,325.22 | 14,841.22 |
| Total Charges: | 147,107.94 | 5,666.16 | 206.96 | 150.00 | 113,278.72 | 1,199,333.68 | 1,465,743.46 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|----------------------|-------------|-----------|--------|-------|-------------|---------------|---------------|
| Previous Balance | 16,369.36 | 50.00 | - | - | 8,681.79 | 142,889.49 | 167,990.64 |
| Payments | 138,461.07- | 5,064.29- | 99.91- | - | 111,969.45- | 1,195,895.16- | 1,451,489.88- |
| Contract Adjustments | - | - | - | - | - | 300.92- | 300.92- |
| Assistance Applied | - | - | - | - | - | - | - |
| Deposits Applied | - | 50.00- | - | - | - | 4,710.05- | 4,760.05- |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|--------------------|------------|----------|--------|--------|------------|--------------|--------------|
| Interest Applied | - | - | - | - | - | - | - |
| Balance Transfers | - | - | - | - | - | - | - |
| Balance Write-offs | - | - | - | - | - | - | - |
| Reallocations | - | - | - | - | - | - | - |
| Total Charges | 147,107.94 | 5,666.16 | 206.96 | 150.00 | 113,278.72 | 1,199,333.68 | 1,465,743.46 |
| Current Balance: | 25,016.23 | 601.87 | 107.05 | 150.00 | 9,991.06 | 141,317.04 | 177,183.25 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|------------------|------------|---------|------|-------|----------|-------------|------------|
| Water Usage | 108,766 | 400 | 0 | 0 | 54,082 | 554,144 | 717,392 |
| | | | | | | | |
| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
| Water Amount | 8,421.88 | 62.00 | - | - | 6,000.79 | 59,138.17 | 73,622.84 |
| Sewer Amount | 5,248.10 | - | - | - | 3,230.25 | 62,001.24 | 70,479.59 |
| Misc Amount | - | - | - | - | - | 616.59 | 616.59 |
| Backflow Amount | 90.00 | - | - | 60.00 | 270.00 | 1,320.00 | 1,740.00 |
| NSFCheck Amount | 36.00 | - | - | - | - | - | 36.00 |
| Late Chrg Amount | 60.00 | - | - | - | - | 1,520.00 | 1,580.00 |
| Total Charges: | 13,855.98 | 62.00 | - | 60.00 | 9,501.04 | 124,596.00 | 148,075.02 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|----------------------|------------|---------|------|-------|-----------|-------------|-------------|
| Previous Balance | 21,865.54 | 95.00 | - | - | 8,742.95 | 146,455.37 | 177,158.86 |
| Payments | 10,397.22- | - | - | - | 5,909.10- | 100,331.09- | 116,637.41- |
| Contract Adjustments | - | - | - | - | - | - | - |
| Assistance Applied | - | - | - | - | - | - | - |
| Deposits Applied | 150.00- | - | - | - | - | 246.00- | 396.00- |
| Interest Applied | - | - | - | - | - | - | - |
| Balance Transfers | - | - | - | - | - | - | - |
| Balance Write-offs | - | - | - | - | - | - | - |
| Reallocations | - | - | - | - | - | - | - |
| Total Charges | 13,855.98 | 62.00 | - | 60.00 | 9,501.04 | 124,596.00 | 148,075.02 |
| Current Balance: | 25,174.30 | 157.00 | - | 60.00 | 12,334.89 | 170,474.28 | 208,200.47 |

Year To Date: 07/01/2024 - 05/31/2025

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|-------------|------------|---------|------|-------|---------|-------------|-----------|
| Water Usage | 1,338,931 | 95,500 | 0 | 1 | 633,371 | 6,843,340 | 8,911,143 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|------------------|------------|----------|------|-------|-----------|--------------|--------------|
| Water Amount | 103,471.94 | 3,361.87 | - | - | 69,341.29 | 689,607.05 | 865,782.15 |
| Sewer Amount | 54,331.27 | - | - | - | 29,714.02 | 598,436.22 | 682,481.51 |
| Misc Amount | - | - | - | - | - | 3,639.26 | 3,639.26 |
| Backflow Amount | 240.00 | - | - | 60.00 | 300.00 | 3,960.00 | 4,560.00 |
| NSFCheck Amount | 108.00 | - | - | - | - | 684.00 | 792.00 |
| Late Chrg Amount | 520.00 | 30.00 | - | - | 30.00 | 13,760.00 | 14,340.00 |
| Total Charges: | 158,671.21 | 3,391.87 | - | 60.00 | 99,385.31 | 1,310,086.53 | 1,571,594.92 |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|----------------------|-------------|-----------|------|--------|------------|---------------|---------------|
| Previous Balance | 26,503.12 | 845.00 | - | 90.00 | 10,142.90 | 145,147.29 | 182,728.31 |
| Payments | 159,550.03- | 4,079.87- | - | 90.00- | 97,193.32- | 1,279,917.33- | 1,540,830.55- |
| Contract Adjustments | - | - | - | - | - | 321.51- | 321.51- |
| Assistance Applied | - | - | - | - | - | - | - |
| Deposits Applied | 450.00- | - | - | - | - | 4,520.70- | 4,970.70- |

| Description | Commercial | Hydrant | None | Other | Public | Residential | Totals |
|--------------------|------------|----------|------|-------|-----------|--------------|--------------|
| Interest Applied | - | - | - | - | - | - | - |
| Balance Transfers | - | - | - | - | - | - | - |
| Balance Write-offs | - | - | - | - | - | - | - |
| Reallocations | - | - | - | - | - | - | - |
| Total Charges | 158,671.21 | 3,391.87 | - | 60.00 | 99,385.31 | 1,310,086.53 | 1,571,594.92 |
| Current Balance: | 25,174.30 | 157.00 | - | 60.00 | 12,334.89 | 170,474.28 | 208,200.47 |



4TH *Of* JULY

FIREWORKS SHOW

Friday, July 4, 2025 | 10pm



Behind the Post Office

For more information visit:

https://www.daytonoregon.gov/page/city_community_events

CITY OF DAYTON

NATIONAL NIGHT OUT

**TUESDAY,
AUGUST 5TH, 2025**



POLICE • COMMUNITY PARTNERSHIPS

FREE COMMUNITY EVENT



**COURTHOUSE SQUARE PARK
5:30PM - 7:30PM**

WWW.DAYTONOREGON.GOV