



City Council Agenda

Mayor
Christine Lundberg

City Council
Sean VanGordon, Ward 1
Hillary Wylie, Ward 2
Sheri Moore, Ward 3
Dave Ralston, Ward 4
Marilee Woodrow, Ward 5
Bob Brew, Ward 6

City Manager:
Gino Grimaldi
City Recorder:
Amy Sowa 541.726.3700

City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3700
Online at www.springfield-or.gov

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3700.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

May 28, 2013
TUESDAY

5:30 p.m. Work Session
Jesse Maine Room

CALL TO ORDER

ROLL CALL - Mayor Lundberg ____, Councilors VanGordon ____, Wylie ____, Moore ____, Ralston ____, Woodrow ____, and Brew ____.

1. Demonstration of Publicly Accessible GIS Application.
[Len Goodwin/Brandt Melick] (15 Minutes)
2. System Development Charge Discounts.
[Matt Stouder] (30 Minutes)
3. Flood Plain Management Regulatory Changes.
[Jim Donovan/Ken Vogeney] (30 Minutes)

ADJOURNMENT

AGENDA ITEM SUMMARY

Meeting Date: 5/28/2013
Meeting Type: Work Session
Staff Contact/Dept.: Len Goodwin,
Brandt Melick/DPW
Staff Phone No: 541-726-3685/
541-726-4645
Estimated Time: 15 minutes
Council Goals: Financially Responsible
and Stable Government
Services

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE:

DEMONSTRATION OF PUBLICLY ACCESSIBLE GIS APPLICATION

ACTION**REQUESTED:**

This item is for your information, and no action is requested.

ISSUE**STATEMENT:**

Springfield's Development and Public Works Technical Services Division has partnered with MetroPlanning, Inc. to move MapSpring to an Open Source GIS Web application and make a significant amount of geospatial information available to the general public.

ATTACHMENTS:

1. : Council Briefing Memorandum

DISCUSSION/**FINANCIAL****IMPACT:**

The types of information available in MapSpring include local development and public works data from the City and regional data from Lane County and the State of Oregon.

The MapSpring application, which was previously available only to staff within the city's firewall, will now allow the general public to query this information in a web browser interface like they are already familiar with in Google Maps or Bing Maps. The application's intent is to better serve the citizens of Springfield, and the development community, by providing easy access to GIS data and other Springfield Development and Public Works information. Other anticipated benefits include reducing calls to Springfield staff for simple data queries, promoting regional data sharing efforts, promoting economic development and promoting open data standards that enhance regional data sharing.

MapSpring provides frequently requested information about roadways, wastewater and stormwater infrastructure, council wards, zoning, parks, special districts, address and site information, natural resource information, major landmarks and several years of aerial imagery. It also provides a variety of functions such as address searching, viewing taxlot details and linking to the Lane County Assessor's maps. It provides easy access to local and regional information not commonly found in products such as Google Maps and Bing.

MapSpring, which began as an internal application available only to City staff, now relies on Open Source Software technology to provide a cost effective and viable alternative to expensive and proprietary vendor supplied software systems. The cost for this Open Source project was \$8,320. In comparison, a non Open Source solution to achieve the same result would cost between \$116,320 and \$140,320.

MEMORANDUM

City of Springfield

Date: 5/28/2013
To: Gino Grimaldi, City Manager
From: Len Goodwin, Development and Public Works
Director
Brandt Melick, Technical Services Division
Manager
Subject: DEMONSTRATION OF PUBLICALLY
ACCESSIBLE GIS APPLICATION

**COUNCIL
BRIEFING
MEMORANDUM**

ISSUE:

Springfield’s Development and Public Works Technical Services Division has partnered with MetroPlanning, Inc. to move MapSpring to an Open Source GIS Web application and make a significant amount of geospatial information to the general public.

COUNCIL GOALS/

MANDATE:

Financially Responsible and Stable Government Services

BACKGROUND:

The City of Springfield Development and Public Works Technical Services Division and MetroPlanning, Inc. began a “proof of concept” project in 2011 to use Open Source Web development tools to modify the GIS application available internally to staff to provide Springfield GIS data to the general public. The types of information served by MapSpring include local public works data, regional GIS data, Lane County GIS services and State GIS services. This project builds on that “proof of concept” by implementing the GIS Web application, MapSpring, currently available at <http://webgis2.metroplanning.com:8080/mapspring/>. Once the system is fully tested and qualified, IT will provide a permanent site to host the application.

MapSpring allows the general public to query Springfield GIS data in a familiar web browser interface like they are already familiar with in Google Maps or Bing Maps. The application’s intent is to better serve the citizens of Springfield, and the development community, by providing easier access to GIS data and other Springfield Development and Public Works information. Other anticipated benefits from this application are to reduce the number of calls to Springfield staff for simple data queries, promote regional data sharing efforts, promote economic development in the small business community and promote open data sharing standards throughout the region.

MapSpring provides a wealth of information commonly requested by the public including roadways, sewer and storm infrastructure, council wards, zoning, parks and special districts. It also includes basic taxlot and address information, natural resource features such as flood and wetlands information, major landmarks and almost a 20 year span of aerial photos. Furthermore, the public can search for a location by address, view related taxlot information, identify surrounding addresses and easily access County Assessor’s Maps for a desired location. The application also includes on-line help, technical contacts and Frequently Asked Questions for efficient use of the application. Finally the application includes a link to an on-line survey

the results of which will be used to guide future improvements to the application.

Certain data was intentionally excluded from MapSpring due either to its sensitive nature or complexity that would make the data hard to understand. These types of data include such things as easements, sewer service lines, refinement plans and restricted ownership information. While much of this data is, in fact, subject to release under the public records law, and will be made available upon request, after review by counsel, we have concluded that facilitating easy access to this sensitive data by making it accessible in a web application is not required. The entry page for the application also notes that the data that is visible is not the official record, and strongly recommends the application user confirm the currency and accuracy of the information before basing critical decisions on the information.

MapSpring was designed with the active participation of City staff from many disciplines across the organization, including participants from engineering, planning, public relations, operations, and technical services. Participants prioritized information to display in the application, defined functions that would best serve citizens, finalized the look and feel, provided significant time for testing and sought approval from management and executive teams. The development of this application also enjoyed a great deal of regional collaboration between the City of Springfield, Lane County and Lane Council of Governments.

Finally MapSpring was built with Open Source Software to demonstrate that Open Source is a viable alternative to expensive and proprietary vendor supplied software systems. Commercial software can cost tens of thousands of dollars to purchase plus tens of thousands of dollars per year in maintenance agreements, costs incurred before any application development can begin. Alternatively, Open Source Software is free to the public and the development cost for this application supported small local business.

The cost for this Open Source project was \$8,320. In comparison, a non Open Source solution to achieve the same result would cost between \$116,320 and \$140,320. In this comparison, contracting rates increase from \$65 dollars an hour for local Open Source programmers to \$100 to \$150 dollars an hour for stateside proprietary software programmers. Software costs increase significantly with approximately \$50,000 for database software, \$35,000 to \$40,000 for GIS sever software, and \$5,000 to \$10,000 for various pieces of middle wear. Lastly, on-going software maintenance costs average about 20% of the software purchase costs (approximately \$18,000 to \$22,000 per year.) Cost savings with Open Source solutions can be significant.

For more information on the MapSpring application please contact Brandt Melick at (541)726-4645.

RECOMMENDED ACTION:

This is an information item only.

AGENDA ITEM SUMMARY**SPRINGFIELD
CITY COUNCIL****Meeting Date:** 5/28/2013
Meeting Type: Work Session
Staff Contact/Dept.: Matt Stouder/DPW
Staff Phone No: (541) 736-1035
Estimated Time: 30 minutes
Council Goals: Provide Financially Responsible and Innovative Government Services

ITEM TITLE: SYSTEM DEVELOPMENT CHARGE DISCOUNTS

ACTION REQUESTED: Discuss the current program of discounts on System Development Charges (SDC) and provide direction to staff.

ISSUE STATEMENT: The temporary reduction of SDCs authorized by Council on February 6, 2012 will sunset on June 30, 2013. As of April 15, 2013, the City has forgone collection of \$868,846 in otherwise eligible SDC's as a result of this reduction policy. This lost revenue has impacted the City's ability to fund future Capital projects.

ATTACHMENTS Attachment 1: Council Briefing Memorandum
Attachment 2: Value of SDC Reduction to Single Family Residential Development

**DISCUSSION/
FINANCIAL
IMPACT:** The SDC discounts authorized by Council involved three actions intended to stimulate growth including: 100 percent reductions in local SDCs for commercial and industrial development where more than 75,000 square feet of new space and new employment opportunities are created; 100 percent reduction in local SDCs for commercial and industrial development where more than 50,000 square feet of new space and 50 or more new full time jobs are created; and 50 percent reduction in local SDCs for all other development (small commercial and residential). On a related note, but under separate action, SEDA extended a program whereby SEDA assumes the obligation of City SDCs for development in Downtown and Glenwood in those cases where the development conforms to the requirements of the recently adopted Downtown and Glenwood Refinement Plans.

During the time the reduction program has been in place the City processed 208 permits that met the threshold for the 50% local SDC reduction; As a result \$868,846 of eligible charges were not collected. No development applications were submitted which met the criteria for 100% reduction. More detail on the qualifying developments can be found in Attachment 1.

As discussed in previous Council work sessions, continued implementation of the SDC discount program will place funding of current and future capital projects at risk. Several capital projects currently budgeted or programmed in the 2014-2018 Capital Improvement Program rely on SDC revenue. Should the economic rebound which appears to be taking hold continue, need for some of these projects may become more urgent, but also more uncertain because of continued underperformance in SDC revenues. This may force the City to identify alternate funding sources such as user fees or new debt to advance projects such as those listed in Attachment 1.

MEMORANDUM

City of Springfield

Date: 5/28/2013
To: Gino Grimaldi, City Manager
From: Len Goodwin, Development and Public Works
Director
Matt Stouder, Managing Civil Engineer
Subject: SDC Program Reductions

**COUNCIL
BRIEFING
MEMORANDUM**

ISSUE: The temporary reduction of SDCs authorized by Council on February 6, 2012 will sunset on June 30, 2013. As of April 15, 2013, the City has forgone collection of \$868,846 in otherwise eligible SDCs as a result of this reduction policy. This lost revenue has impacted the City's ability to fund future Capital projects.

COUNCIL GOALS/**MANDATE:**

Financially Responsible and Stable Government Services

BACKGROUND: In February 2012, the City Council temporarily reduced City SDCs in an effort to provide stimulus to the local economy. The reduction program, which was scheduled to sunset on December 31, 2012, was extended by Council action until June 30, 2013 or until such time as an additional \$500,000 in forgone revenue went uncollected by the City. The SDC discount involved three actions intended to stimulate growth, including:

- 100 percent reductions in local SDCs for commercial and industrial development where more than 75,000 square feet of new space and new employment opportunities are created.
- 100 percent reduction in local SDCs for commercial and industrial development where more than 50,000 square feet of new space and 50 or more new full time jobs are created.
- 50 percent reduction in local SDCs for all other development (small commercial and residential).

Since the inception of the reduction program the City has processed 208 permits that met the threshold for the 50% local SDC reduction. As a result a total of \$868,846 in eligible charges was not collected. No development applications were submitted which met the criteria for 100% reduction.

Springfield Economic Development Agency

Under separate action on December 3, 2012, the Springfield Economic Development Agency (SEDA) extended a program under which SEDA assumed the obligation of City imposed SDCs for development in the area of the Downtown Urban Renewal District which conforms to the requirements of the recently adopted Downtown Urban Design and Implementation Plan. Additionally, SEDA assumed the same obligation for the Glenwood Refinement Plan phase 1 area as part of the Glenwood Urban Renewal District. That program is also scheduled to sunset on June 30, 2013. To date, five businesses in the downtown have been able to take advantage of the SDC incentives offered through SEDA, including both NedCo and the Planktown Brewing Company. As of the date of this memorandum, no development in Glenwood has used the SEDA incentive program.

DISCUSSION:

The table below shows the number of permits and amount of City SDCs the City did not collect between February 7, 2012 and April 15, 2013. During that time, the City processed 172 residential permits and 129 commercial/industrial permits. Of the 129 commercial permits only 36 included activities that resulted in

assessment of SDCs.

The total uncollected local SDCs for residential permits was \$578,419; approximately \$165,000 came after December 1, 2012. The total amount of commercial/industrial SDCs the City did not collect was \$313,549. The combined total local SDCs not collected by the City from the 50% discount is \$868,846.

Permit Type	Number of Permits	Stormwater	Local Wastewater	Transportation	Admin	Total
Residential	172	\$91,596	\$308,026	\$129,232	\$26,443	\$555,297
Commercial	36	\$11,481	\$57,026	\$230,112	\$14,930	\$313,549
Total	208	\$103,080	\$365,052	\$359,344	\$41,373	\$868,846

It is worth noting that all of the residential development which qualified for local SDC reductions occurred on existing platted lots. During the time the reduction program has been available, the City has not received any development applications for new subdivisions. Of the 172 permits which generated SDCs, 67 were minor in nature (additions, carports, etc.), while 105 were new housing starts. Of the 105 new homes constructed, 68 were constructed by two large homebuilders.

With respect to commercial SDCs, the Walmart redevelopment project of the former Circuit City building in Gateway accounted for over half of the uncollected commercial SDC revenue at approximately \$171,000. Other significant developments that were able to take advantage of the reduction program included new construction projects for a Buffalo Wild Wings restaurant, the Guistina Resources Corporate Headquarters and the Panda Express Restaurant, all in the Gateway area.

In general, it seems that the greatest benefit that has accrued to the City is stimulation of some development in the Downtown Urban Renewal Area. It also appears to be the case that several potential Glenwood developments have expressed great interest in the benefits of the discounts. In these two areas, however, the benefits to development could be achieved, with less risk to the City's capital program, if SEDA were willing to continue its willingness to assume the obligation of City imposed SDCs. In that way, while the development would reap the benefits of full reduction in City SDCs, the City would still be able to rely on payment, at some future time, of the full value of the SDCs, from SEDA. Clearly, SEDA might wish to discuss appropriate limitations on the scope of the program to assure that it does not assume liability beyond its debt-carrying capacity.

It also appears that the stimulative impact of the discounts as they affected residential development were quite limited. Given clear indications on a national and state level of a rebound in the housing sector, and the recent sharp declines in local residential inventory and consequent uptick in home prices, staff believes there is little further stimulative effect to be gained by continuing the discounts on residential activity.

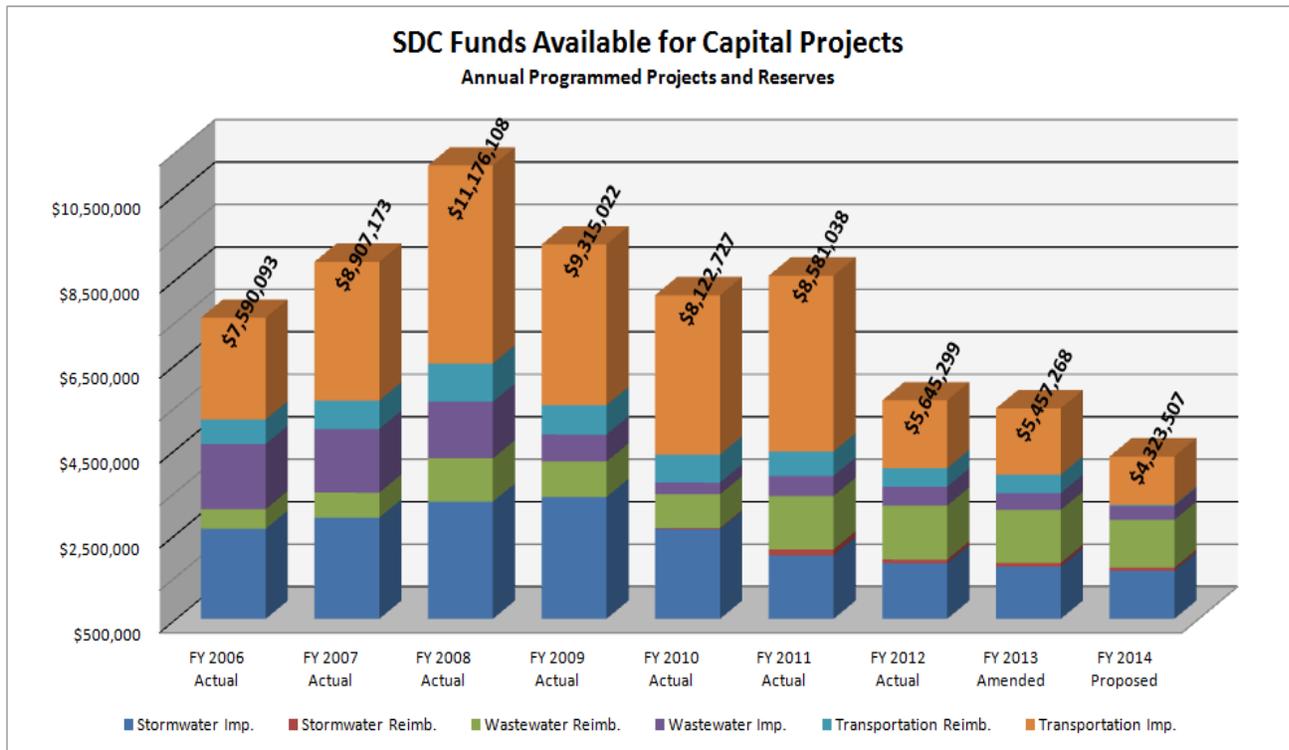
Capital Projects Impact

As discussed in previous Council work sessions, funding for current and future capital projects is at risk with continued implementation of SDC reduction program. There are several capital projects currently budgeted or programmed in the 2014-2018 Capital Improvement Program which rely on SDC revenue for implementation. Any of these projects could be placed at risk by continued weakness in SDC revenues. The following is a sample list of those projects:

<u>Project</u>	<u>SDC Funds</u>
Franklin NEPA	\$210,027, Transportation Improvement
Mill Race Stormwater Facility	\$235,000, Stormwater Improvement
S&T Drainage	\$74,000, Stormwater Reimbursement

Glenwood Stormwater	\$240,000, Stormwater Improvement
Wastewater Pump Station Upgrades	\$1,250,000, Wastewater Reimbursement
Franklin Boulevard Expansion	\$614,000, Wastewater Improvement

In developing the FY 2014 Capital Budget, the Transportation Reimbursement SDC Fund (446) is the first SDC fund to show extreme signs of stress from the recession and the 50% SDC reduction. In FY 2013, there was approximately \$436,000 available for capital projects, compared to \$24,000 for FY 2014. The chart below shows the funds available for programming for capital projects (budgeted projects and reserves) by SDC fund between 2006 and 2014.



In the past several years, the City has completed several large projects utilizing SDC funds as a key component of the overall project funding (e.g., the Harlow Road Pump Station, Beltline/Gateway Intersection, and the Vera Street Pump Station). Of concern is the status of future projects that are SDC eligible, as continued underperformance in revenue collection may cause cancellation, postponement, or the need to identify alternate funding sources (i.e., user fees) to advance projects such as those listed above.

RECOMMENDED ACTION: Staff recommends that Council take no action with respect to the SDC reduction program and let the program sunset on June 30, 2013. Staff also recommends that Council discuss with SEDA the possibility that SEDA might continue to assume the obligation of City imposed SDCs for developments which conform to the requirements of the Downtown Urban Renewal District and Glenwood Refinement Plan areas.

Fees for Typical SFR	2644 square foot
	Value = \$243,243

City Fees	
Plan Review	\$ 905.14
Planning Plan Review	\$ 211.00
Fire Fee (.05 Per sq foot)	\$ 132.20
Electrical	\$ 326.50
Plumbing	\$ 411.00
Mechanical	\$ 188.00
Land Drainage & Alteration Permit	\$ 472.50
Building Permit Fees	\$ 1,392.52
Addressing	\$ 42.00
Technology Fee	\$ 118.00
Sidewalk & curbcut	\$ 161.00

* Local SDC's	Full Rate	50% discount
	\$ 11,200.81	\$ 5,638.73
City Fee sub total	\$ 15,560.67	\$ 9,837.59

Other Jurisdictional Fees	
Willamalane	\$ 3,499.00
Metro Wastewater SDC's	\$ 1,532.80
State of Oregon	\$ 278.16
Sub Total for other jurisdictions	\$ 5,309.96

Grand Total	\$ 20,870.63	\$ 15,147.55
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1764 square feet
Value = \$162,305

\$ 674.53
\$ 211.00
\$ 88.20
\$ 271.50
\$ 411.00
\$ 188.00
\$ 472.50
\$ 1,037.74
\$ 42.00
\$ 97.51
\$ 161.00

Full Rate	50% discount
\$ 7,663.39	\$ 3,831.70
\$ 11,318.37	\$ 7,325.68

\$ 3,499.00
\$ 1,532.80
\$ 228.98
\$ 5,260.78

\$ 16,579.15	\$ 12,586.46
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*Assumes 3 bedroom 2 bath homes with the same fixture count.

AGENDA ITEM SUMMARY

Meeting Date: 5/28/2013
Meeting Type: Work Session
Staff Contact/Dept.: Jim Donovan & Ken Vogeney/DPW
Staff Phone No: 541-726-3660/736-1026
Estimated Time: 30 minutes
Council Goals: Promote and Enhance our Hometown Feel while Focusing on Livability and Environmental Quality

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE:	FLOOD PLAIN MANAGEMENT REGULATORY CHANGES
ACTION REQUESTED:	No action is required. This material is for information only.
ISSUE STATEMENT:	The Federal Emergency Management Agency (FEMA) was sued in 2009 for failing to ensure that the National Flood Insurance Program complies with the Endangered Species Act. In response to the settlement agreement for this lawsuit, FEMA has proposed draft changes to the Program that will, if approved, significantly affect how flood plain development is allowed to occur in the future, if at all.
ATTACHMENTS:	<ol style="list-style-type: none">1. Council Briefing Memorandum2. Map of Flood Plain Boundaries and 2030 Refinement Plan Study Areas
DISCUSSION/ FINANCIAL IMPACT:	<p>The National Flood Insurance Program (NFIP) provides insurance for property against flooding hazards. As part of the Program, FEMA identifies and maps various flood hazard zones, such as the 100-year flood plain along rivers and other waterways.</p> <p>The Endangered Species Act (ESA) requires federal agencies to submit their various programs for consultation when species are listed as threatened or endangered. However, FEMA did not submit the NFIP for consultation, in part claiming that the NFIP is exempt because local jurisdictions implement the Program, not FEMA. The lawsuit challenged that claim, resulting in the settlement agreement.</p> <p>FEMA submitted to the National Marine Fisheries Service (NMFS) a Program Level Biological Assessment that evaluates the NFIP and its effects on salmon and steelhead, and proposed numerous changes to prevent or mitigate those effects. The NFIP changes proposed by FEMA generally fit into the following categories, and are summarized in Attachment 1:</p> <ul style="list-style-type: none">• Revised Mapping Standards• Flood Plain Development Permit Issuance• Floodway and Riparian Buffer Zone Standards• Flood Plain Management Criteria• Guidance and Support• Program Enforcement <p>If NMFS finds that FEMA’s proposed NFIP changes are acceptable as submitted, the criteria for reviewing and approving land use applications in the flood plains will become substantially more restrictive. The City is currently evaluating its employment land needs and identifying potential growth areas through the Springfield 2030 Refinement Plan project. Each of the areas being considered for growth contain mapped flood plains and staff seeks to inform the Council of these proposed NFIP changes.</p>

MEMORANDUM

City of Springfield

Date: 5/16/2013
To: Gino Grimaldi
From: Len Goodwin, Development and Public Works
Director
Ken Vogeney, City Engineer
Jim Donovan, Planning Supervisor

**COUNCIL
BRIEFING
MEMORANDUM**

Subject: FLOOD PLAIN MANAGEMENT REGULATORY CHANGES

ISSUE: The Federal Emergency Management Agency (FEMA) was sued in 2009 for failing to ensure that the National Flood Insurance Program complies with the Endangered Species Act. In response to the settlement agreement for this lawsuit, FEMA has proposed draft changes to the Program that will, if approved, significantly affect how flood plain development is allowed to occur in the future, if at all.

COUNCIL GOALS/**MANDATE:**

Promote and Enhance our Hometown Feel While Focusing on Livability and Environmental Quality

Federal flood plain development regulations are shifting from a focus on protecting people and property from the effects of flooding to include protecting the environment as represented by the flora and fauna and their associated habitats from the impacts of development.

BACKGROUND:

The National Flood Insurance Program (NFIP) provides insurance for property against flooding hazards. As part of the Program, FEMA identifies and maps various flood hazard zones, such as the *floodway* where water is deep and moving, and the 100-year *flood plain* where overflow and backwater conditions exist along rivers and other waterways during storms that have a 1% chance of occurrence. These mapped zones are considered the Special Flood Hazard Areas where FEMA has jurisdiction under the NFIP. Although participation in the program by cities is voluntary, failure to participate means property owners in the City cannot obtain flood insurance. This can be a significant impediment to development in communities like Springfield which are bounded by rivers.

The Endangered Species Act (ESA) requires federal agencies to submit their various programs for consultation when species are listed as threatened or endangered. In 2000, the National Marine Fisheries Service (NMFS) listed 14 species of salmon and steelhead as threatened in Oregon and Washington. However, FEMA did not submit the NFIP for consultation, in part claiming that the NFIP is exempt because local jurisdictions implement the Program, not FEMA. The lawsuit challenged that claim, resulting in the settlement agreement. It is not the first such challenge. The same parties litigated this issue in Washington prior to litigating it in Oregon. The Washington litigation led to a similar settlement agreement and began a discussion of more restrictive development regulations in that state.

In July 2012, FEMA submitted to NMFS a Program Level Biological Assessment that evaluates the NFIP and its effects on salmon and steelhead, and proposed numerous changes to prevent or mitigate those effects. Following an initial review by NMFS that proposal was rejected and FEMA submitted a revised Assessment in February 2013. NMFS is expected to issue its draft decision on the revised Assessment in July 2013.

If NMFS finds that FEMA's proposed NFIP changes are acceptable as submitted, the criteria for reviewing and approving land use applications in the jurisdictional flood plains will become

substantially more restrictive. Since areas within the current Urban Growth boundary and each of the five UGB expansion areas being studied under the 2030 Refinement Plan project contain jurisdictional flood plain, staff seeks to inform the Council of these proposed changes as they continue to evaluate the potential expansion areas.

Proposed changes to the NFIP that will have a significant effect on Springfield's flood plain management and development include:

Revised Mapping Standards: FEMA proposes to modify its flood plain mapping standards to:

- Require applicants or jurisdictions who are seeking to change the flood plain boundaries shown on the FEMA approved maps to provide Biological Assessment that evaluates the impacts of the changes on the listed species.
- Give higher priority to updating inaccurate maps on waterways with listed species (such a review on the Willamette and McKenzie Rivers has been in process for several years).
- Provide guidance on when it is appropriate to use more complex modeling tools to update flood plain mapping to identify potential changes to habitat functions.
- Require identifying Channel Migration Zones (the zone in which a waterway may move laterally over time due to natural influences) on all new or updated flood plain mapping projects.

Flood Plain Development Permit Issuance: FEMA proposes to require all communities to require that flood plain development proposals receive their approvals from NMFS before issuing a flood plain development permit.

Floodway and Riparian Buffer Zone Standards: FEMA proposes to require that:

- All new development or substantial improvement to existing development (greater than 10% increase in building footprint) that is located within a floodway or a Riparian Buffer Zone (designated as 170 feet horizontally from the ordinary high water line) have no adverse affect on a listed species or its habitat. The Riparian Buffer Zone inside a city's UGB may be reduced if the city conducts a habitat assessment of the whole community to demonstrate that there will be an overall improvement in habitat. As an alternative to the process for modifying the Riparian Buffer Zone, a community could adopt stringent development and mitigation standards as outlined in FEMA's proposal.
- All other development within the flood plain but outside the floodway or Riparian Buffer Zone must mitigate any adverse affects on the flood plain functions that benefit listed species or their habitat.

Flood Plain Management Criteria: FEMA proposes to provide communities with four options for demonstrating compliance with the new NFIP/ESA regulations:

- Prohibit all development in the floodway and other areas identified by FEMA.
- Adopt a Model Ordinance that will be developed for use in Oregon that is similar to the Model Ordinance developed for use in Washington – see http://www.fema.gov/pdf/about/regions/regionx/nfip_esa_faq/nfip_esa_model_ordinance_final.pdf
- Demonstrate, with scientific studies and other supporting documentation, to NMFS that the community's existing ordinances and/or procedures meet all of the requirements that will be specified by NMFS when they release their final decision.
- Require each development proposal to compile all of the studies and documentation necessary to apply directly to NMFS for consultation and approval of their proposed flood plain development activity.

Guidance and Support: FEMA committed to providing guidance documents, workshops, public meetings, and other support to assist Oregon communities with complying with the proposed new regulations.

Program Enforcement: FEMA currently enforces the NFIP through an audit process called Community Assistance Visits (CAVs). FEMA intends to increase its frequency of conducting CAVs in Oregon to monitor compliance. If FEMA finds that a community is out of compliance, it will be placed on probation and given a timeline for achieving compliance. If it fails to achieve compliance, the community may be dropped from the NFIP and property owners will no longer be able to obtain flood insurance or to receive federally backed mortgages. Further, any CAVs that reveal a potential violation of the ESA will be reported to NMFS for potential enforcement action under the ESA.

Springfield staff has been actively participating in several work groups organized by the Oregon Department of Land Conservation and Development (DLCD) that are attempting to evaluate how these changes will affect Oregon communities and developing implementation tools and guidance.

Potential Impacts on Springfield's Buildable Lands Inventory, Future Floodplain Development and Options for Growth: The regulations for developing flood plain lands are currently in flux, likely will become much more restrictive, and much more costly for developers to satisfy and for the City to implement. Development in Springfield's flood plains is currently permitted in accordance with the Springfield Development Code Floodplain (FP) Overlay District (SDC 3.3-400). The City's Commercial and Industrial Buildable Lands Inventory (CIBL) identifies lands located in the *flood plain* as buildable and suitable for economic development. The CIBL study was completed in 2009, prior to the legal challenges discussed in this memorandum. The CIBL inventory identifies *floodway* as an "absolute constraint" and does not count *floodway* acres as buildable.

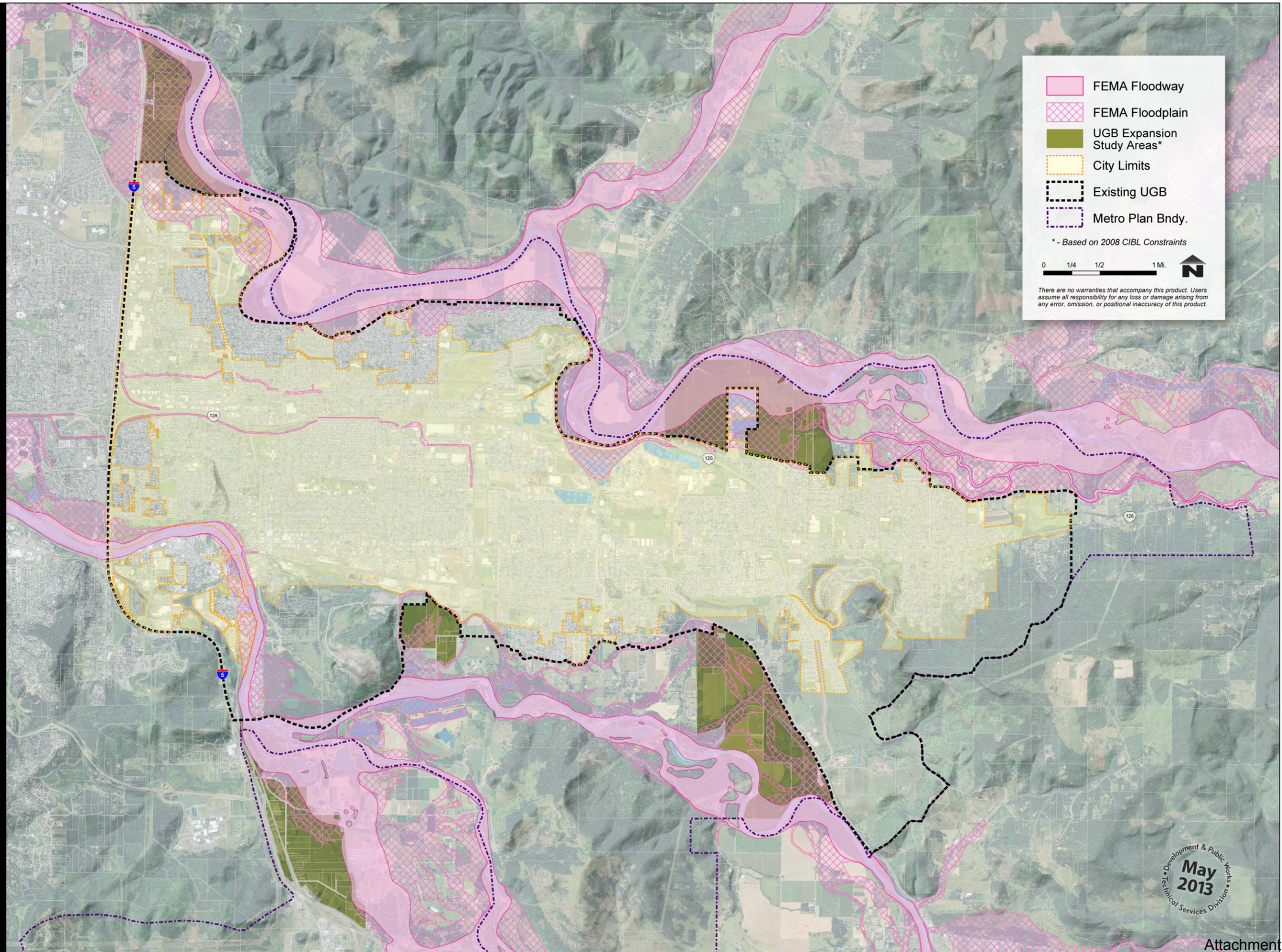
If the City were to refine the analysis to apply *flood plain* as an "absolute constraint" and/or modify riparian buffer widths used in the inventory, the results of Springfield's buildable lands inventory would be altered significantly and options for growth through UGB expansion, infill and redevelopment would be affected. For example, if less buildable and redevelopable acres are available within Springfield's existing Urban Growth Boundary (UGB) to absorb future growth, a larger expansion may be required and directed to areas outside of the flood plain.

As noted above, NMFS plans to issue its draft report on FEMA's proposed changes in July. Considering Council's current efforts at studying potential urban growth areas under the 2030 Refinement Plan project, staff seeks to inform Council since federal program changes will affect future development in Springfield. Although the full extent of these effects is not yet known, the early indications are that the affects are likely to be adverse. It is also possible that any action that results may be challenged, either by the parties who challenged FEMA originally, or by property owners who believe that any new FEMA regulations adversely impact their property. Resolution of any litigation coming out of FEMA's action could be expensive and prolonged. As a result, we may not have certainty as to the impact on Springfield for several years.

RECOMMENDED ACTION: This work session is intended for information only. No action is requested at this time.



SPRINGFIELD, OR: FEMA Floodplain & Floodway Data



-  FEMA Floodway
-  FEMA Floodplain
-  UGB Expansion Study Areas*
-  City Limits
-  Existing UGB
-  Metro Plan Bndy.

* - Based on 2008 CIBL Constraints

0 1/4 1/2 1 Mi. 

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Development & Public Works
May 2013
Technical Services Division