

# *FEMA Pre-Implementation Compliance Measure (PICM)*

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**Background:** The National Flood Insurance Program (NFIP) is changing its requirements for development activities in the Flood Hazard Area (FHA) in order to comply with the Endangered Species Act (ESA). In order to remain a member in good standing of the NFIP, the City of Port Orford must implement code changes in order to comply with the new development standards; these changes must be fully implemented by December 31<sup>st</sup>, 2025.

**Issue:** Prior to the full adoption in December of 2025, FEMA is requiring cities to enact a Pre-Implementation Compliance Measure (PICM) by December 1<sup>st</sup> 2024 to show how we will comply with the standards prior to the full adoption at the end of 2025. If unable to enact a PICM within that time, FEMA is requesting that affected communities select a PICM and give a time frame for completion.

## **Options:**

- **Prohibit all new development:** Prohibit new development activities in the flood hazard area. Typically, the City of Port Orford has an application in these areas once every few years and this restriction would only last until the end of 2025. Legal Counsel review would be required to ensure legal adoption of this restriction. A public hearing may be necessary to use this method.
- **Model Ordinance:** Incorporate provided ordinance written in boilerplate language into Municipal code. This would require review and revisions of existing and provided code to prevent contradictions and overlapping language. This would also require that a public hearing be scheduled ASAP to comply with existing Municipal codes and ORS 227.
- **Permit by Permit:** Requires applicants wishing to conduct development activities in the FHA to submit a Habitat Assessment with their application. This means additional documentation that would meet FEMA's current code. Instead of adopting that code into our own, we would direct applicants to it when they apply. We believe that this can be done without a public hearing via a resolution at a regularly scheduled public meeting.

## **Recommended Motion:**

- **I, Councilor [Name], direct staff to begin implementation of the Pre-Implementation Compliance Measure [decision] so that it can be formally approved as soon as possible.**
- **I, Councilor [Name], direct staff to not begin implementation of any Pre-Implementation Compliance Measure.**