



Federal Emergency Management Agency (FEMA) Pre-Implementation Compliance Measures (PICM) Pathway Selection

Meeting Date	Staff Contact	Email
January 14, 2025	Megan Winner, Planning Director	megan.winner@ci.coburg.or.us

SUMMARY AND REQUESTED COUNCIL ACTION

In November 2024, staff presented information to Council on the FEMA PICM requirements. Council directed staff to report to FEMA by the December 1, 2024 deadline that Coburg would review the model ordinance option to provide time to evaluate which of the three PICM pathways is the best option for the community.

At the December 18, 2024 Planning Commission meeting, staff gave a presentation (attached) on the FEMA PICM pathways. Planning Commission unanimously recommended the permit-by-permit review pathway to Council as the preferred PICM option.

Suggested Motion

I move to select the permit-by-permit review basis as the City of Coburg’s pre-implementation compliance measure as required by FEMA.

BACKGROUND

After multiple lawsuits from environmental advocacy groups dating back to 2009, in July 2024 FEMA announced that all National Flood Insurance Program (NFIP) participating communities must select a pre-implementation compliance measure (PICM) by December 1, 2024 to address floodplain development to protect habitats for a variety of species or lose eligibility to participate in NFIP. There are three PICM pathway options that communities can choose from:

1. Adopt the FEMA model floodplain ordinance or
2. Review each application for development in the floodplain on a permit-by-permit basis.
3. Prohibit all development in the floodplain

If no option is selected by December 1, 2024, communities defaulted to the permit-by-permit review basis which requires a habitat assessment and mitigation plan documenting that the proposed development in the Special Flood Hazard Area will achieve “no net loss” of habitat. FEMA is expected to provide final implementation measures in the future but is requiring PICM compliance in the interim.

CITY COUNCIL STAFF REPORT

Due to the time constraints imposed by the required deadline and the importance of upholding Oregon land use law, Governor Kotek has requested a delay in the PICM proceedings from FEMA but was denied. Therefore, NFIP participating communities in Oregon (approximately 89% of Oregon, 239 communities) must have informed FEMA of which PICM pathway it will pursue by the December 1 deadline. If pursuing the model ordinance, communities have until July 2025 to adopt the ordinance to provide time for the adoption process.

RECOMMENDATION

Staff recommends Council select the permit-by-permit review basis PICM. This pathway provides greater flexibility to assess sites on an individual basis, reduces administrative staff burden, and lessens legal takings liability.

BUDGET / FINANCIAL IMPACT

Planning Director and City Administrator time has been the only costs incurred to date on this matter. Additional staff time by both positions and possibly legal counsel will be required to gain clarity on implementing the chosen PICM pathway. Additionally, staff time will be required to gather materials as part of the new FEMA annual reporting requirements being imposed as part of the PICM regulations.

PUBLIC INVOLVEMENT

Future discussions, recommendations and final decisions on this matter will all occur within public meetings and follow all required state and local land use requirements as well as Council rules and Oregon Revised Statutes regarding consideration of land use ordinance adoption.

NEXT STEPS

Once a PICM pathway is selected, local jurisdiction implementation is to occur by July 2025 and will remain in place until FEMA announces full implementation.

ATTACHMENTS

1. December 18th, 2024 Planning Commission Meeting Slide Deck
2. Council Memo – November 12, 2025