



## Memorandum

To: Mayor and City Council

From: John Walsh, City Administrator

Subject: **Administration & Community Development Dept. Report**

Date: August 7, 2024

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Planning Division Report attached.

# CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



**To:** City Council  
**From:** Jacob A. Graichen, AICP, City Planner  
**cc:** Planning Commission

**Date:** July 30, 2024

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

**ASSOCIATE PLANNER/PROJECT MANAGER**—*In addition to routine tasks, the Associate Planner/Community Development Project Manager has been working on: See attached.*

## **PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS**

Conducted a pre-application meeting for potential land partition at 34669 Bachelor Flat Road.

Will conduct a pre-application meeting for the city owned Millard Road property, tomorrow.

We had a meeting with a potential developer of existing infill lots regarding sewer service. Issue is need to extent the sewer main up S. 5<sup>th</sup> or S. 6<sup>th</sup> Streets from Columbia Boulevard. This is related to a recent Lot Line Adjustment file.

## **PLANNING ADMINISTRATION—MISC.**

Continue to receive inquiries from the County Assessor to help them improve their data. Eary in July came a question about addressing along Port Avenue, followed by another one along Old Portland Road (Stan's Appliances).

I'm not sure what we are on the mailing list, but we received notice of land use actions for a couple matters pertaining to Port Westward in north Columbia County (*see attached*). City of Scappoose is on mailing list too. We later received notice of intent to appeal the matter to LUBA (this was sent to all on the notice list). That continues to be an ordeal for the county.

We conducted our first technical advisory committee for the Economic Opportunities Analysis update effort. Happy to see we have a good team of volunteers on this one.

With Engineering and Public Works, inspected the public improvements related to the developed on the corner of Columbia Boulevard and N. 12<sup>th</sup> Street. Natural gas infrastructure is a complication for the S. 12<sup>th</sup> Street frontage improvements. Some refinement needed.

I think the County erred in a decision for a change of use at 2155 Gable Road (Building Permit No. 192-24-000690-STR). Per County staff instruction previously (about five years ago or so), the owner spoke to city staff about a change from a single-family dwelling to an office. I anticipated a land use permit for this since this originally came up, which is important because the property is small at 0.14 acres, has a comprehensive plan designation of industrial and is access via Gable Road, an arterial classified street. Columbia Count Zoning Ordinance CCZO

1506.3 says a non-conforming use may be changed to an allowable use under the zoning district. It says it is possible. It does not identify an exception to permitting. CCZO 1551.B.2 notes a change of category of use required Site Design Review. The County allowed the change of use without Site Design Review based on the provisions of 1506.3 and the fact that is not expanding. Note that 1551.B.2 does not mention expansion at all, only the change of use. So that is not a relevant argument. The owner did do some things for access control as we discussed years ago, but without the land use decision, it can be undone and public safety, health and welfare cannot be properly advanced. Here is CCZO 1551.B

B. Type 2: Projects, developments and building expansions which meet any of the following criteria:

1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
2. **Change the category of use (e.g., commercial to industrial, etc.).**
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

### CCZO 1506.3

A Non-Conforming Use may be changed to a use allowable under the underlying district. After a Non-Conforming Use changes to a conforming use, it shall not thereafter be changed back to a Non-Conforming Use.

CCZO 1506.3 is about non-conforming use status, not permitting direction. Finally note B.4, any project meeting the criteria. A home being converted to an office unquestionably meets this criteria because, at the very least a change of occupancy classification per the building code would be necessary.

For future reference, if I talk about this at the next semi-annual report, I should talk about a current junk yard/towing business along Old Portland Road and how county actions (or lack thereof) can have significant impact on the city. For years, we have received comments about the unsightliness of Old Portland Road.

For years FEMA has been exploring the National Flood Insurance Policy in Oregon as it relates to the Endangered Species Act. The latest on this is that NFIP participating communities in Oregon such as St. Helens in Oregon must select a Pre-Implementation Compliance Measures (PICM) option by Dec. 1, 2024. These options include, adopting a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard, choosing to require a habitat assessment and mitigation plan for floodplain development on a permit-by-permit basis, or prohibiting floodplain development in the Special Flood Hazard Area. **See attached** letter from FEMA dated July 15, 2024.

Also, County sent notice of a land use matter for file CU 24-05 at 34315 Slavens Road, which is well outside of the St. Helens Urban Growth Boundary. I think transition of staff may be cause for some issues there.

Police station effort continues. For me this month, this meant providing information for the consultants in discussing the 1771 Columbia Boulevard site and a, yet to be discussed much, site along Gable Road recently purchased by the School District.

## DEVELOPMENT CODE ENFORCEMENT

With summer comes shed and building addition complaints. Many warranted. We got about three or so this month.

The O'reily Auto sign is finally removed, except for the pole. The photo below on the left is from this month. The other is the sign soon after it was damaged.



## PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

July 9, 2024 meeting (outcome): This meeting was cancelled.

August 13, 2024 meeting (upcoming): We have a public hearing for part 1 of the 2024 Development Code Amendments, which focuses on child care and psilocybin matters.

There may be other matters.

## ST. HELENS INDUSTRIAL BUSINESS PARK

Staff is working on concepts to parcel the paper mill off for project arcadia and a parcel for a PGE substation. We've been talking about the PGE substation for years now and it continues to be a moving target, as every new potential proposal for the SHIBP, potentially changes its location and/or geometry. Hoping project arcadia solidifies things.

**From:** [Jennifer Dimsho](#)  
**To:** [Jacob Graichen](#)  
**Subject:** July Planning Department Report  
**Date:** Thursday, July 25, 2024 2:33:32 PM  
**Attachments:** [image001.png](#)

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Here are my additions to the July Planning Department Report.

## GRANTS

1. **Business Oregon – Infrastructure Finance Authority** – Low-interest loan for Streets & Utilities Project and Riverwalk improvements. Provided updates to loan officer. Working on a loan amendment to the Project Description to correspond with changes based on MEI's construction contract. Preparing Disbursement Request #3 and Work Plan update to submit in August.
2. **Riverwalk Project (OPRD Grants x2)** – Contractor has completed a majority of 2 of the 4 walls (the two gabion walls) and will begin excavation of the remaining two walls (the concrete walls) by the first week of August. Concrete work will likely begin in August. Coordinated with Communications on E-newsletter content. Reviewing/tracking submittals and RFIs. Attending bi-weekly check-ins with contractor and design team. Received OPRD LGGP time extension. Working with OPRD LWCF to increase grant award and extend timeline to match LGGP. **Received notice that OPRD/NPS has approved the grant award from 500k to 1.2 million!** Expecting a contract amendment before Council on Aug 7.
3. **Community Development Block Grant (CDBG): Sanitary Sewer Improvement Project** – \$2.5 million grant award to fund design/engineering/permitting for 3 sanitary sewer basins identified as deficient in the adopted Wastewater Master Plan. Attended a design workshop in July. Preparing a budget amendment to be able to utilize more state funding on grant admin, and legal fees, newspaper publications, etc. Preparing Disbursement Request #1 for services through July 31.
4. **CLG Historic Preservation Grant Program** – SHPO Certified Local Government Program. Received our contract for 17k. State approved work plan. Executed contract with grant recipients. Project to be completed by July 31, 2024. Grant recipient received windows which do not match the plans. NPS and SHPO stated windows could be removed, but that the preservation agreement requires historically accurate windows. Applicant has said they will re-order windows outside of the grant period.
5. **DLCD Technical Assistance Program** – 60k will fund a new Economic Opportunities Analysis (EOA). Prepared for and attended TAC meeting #1. Preparing for interviews and responded to infrastructure questions.
6. **ODOT Community Paths Program: St. Helens Scappoose Trail Refinement Project** – 405k to study a trail route refinement project (30% design) from St. Helens to Scappoose. Award is \$363,407, with a match of around 42k split between Scappoose, the County, and

us. IGAs with County/Scappoose executed at 6/5 Council meeting. SoW as approved by County and Scappoose sent to DOJ for review by ODOT. Will invoice project partners when I hear back from ODOT about when the match will be owed to the state.

7. **Travel Oregon Grant Program: Riverwalk Project** - 100k grant for Riverwalk Project. Submitted required mid-project report. Anticipated to receive remaining 50k when project is complete.
8. **ODOT TGM Program: Transportation Systems Plan** – ODOT says it could be 1-2 months before there is movement on the contract which allows us to move forward with consultant selection.

## PROJECTS & MISC

9. **Riverfront Streets/Utilities Project** – Attending weekly check-ins. Pump station generator installed. Tualatin staircase/bluff trailhead and Wapama Way intersection under construction. Bluff trail has been paved. Traffic circle and elevated picnic platform under construction. North and south water quality swales underway. Joint utility trenching and undergrounding aerial services nearly complete. Joint utility trenching for undergrounding aerial utilities for 1<sup>st</sup> & St. Helens intersection work is complete.
10. **Library Solar Array Project** – Assisting library with grant-funded solar planning project. Planning grant is complete. Completed final reporting documents to receive reimbursement from ODOE.
11. **Civic Plus – Drupal Migration** – The City’s website is being required to be migrated to a new system. I assist in managing various City webpages, so I’ve attended a webinar and watched a training video to prepare. More training is likely coming.
12. **PSU 2024 Annual Housing Unit & Population Survey (AHUPS)** – Responded to this data collection questionnaire about added housing units, transitional housing, and group housing. City must complete this survey annually to help PSU calculate accurate certified population counts. Deadline was August 16.

### Jenny Dimsho, AICP | Community Development Project Manager

City of St. Helens | Planning Department  
265 Strand Street, St. Helens, OR 97051 | [www.sthelensoregon.gov](http://www.sthelensoregon.gov)  
P: (503) 366-8207 | [jdimsho@sthelensoregon.gov](mailto:jdimsho@sthelensoregon.gov)



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT	)	
Renewable Fuels Oregon, LLC for a	)	NOTICE OF FINAL DECISION
Conditional Use Permit for a Rail Branchline in	)	FINAL ORDER NO. 24-2024
the Primary Agriculture (PA-80) Zone Near	)	
Port Westward (CU 23-11)	)	

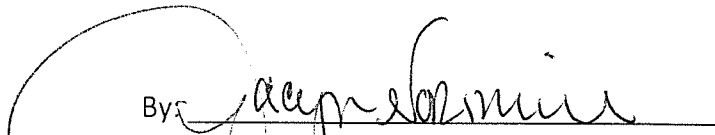
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11) on property near Clatskanie, Oregon, identified as Tax Map ID Numbers 8423-B0-00700 and 8423-B0-00800.

On January 10, 2024, the Board held a public hearing on CU23-11. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued the hearing to March 6, 2024, for Board deliberations. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 24-2024 In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11).

Persons who participated in the proceedings leading to the adoption of Final Order No. 24-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 24-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing [Jacyn.normine@columbiacountyor.gov](mailto:Jacyn.normine@columbiacountyor.gov).

Dated this 1<sup>st</sup> day of July 2024

By:   
Jacyn Normine, Administrator  
Board of County Commissioners Office

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT	)	
Renewable Fuels Oregon, LLC for a Site Design	)	NOTICE OF FINAL DECISION
Review Modification to an Approved Renewable	)	FINAL ORDER NO. 23-2024
Diesel Production Facility at Port Westward (DR	)	
21-03 MOD)	)	

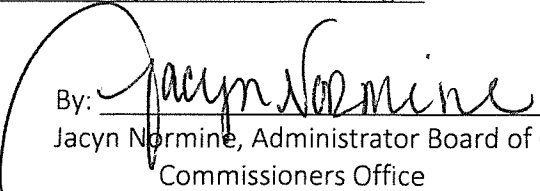
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03) via Final Order No. 12-2022 (DR 21-03) to relocate rail tracks, a tree buffer and storm facilities outside of the PA-80 zone and into the RIPD zone, for the development of a proposed renewable diesel production facility at Port Westward, near Clatskanie, Oregon, on property identified as Tax Map ID Numbers 8422-00-00100, 8422-00-00200, 8422-00-00300, 8422-00-01100, 8421-00-00700, 8416-00-0200, and 8416-00-00-00300.

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Dated this 1<sup>st</sup> day of July 2024

By:   
Jacyn Normine, Administrator Board of County  
Commissioners Office



1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON

3 COLUMBIA RIVERKEEPER,                   )  
4 1000 FRIENDS OF OREGON, and           )  
5 MIKE SEELY,                                )  
6    )  
7                   Petitioners,             )  
8    )  
9                   vs.                         )  
10   )  
11 COLUMBIA COUNTY,                        )  
12   )  
13                   Respondent.             )

LUBA No. \_\_\_\_\_

14                                   NOTICE OF INTENT TO APPEAL

15    I.

16                   Notice is hereby given that Columbia Riverkeeper, 1000 Friends of Oregon,  
17 and Mike Seely intend to appeal that land use decision or limited land use decision of  
18 Columbia County entitled Final Order No. 24-2024 “In the Matter of the Application  
19 by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail  
20 Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11)”  
21 (Order). A copy of the notice of the challenged decision is attached as Attachment A.  
22 The Board of Commissioners made the Order final on June 26, 2024.

23    II.

24                   Petitioner, Columbia Riverkeeper, has a mailing address and telephone number  
25 of:  
26 ///

1 Columbia Riverkeeper  
2 1125 SE Madison Street Suite 103A  
3 Portland, OR 97214  
4 (503) 432-8927

5 Petitioner, 1000 Friends of Oregon, has a mailing address and telephone number of:

6 1000 Friends of Oregon  
7 340 SE 6th Ave  
8 Portland, OR 97214  
9 (503) 497-1000

10 Petitioner, Mike Seely, has a mailing address and telephone number of:

11 Mike Seely  
12 18865 Hermo Rd.  
13 Clatskanie, OR 97016  
14 (503) 369-4350  
15

16 Petitioners, Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely, are

17 represented by:

18	Maura Fahey	Eric Wriston (lead counsel)
19	Crag Law Center	Crag Law Center
20	3141 E Burnside Street	3141 E Burnside Street
21	Portland, OR 97214	Portland, OR 97214
22	(503) 525-2722	(360) 773-7265

23 III.

24 Respondent, Columbia County, has as its mailing address and telephone

25 number:

26 Columbia County Board of Commissioners  
27 230 Strand Street  
28 County Courthouse Room 338  
29 St. Helens, OR 97051  
30 (503) 397-4322

31 ///

1 and has as its legal counsel:

2 Sarah Hanson  
3 Columbia County Counsel  
4 230 Strand St.  
5 Historic Courthouse, Room 20  
6 St. Helens, OR 97051  
7 (503) 397-3839

8 IV.

9 Applicant, NEXT Renewable Fuels Oregon, LLC, has as its mailing address

10 and telephone number:

11 Attn: Christopher Efrid  
12 11767 Katy Freeway, Suite 705  
13 Houston, TX 77079  
14 (661) 201-2653

15 Applicant was represented in the proceeding below by:

16 Garrett H. Stephenson  
17 Schwabe Williamson & Wyatt  
18 Pac West Center  
19 1211 SW 5th, Suite 1900  
20 Portland, OR 97204  
21 (503) 796-2893

22 Other persons mailed written notice of the land use decision or limited land use  
23 decision by Columbia County, as indicated by its records in this matter, include those  
24 within Attachment B.

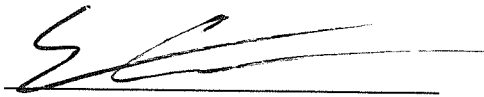
25 **NOTICE:**

26 Anyone designated in paragraph IV of this Notice who desires to participate as  
27 a party in this case before the Land Use Board of Appeals (the "Board") must file with

1 the Board a Motion to Intervene in this proceeding as required by OAR 661-010-  
2 0050.

3 Dated July 17, 2024.

4 CRAG LAW CENTER

5 

6 Eric Wriston, OSB No. 226130

7 Maura Fahey, OSB No. 133549

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Of Attorneys for Petitioners

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2024, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail or by electronic mail.

Dated July 17, 2024.

  
Eric Wriston, OSB No. 226130

**CERTIFICATE OF FILING**

I hereby certify that on July 17, 2024, I filed the original of this NOTICE OF INTENT TO APPEAL together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated July 17, 2024.

  
Eric Wriston, OSB No. 226130

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT	)	
Renewable Fuels Oregon, LLC for a	)	NOTICE OF FINAL DECISION
Conditional Use Permit for a Rail Branchline in	)	FINAL ORDER NO. 24-2024
the Primary Agriculture (PA-80) Zone Near	)	
Port Westward (CU 23-11)	)	

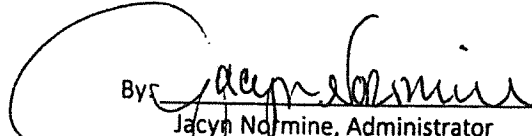
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Dated this 1<sup>st</sup> day of July 2024

By:   
Jacyn Normine, Administrator  
Board of County Commissioners Office

**Attachment A**



1 Columbia Riverkeeper  
2 1125 SE Madison Street Suite 103A  
3 Portland, OR 97214  
4 (503) 432-8927

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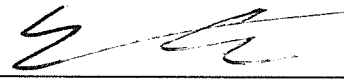
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9 Of Attorneys for Petitioners


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Diesel Production Facility at Port Westward (DR	)	
21-03 MOD)	)	

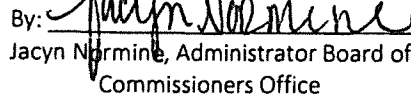
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03) via Final Order No. 12-2022 (DR 21-03) to relocate rail tracks, a tree buffer and storm facilities outside of the PA-80 zone and into the RIPD zone, for the development of a proposed renewable diesel production facility at Port Westward, near Clatskanie, Oregon, on property identified as Tax Map ID Numbers 8422-00-00100, 8422-00-00200, 8422-00-00300, 8422-00-01100, 8421-00-00700, 8416-00-0200, and 8416-00-00-00300.

On January 10, 2024, the Board held a public hearing on DR 21-03 MOD. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued their deliberations to March 6, 2024. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the Application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 23-2024, In the Matter of the Application by NEXT Renewable Fuels, Oregon, LLC for a Site Design Review Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03 MOD).

Persons who participated in the proceedings leading to the adoption of Final Order No. 23-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 23-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing [Jacvn.normine@columbiacountvor.gov](mailto:Jacvn.normine@columbiacountvor.gov).

Dated this 1<sup>st</sup> day of July 2024

By:   
Jacyn Normine, Administrator Board of County  
Commissioners Office

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FEMA

July 15, 2024

John Walsh  
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Dear John Walsh:

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 St. Helens there are currently 71 of NFIP policies in force representing \$21581000 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-istrTsqGN0KqckRLPPeaZuu4rv96lcR>
- Thursday, August 15 at 2-4pm PT: [https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH\\_zt](https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH_zt)
- Wednesday, August 21 at 12:30-2:30pm PT: <https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gy>

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

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

If you have any questions, please contact us through our project email address [fema-r10-mit-PICM@fema.dhs.gov](mailto:fema-r10-mit-PICM@fema.dhs.gov). Thank you for your community's on-going efforts to reduce flood risk in your

Walsh  
July 15 2024  
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community and for your support as we worked toward these milestones.

Sincerely,

A handwritten signature in blue ink, appearing to read "Willie G. Nunn", with a horizontal line extending to the right.

Willie G. Nunn  
Regional Administrator  
FEMA Region 10

cc: JacobGraichen, City Of St. Helens  
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).



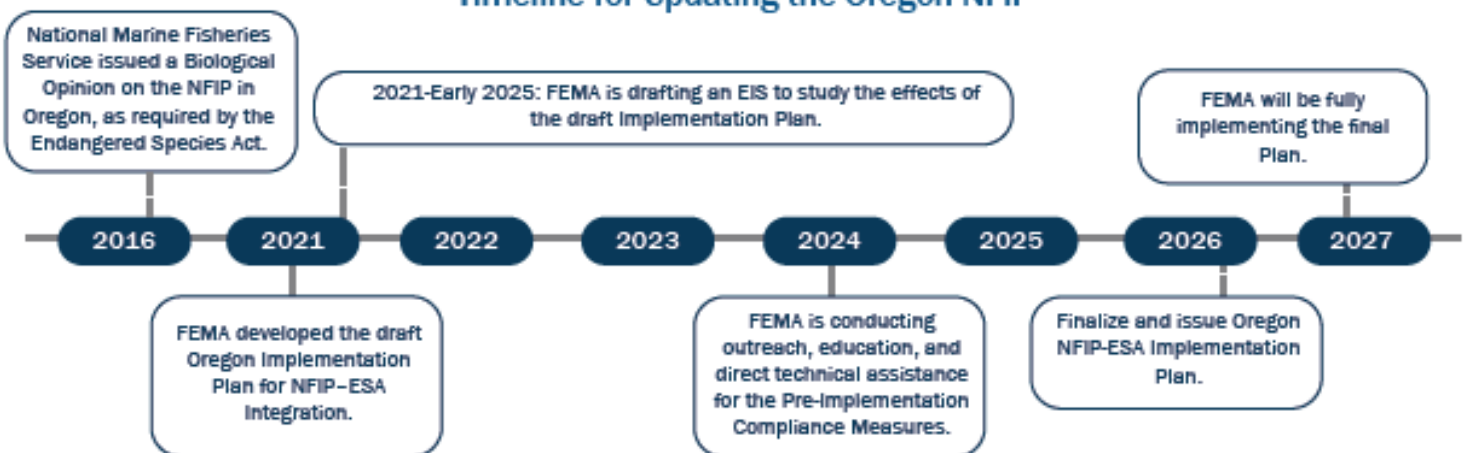
The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

### 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](https://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](mailto:FEMA-R10-MIT-PICM@fema.dhs.gov)