

Date: January 21, 2010

To: Dale Shaddox, Interim City Administrator

From: Becca Croft, CFM

Subject: Proposal and Scope of Work for Floodplain Management Services for the City of Shady Cove

In 2007, the City hired Public Works Management, Inc. (PWM) to assist in the development and implementation of a plan to remove Shady Cove from probationary status with the National Flood Insurance Program (NFIP). The Compliance Action Plan was developed to correct severe program deficiencies and remedy violations of the 17 remaining properties that were identified in a 2001 Community Assistance Visit. The first (enforcement) phase is still in process as the City works with a handful of owners who have been unwilling or unable to comply with Shady Cove Ordinance 118. FEMA is pleased with the progress and accepts the current status with respect to the remaining violations, as it is evident that the City is utilizing all possible options for enforcement action.

The second phase, developed to correct the program deficiencies and implement sustainable floodplain management procedures, has been completed through adoption of the IGA with Jackson County, enhanced documentation and permitting procedures, public education and outreach, voluntary compliance inspections, the Certificate of Compliance ("Golden Ticket") program, and enforcement action when new violations are discovered. PWM also continues to provide as-needed services to review development applications, answer questions from developers, contractors, and homeowners, communicate the City's progress to DLCD and FEMA Region X and serve as the main point of contact for all issues related to floodplain management.

FEMA restored the City's NFIP status to "good standing" in November of 2008, in recognition of all that has been done to improve the City's Floodplain Management Program, but with the understanding and expectation that significant progress must continue. Though FEMA is generally pleased with the progress made on Phases One and Two, it is time for Phase Three work to begin in order to satisfy the requirements of the probationary status being removed. Specifically, FEMA requires the City to report on the compliance status of all tax lots inside the Special Flood Hazard Area (SFHA) within Shady Cove city limits, and if violations are identified, the City must take action to correct them. Failure to do so would indicate the City is no longer maintaining its floodplain management program. In this case, FEMA would reinstate probationary status for the entire city and the City may face suspension from the NFIP.

This proposal is submitted at the request of City Staff and Council to assist in the process of deciding how to proceed with the next phase of Shady Cove's NFIP Compliance Action Plan.

Overview of Phase Three

Phase Three of the Compliance Plan will involve continued progress in each of the same five areas as before in order to effectively and efficiently meet the objectives and requirements of the NFIP: documentation; identification of violations; enforcement; education and outreach; and coordination with other agencies. With limited staff and financial resources, it is critical that the City proceed deliberately with clear, concise goals and thoughtful planning. The goal is to maintain an effective floodplain management program without wasting time or money on unnecessary programs. PWM proposes this simple, yet thorough approach to maintaining the City's "good standing" status with FEMA and the NFIP.

Documentation

For the past few years, PWM has worked with City staff to develop improved file systems for collecting and retaining property information and development activity inside the SFHA. These efforts were a crucial first step to creating the new development review process and were the basis of the new floodplain management program. However, it is evident that improvements must be made to the reporting capabilities so that Council, staff, DLCD, and FEMA can be kept up to date with the status of development and enforcement activity and

note deficiencies or concerns for prompt attention. PWM proposes to implement an electronic permitting and code enforcement system that will be easy to use and yet will record all information related to floodplain property, activity, development and enforcement. Elevation Certificates, permit applications, site plans, surveys, correspondence, etc., will all be scanned and stored digitally and securely for permanent record retention, as required by law and as a condition of participation in the NFIP.

Case Information		History	Map
Case Number	167	Date	12/21/2009
Owner	Mark Smith	Copy Case	
Problem Description	Storage Containers	Repeal Case	
Date of Incident	11/19/2009	Print Case Det	
Violation Type	See containers and containers shall be prohibited 21-1834	Print Case Hist	
Site Address	22451 Highway 62	Add Activity	
Complainant	R. Hahluwan	Add Note	
Status	Open	Upload File	
Complainant Phone #	631.976.4904	Add Letter	
Complainant Address	22451 Highway 62	Save	
Priority	High		
Assigned To	Buddy Friendly		

Find Property	
Search	Address Owner Legal Parcel #

Notes		Notes	Edit
Date	Notes		
12/21/2009	Containers in the floodplain without permit		

Uploaded Files		File	Delete
Date	File		
1/20/2010	Storage containers.JPG		

Letters		Letter	Edit
Date	Letter		
1/20/2010	Public Nuisance		

Map Info		
Latitude	Longitude	Map Address
42.8234878287689	-122.608437947412	22451 Highway 62, Shady Cove, OR 97538-9718

[View Map](#)

Sample case record for code enforcement

This system will allow staff to instantly view open and closed permits, enforcement cases, case history, and correspondence, and generate reports for the council or the public to get an up-to-the-minute snapshot of all floodplain activity. PWM will implement and maintain this electronic permitting/code enforcement system for the City as part of its contract with the City of Shady Cove, and include the costs associated with this service in the monthly retainer.

Identification of Violations

As a condition of being removed from probation status in 2008, the City is required to report to FEMA the status of the remaining 270+ tax lots inside the SFHA. Over the past two years, there have been several properties for which the City has obtained updated status and/or have been brought into compliance, but there are at least 200 properties remaining with "unknown" status with respect to floodplain compliance. PWM proposes to begin inspecting five properties per month (selected randomly, by complaint, or random discovery of a violation) in addition to those who come to the City for voluntary inspections or through a permit application. At that rate, the City should have inspected/updated all floodplain properties within approximately three to four years. If violations are discovered, PWM will document the violation using the enhanced electronic system and work with staff to begin the enforcement process in order to correct all violations in a timely manner. This schedule meets FEMA's requirement for sustained progress toward full compliance.

Enforcement

In the event that a property is found to be in violation of the City's Floodplain Ordinance (No. 118), PWM will create a detailed letter describing the violations and the required remedies, and possibly the need for further documentation (survey or engineering) or inspection. The prepared letter will be sent to the City Administrator for his/her review and signature. The letter will give the property owner two weeks to respond with intent for full compliance and 60 days to complete the work. If circumstances prohibit the work from being done within 60 days (weather, financial considerations, structural conditions, etc.) the owner may submit a written explanation and request an extension for consideration by the City Council. This will ensure fair and consistent enforcement in a timely manner and keep the Council informed on all enforcement cases.

Throughout the enforcement process, PWM will work with homeowners through correspondence, meetings, and site visits to ensure that the corrective action taken by the homeowner will bring the structure into compliance. PWM will track the owners' progress and submit monthly or quarterly reports (as requested) to staff, Council, DLCD and FEMA Region X in order ensure complete transparency.

Those unwilling to correct the identified violations or who fail to respond to the notice shall be assessed fines up to \$500 per day the violation exists (as provided in Ordinance 118), and may be referred to the City Attorney for filing in District Court.

If all the above measures are not successful in bringing the property into compliance, PWM will assist the City in submitting a request to FEMA for Section 1318 action, which provides for the denial of flood insurance coverage under the NFIP. It does not exempt the property from compliance, but is an additional penalty that may compel an otherwise unwilling homeowner to work with the City to correct the violation.

Services related to enforcement or inspections will be billed to the City at an hourly rate as detailed in this proposal.

Education and Outreach

A key component to the implementation of Phase Three, to ensure its success, is the City's responsibility to notify the public of the upcoming efforts. PWM will create a detailed guide to floodplain compliance and an explanation of the floodplain management/enforcement program. It will include a guide to self-assessment so that property owners can evaluate their property and note any potential violations before the random inspections. It will also include an invitation to have a voluntary inspection as has been offered for the past two years. PWM hopes to raise more awareness among floodplain property owners of the importance of compliance.

PWM will create and distribute educational materials related to the new DFIRMs and notify owners that are impacted by the new maps. Grandfathering will be explained along with the potential insurance requirement once a structure is mapped in the SFHA for the first time.

Services related to outreach and education may be included in the monthly retainer for floodplain management services. Special projects at the request of staff or Council may be billed at an hourly rate.

Coordination with Other Agencies

Shady Cove has been working effectively with Jackson County through the Intergovernmental Agreement (IGA) to ensure new development complies with local, state, and federal building regulations. PWM worked with Jackson County to flag all floodplain property to ensure that no development permits are issued in the floodplain without a floodplain development permit from the City. This cross-check has prevented and corrected several potential violations before the final certificate of occupancy was issued.

In Phase Three, PWM will work with staff, DLCD and FEMA to revise and update Shady Cove's floodplain ordinance with necessary changes to definitions and building standards to comply with current FEMA regulations and best practices, include technical bulletins and guidance in the ordinance, and adopt the new Flood Insurance Rate Maps. The preliminary DFIRMs that were introduced in July of 2009, are still at least 9-12 months away from receiving final status from FEMA, and therefore would not otherwise be required for adoption until the summer of 2011 or later. It is PWM's recommendation that Shady Cove adopt the preliminary maps now, per the provision of FEMA Floodplain Management Bulletin 1-98 which encourages early adoption of maps with greater accuracy. In Shady Cove's case, the floodplain and floodway boundaries, and the digitization of floodplain data make the preliminary maps a

beneficial tool to effective floodplain management. Residents, surveyors, contractors, and staff will save time and money using the digital maps over the old paper maps, which are over 30 years old and have many mapping errors. These errors complicate the process of making floodplain boundary determinations and regulating development, which costs the City and its residents unnecessary time and expense to reconcile errors and discrepancies.

The adoption process and ordinance update will take approximately 4-6 months. PWM will bill for its services related to research, review, implementation and coordination with DLCD at the established hourly rate as detailed in this proposal.

Fees

Previously, the City has retained PWM for floodplain management services at an hourly rate for all work. At the direction of staff, PWM proposes to modify this arrangement to include a monthly retainer for routine floodplain management services and consulting, with additional services billed at an hourly rate. The intent of this change is to help the Council better predict and control costs of floodplain management services provided by PWM.

PWM proposes to provide via a Certified Floodplain Manager (CFM®) the following routine floodplain management services for a monthly retainer of \$3000:

- Record retention and maintenance of the electronic permitting/code enforcement database
- Development permit application review – approval or denial with documentation
- Coordination with Jackson County to ensure all permits issued have floodplain development approval
- Research and respond to questions from developers, surveyors, property owners and staff related to general floodplain or policy issues (does not include questions related to specific enforcement cases)
- Attend one public meeting per month at the City's request for council updates or open houses (additional meetings billed at the hourly rate)
- Create and submit monthly reports as requested for staff and council updates on program status
- Prepare quarterly progress reports to FEMA on the Compliance Action Plan.

All other work, including site inspections, enforcement-related correspondence or activity, on-site meetings with property owners or contractors, travel to FEMA to deliver quarterly reports, ordinance updates, map adoption, training of staff or volunteers in floodplain management, or anything not specifically identified in the services provided under the monthly retainer will be billed at the hourly rates listed below:

HOURLY RATES

Joe Strahl; PE, CWRE – Principal, engineering and consulting	\$115
Becca Croft, CFM – Floodplain management services, consulting, inspections	\$75

Summary

The purpose of this proposal is to help Shady Cove meet FEMA's requirements for "good standing" status with the NFIP and address certain internal deficiencies that have been realized through the first two phases of the Compliance Action Plan. Improved communication, documentation, and reporting are sure to provide staff, Council, and the public with more up-to-date information while maintaining focus on the important and complicated task of meeting the City's obligations. Floodplain management, by its nature, involves the difficult task of enforcing strict regulations aimed at preventing loss of life and property in a flood event. Public Works Management is happy to partner with the City of Shady Cove to meet its goals of compliance, fairness, and safety. Through this partnership, PWM will strive to concentrate on communication, coordination, education and outreach, while at the same time providing the expertise required to achieve the necessary enforcement components of the program in a cost effective manner.

Accepted by: _____ Signature: _____ Date: _____