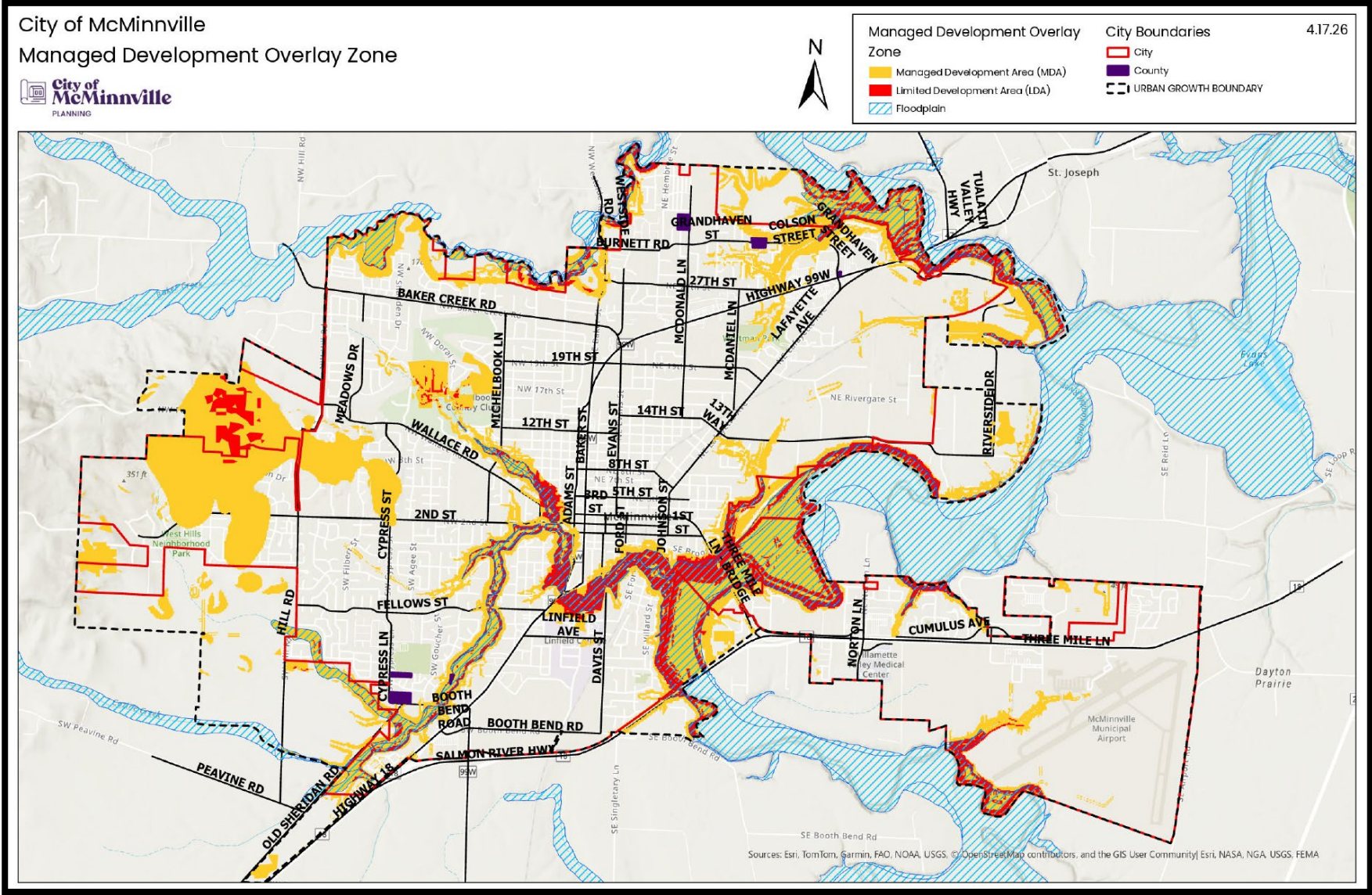


NATURAL HAZARDS PLANNING



ORDINANCE No. 5178

City's Goal 7 – Natural Hazards Work

- Amendment to the McMinnville Comprehensive Plan, Volume I – Background Elements, adopting the *2021 Natural Hazards Inventory and Management Program Options and Recommendations* and its Appendices.
- Amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled *Natural Features*.
- Amendments to the McMinnville Municipal Code, Chapters 17.48, *Flood Area Zone*, and Chapter 17.49, *Managed Development Overlay Zone and Subdistricts*.
- Amendment to the McMinnville Zone Map, adding the Managed Development Overlay Zone and the Managed Development Area Subdistrict (MDA) and the Limited Development Area Subdistrict (LDA).
- Adopts the Decision Document and Findings for Docket G 3-22

ORDINANCE No. 5178

City's Goal 7 – Natural Hazards Work

**This is a recommendation of the
Planning Commission per their vote
on March 19, 2026.**

- **Five Years**
- **9 Work Sessions (1.21.26)**
- **Measure 56 Notice to all impacted
properties (x 2)**



WHAT IS NATURAL HAZARDS PLANNING?.

Protecting people and property from natural hazards. Good planning does not put buildings or people in harm's way.

CONNECTING THE DOTS

OREGON LAND USE 101:

State law mandates that cities and counties engage in planning efforts to meet the adopted Oregon Land Use Goals.

There are 19 Goals.

Cities must adopt a Comprehensive Plan to show how the city is meeting these goals.

- **Evaluation and Background Data
(Comprehensive Plan, Volume I)**
- **Policies
(Comprehensive Plan, Volume II)**
- **Implementation
(Zoning Ordinance)**

- 1 – Citizen Involvement
- 2 – Land Use Planning
- 3 – Agricultural Lands
- 4 – Forest Lands
- 5 – Scenic / Historic / Natural Resources
- 6 – Air, Water and Land Resources Quality
- 7 – Natural Hazards
- 8 – Recreation Needs
- 9 – Economic Development
- 10 – Housing
- 11 – Public Facilities and Services
- 12 – Transportation
- 13 – Energy
- 14 – Urbanization
- 15 – Willamette Greenway
- 16 – Estuarine Resources
- 17 – Coastal Shorelines
- 18 – Beaches and Dunes
- 19 – Ocean Resources

Goal 7 – Natural Hazards

Oregon Land Use Goal #7 requires cities to conduct natural hazard planning.

“Balancing growth with hazard mitigation is key to planning resilient communities. Therefore, understanding where development occurs and the vulnerabilities of the region’s building stock is integral to developing mitigation efforts that move people and property out of harm’s way. Eliminating or limiting development in hazard prone areas can reduce exposure to hazards, and potential losses and damage.”

The intent of Goal 7 is to protect people and property from natural hazards.

Goal 7 – Natural Hazards

Natural Hazard Planning

- 1) **Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.**
- 2) **Natural hazards for purposes of this goal are:**
 - **Floods**
 - **Landslides**
 - **Earthquakes and Related Hazards**
 - **Wildfire**
 - **Tsunamis**
 - **Coastal Erosion**

WHAT ARE NATURAL HAZARDS

Natural Hazard Planning

- 1) **Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.**

- 2) **Natural hazards for purposes of this goal are:**
 - **Floods**
 - **Landslides**
 - **Earthquakes and Related Hazards**
 - **Wildfire**
 - ~~**Tsunami**~~
 - ~~**Coastal Erosion**~~

Goal 7 – Natural Hazards

Need to undertake Natural Hazard planning when new information becomes available and/or there is a significant boundary amendment.

- 1) Evaluate and assess risk to people and property**
- 2) Allow for citizen review and comments.**
- 3) Adopt or amend comprehensive plan policies and implementing measures that:**
 - Avoid development in hazard areas where the risk to people and property cannot be mitigated**
 - Prohibit the siting of essential facilities, major structures, hazardous facilities and special occupancy structures**

NEW DATA AND SIGNIFICANT EVENT

- 1) 2018 - Yamhill County started updating their Natural Hazard Mitigation Plan**
- 2) 2019 – As part of the Yamhill County process, the City received updated natural hazards mapping from the state.**
- 3) With the updated data, the City started evaluating whether or not there were new issues within the city limits and the UGB that the City should be aware of and potentially plan to mitigate.**
- 4) August 2020 – took the information to City Council for direction and were told to put a mitigation program together.**
- 5) Adoption of the MGMUP urban growth boundary amendment in December, 2020, necessitated a Goal 7 review.**

Yamhill County Update – 2018/19

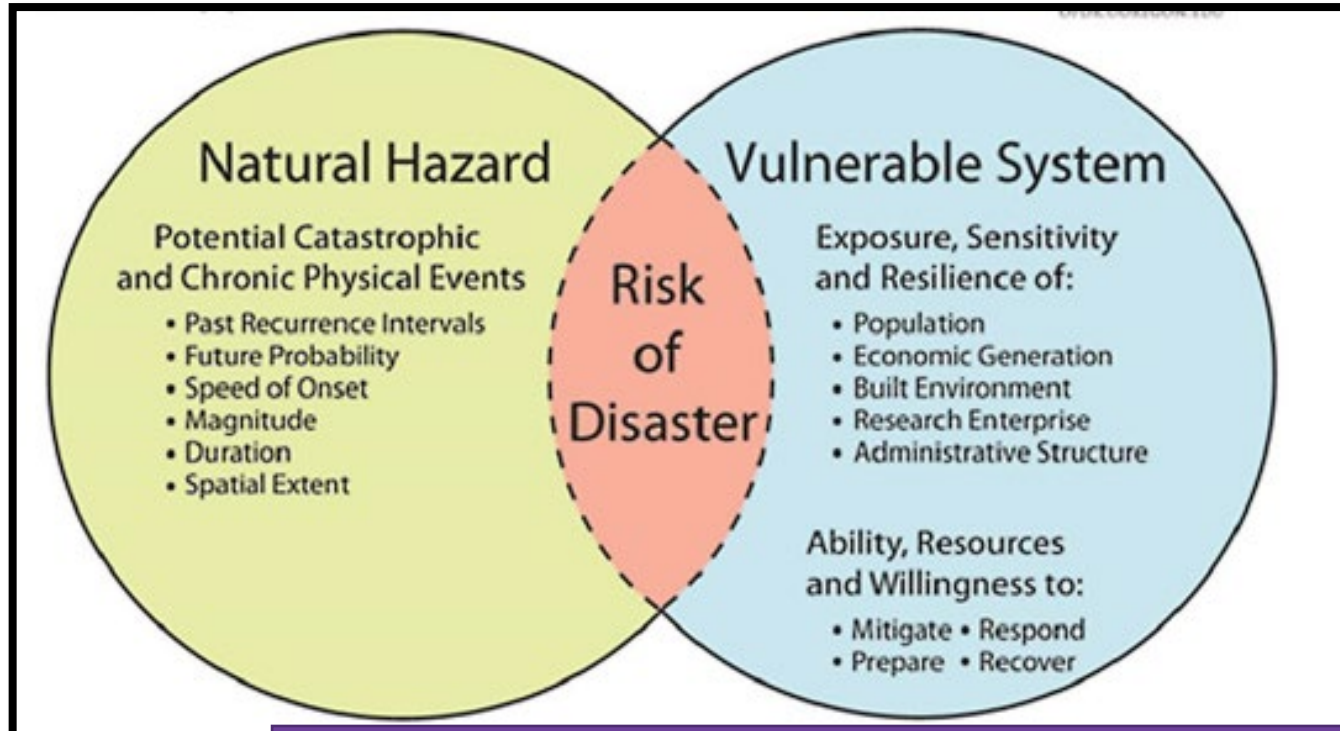
Table VI.1 McMinnville NHMP Recommended Natural Hazard Mitigation Measures

Policy Number	Policy Text	Evaluation
Multi-Hazard #2	Incorporate mitigation planning provisions into community planning processes such as comprehensive, capital improvement, land use, transportation plans, zoning ordinances, community development practices, etc.	Section VII includes recommendations for amending the McMinnville Comprehensive Plan to include natural hazard inventory and management policies proposed to be implemented in the McMinnville Zoning Ordinance.
Multi-Hazard #7	Develop and maintain GIS mapped hazard areas within the UGB.	Sections II-V include a series of geological, flooding and wildfire hazards maps within the McMinnville UGB and within potential UGB expansion areas.
Multi-Hazard #10	Establish a process to coordinate with state and Federal agencies to maintain up-to-date hazard data, maps and assessments.	Section VII includes a policy to coordinate with state and federal agencies through periodic updates of the McMinnville NHMP and the Yamhill County CWPP.

Yamhill County Update – 2018/19

Policy Number	Policy Text	Evaluation
Multi-Hazard #11	Limit (e.g., reduced density, etc.) or prohibit development in high hazard areas.	Section VI considers options to limit development in medium and high hazard areas – and to prohibit development in some high hazard areas. Section VII includes recommendations for a consolidated Natural Hazards Overlay District that limits or prohibits development depending on the hazard level and cumulative hazard impacts. As proposed, the NHOD would be applied to land within the McMinnville Study Area to guide future urban growth. Application of the NHOD outside the McMinnville City Limits would require an amendment to the Urban Growth Management Agreement (UGMA) between the City and Yamhill County.
Multi-Hazard #12	Encourage mitigation practices in developments at risk to natural hazards.	Section VI considers mitigation options and Section VII recommends specific mitigation measures.

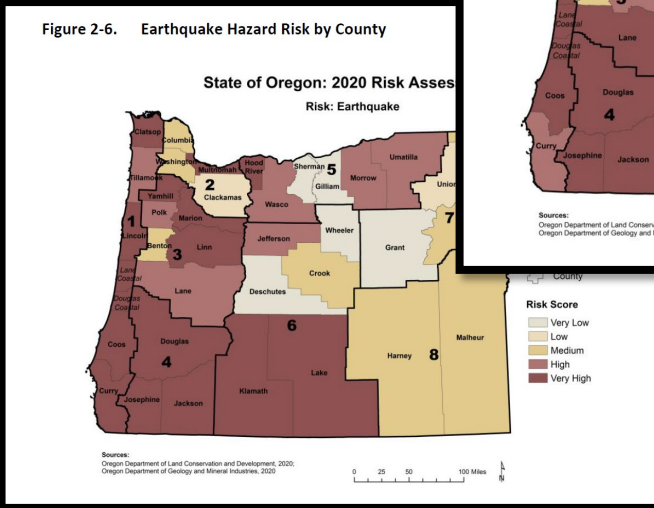
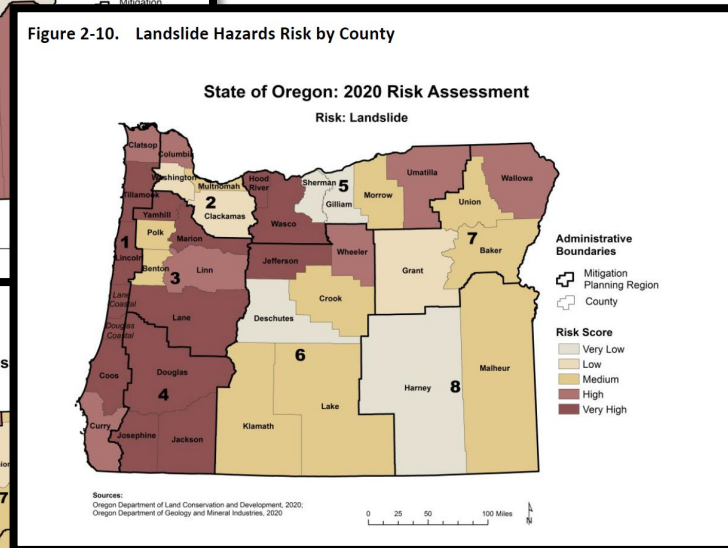
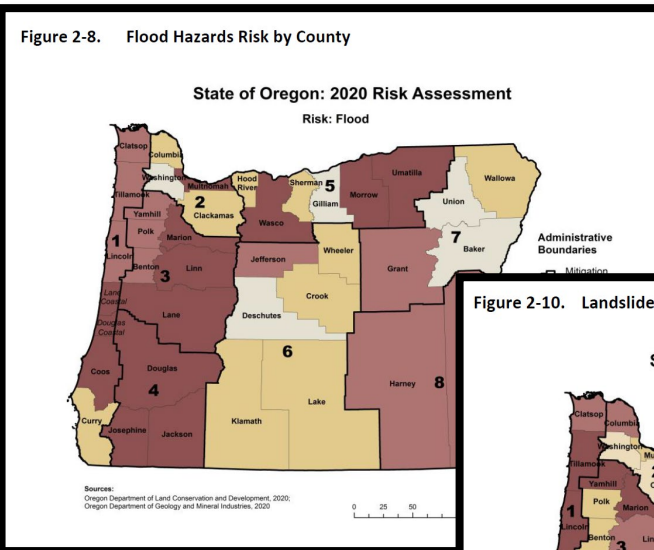
ADDING SOCIAL VULNERABILITY ASSESSMENT



1. **Identify Hazards**
2. **Identify “Who” and “What “ Is Vulnerable**
3. **Assess Risk**

Risk = Probability x Vulnerability

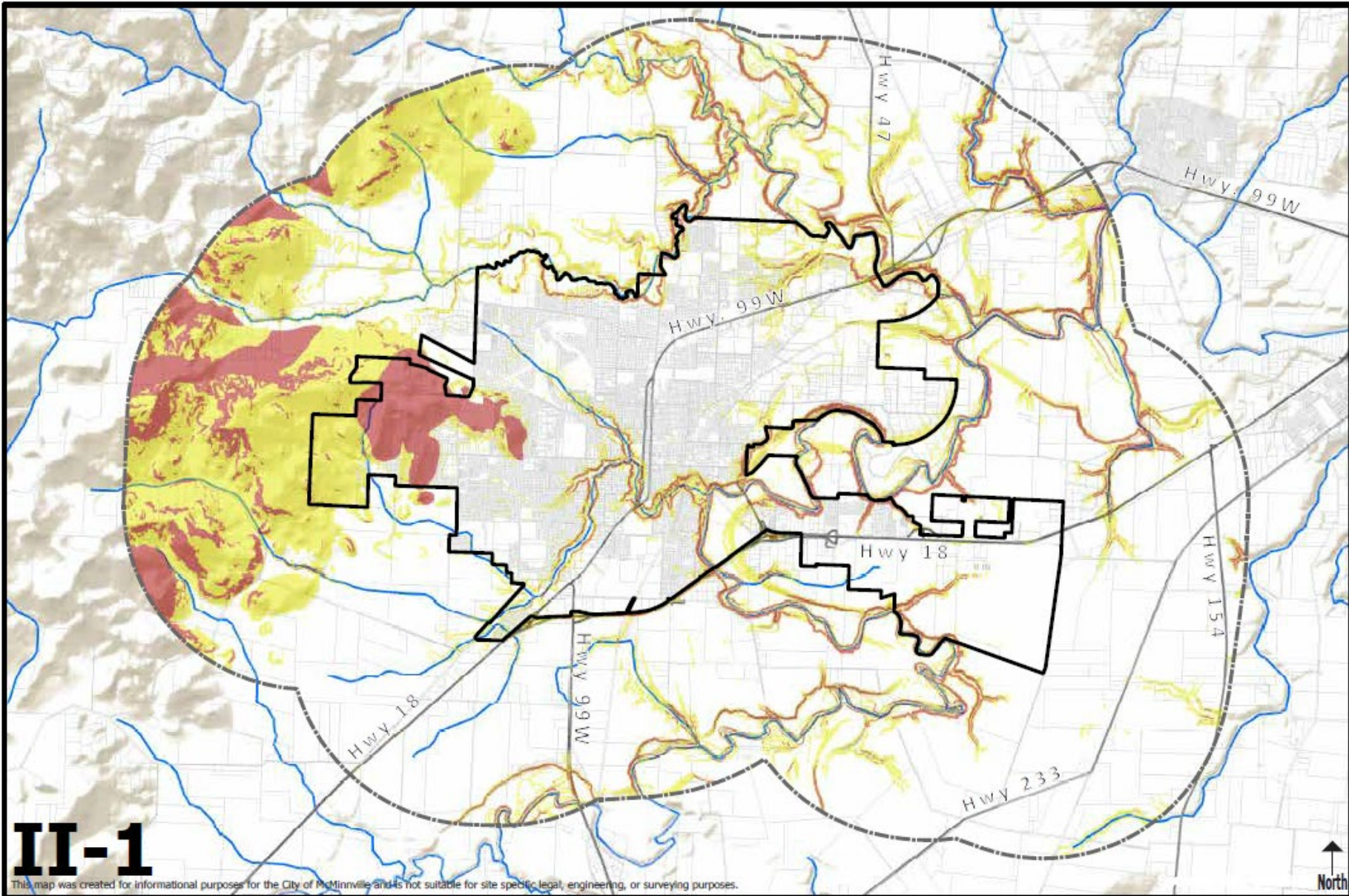
2020 OREGON NHMP – YAMHILL COUNTY - FLOODS



Floods = High Risk and High Probability

Earthquakes = Very High Risk and High Probability

Landslides = Very High Risk and Very High Probability



II-1

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Geologic Hazards: Landslides

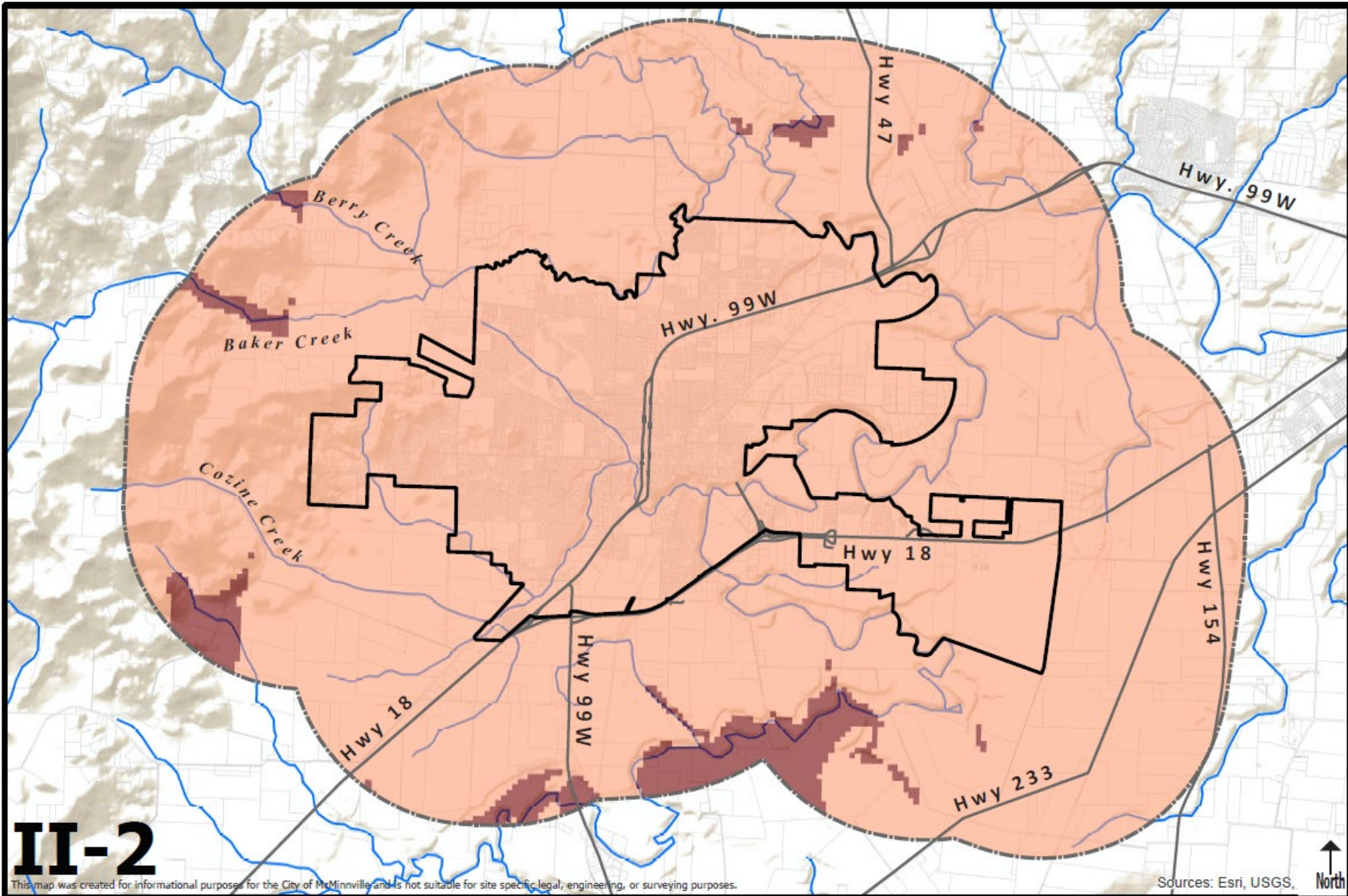
- | | | |
|-----------------------|-----------------------------------|------------------|
| Landslide Risk | McMinnville Urban Growth Boundary | Major Roads |
| Moderate Risk | Study Area (1.5 Miles) | Rivers & Streams |
| High Risk | Tax Lots | |

Miles 0 0.5 1 2

Created by Winterbrook Planning in coordination with the City of McMinnville



Last Revised: June 29, 2020



II-2

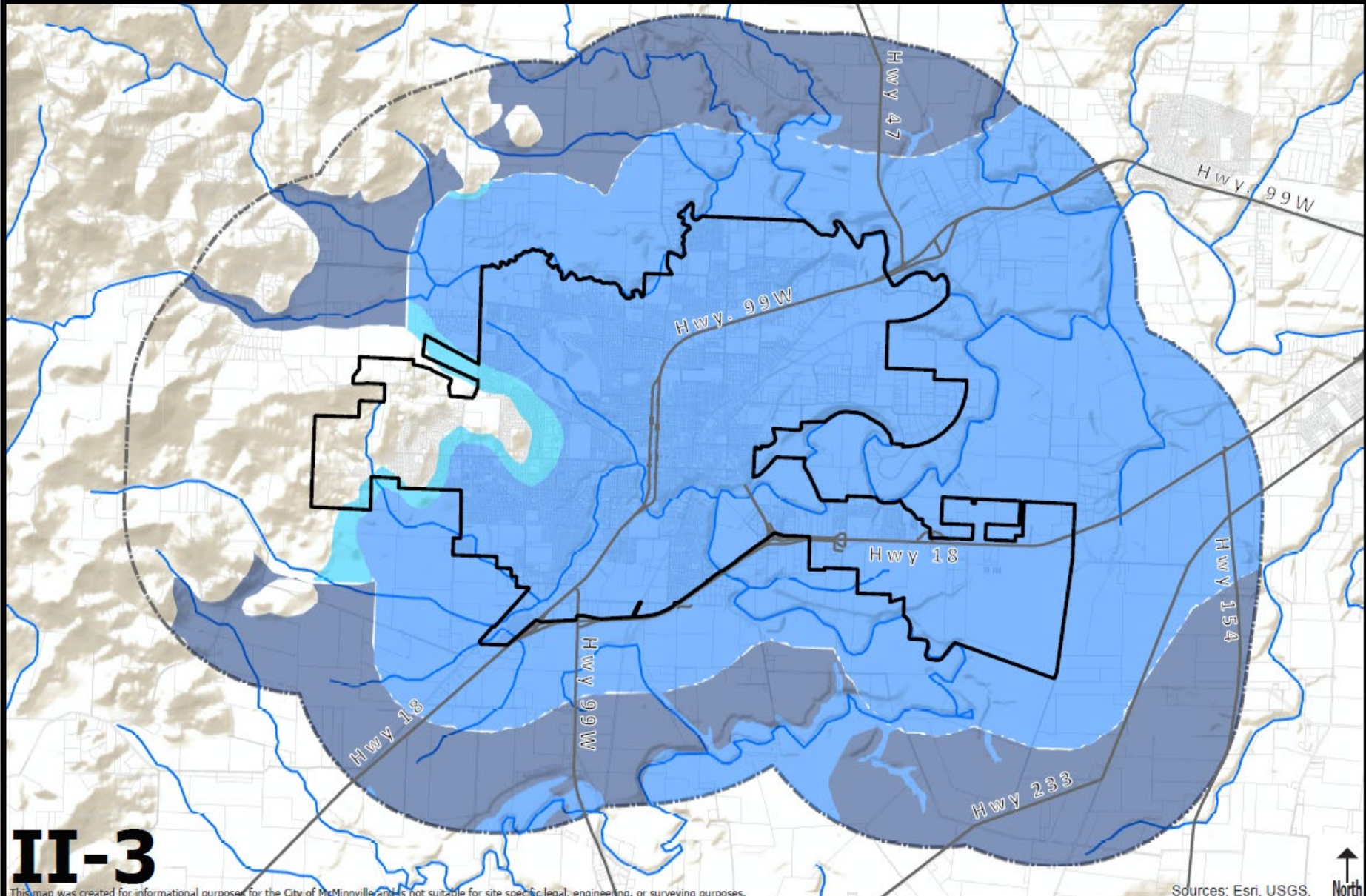
McMinnville Geologic Hazards: Cascadia Subduction Earthquake Shaking

- Expected Shaking**
- Very Strong Shaking
- Severe Shaking
- McMinnville Urban Growth Boundary
- Study Area (1.5 Miles)
- Tax Lots
- Major Roads
- Rivers & Streams

Miles 0 0.5 1 2

Created by Winterbrook Planning in coordination with the City of McMinnville

McMinnville WINTERBROOK
Last Revised: June 26, 2020



II-3

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

Sources: Esri, USGS, North

McMinnville

Geologic Hazards:

Earthquake Liquefaction

Susceptibility

Liquefaction Risk

- Low Risk
- Moderate Risk
- High Risk

McMinnville Urban Growth Boundary

Study Area (1.5 Miles)

Tax Lots

Major Roads

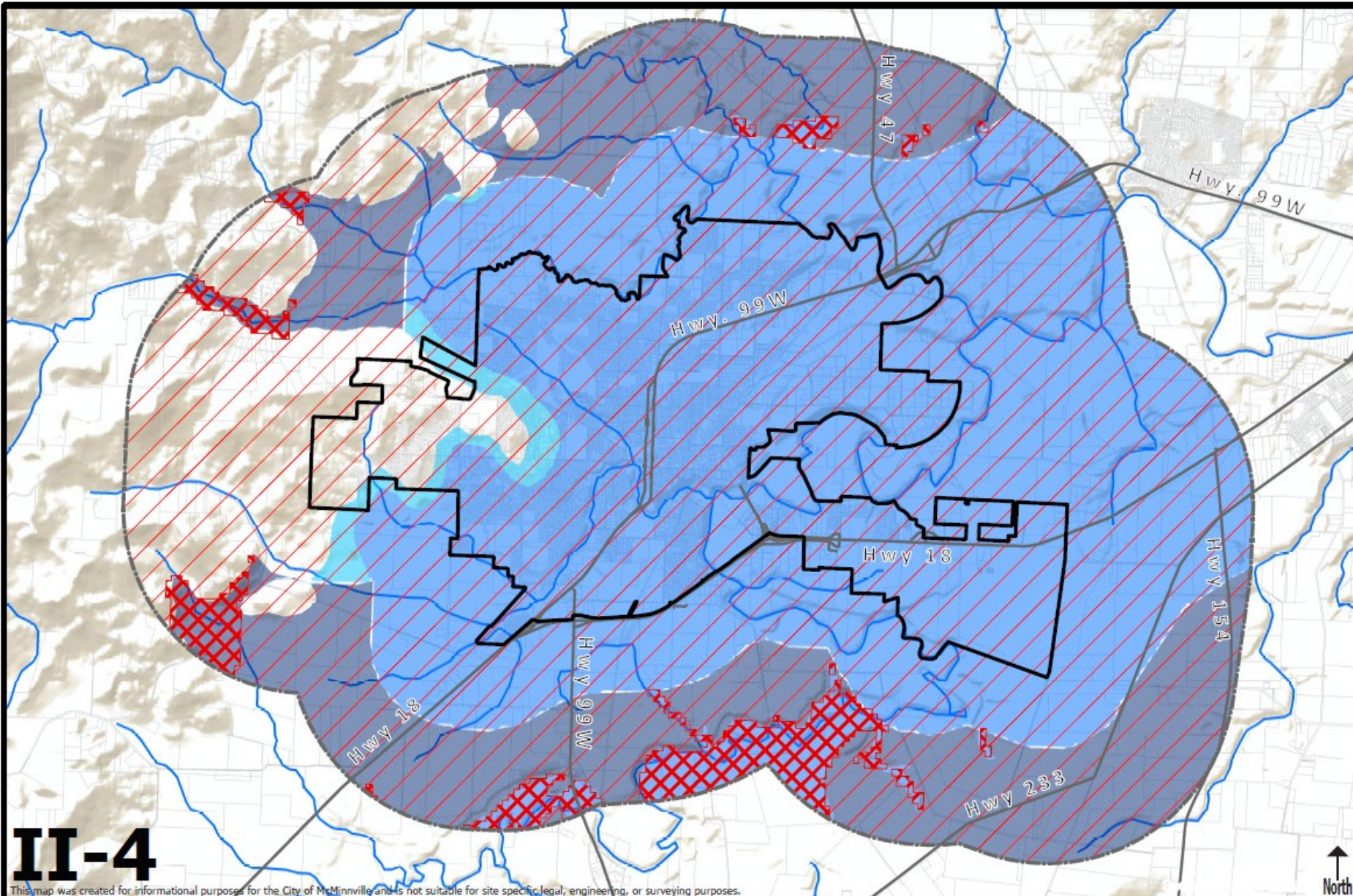
Rivers & Streams



Created by Winterbrook Planning in coordination with the City of McMinnville



Last Revised: June 28, 2020



II-4

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville

Geologic Hazards: Subduction Shaking & Liquefaction Risks

- | | | |
|--------------------------|-----------------------------------|------------------|
| Liquefaction Risk | Very Strong Shaking | Tax Lots |
| Low Risk | Severe Shaking | Major Roads |
| Moderate Risk | McMinnville Urban Growth Boundary | Rivers & Streams |
| High Risk | Study Area (1.5 Miles) | |

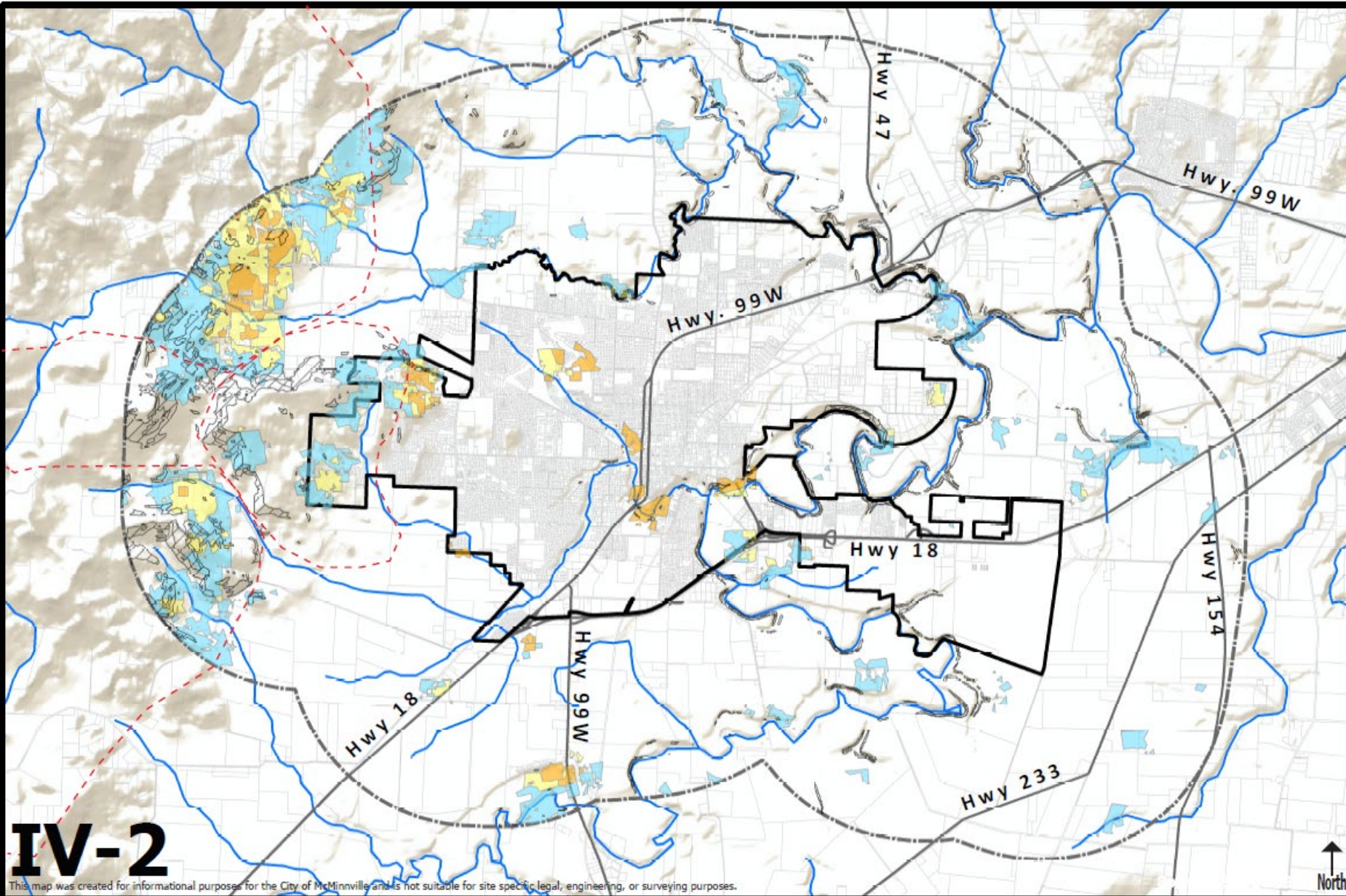


Created by Winterbrook Planning in coordination with the City of McMinnville



Last Revised: June 26, 2020





IV-2

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Potential Wildfire Impact to People and Property

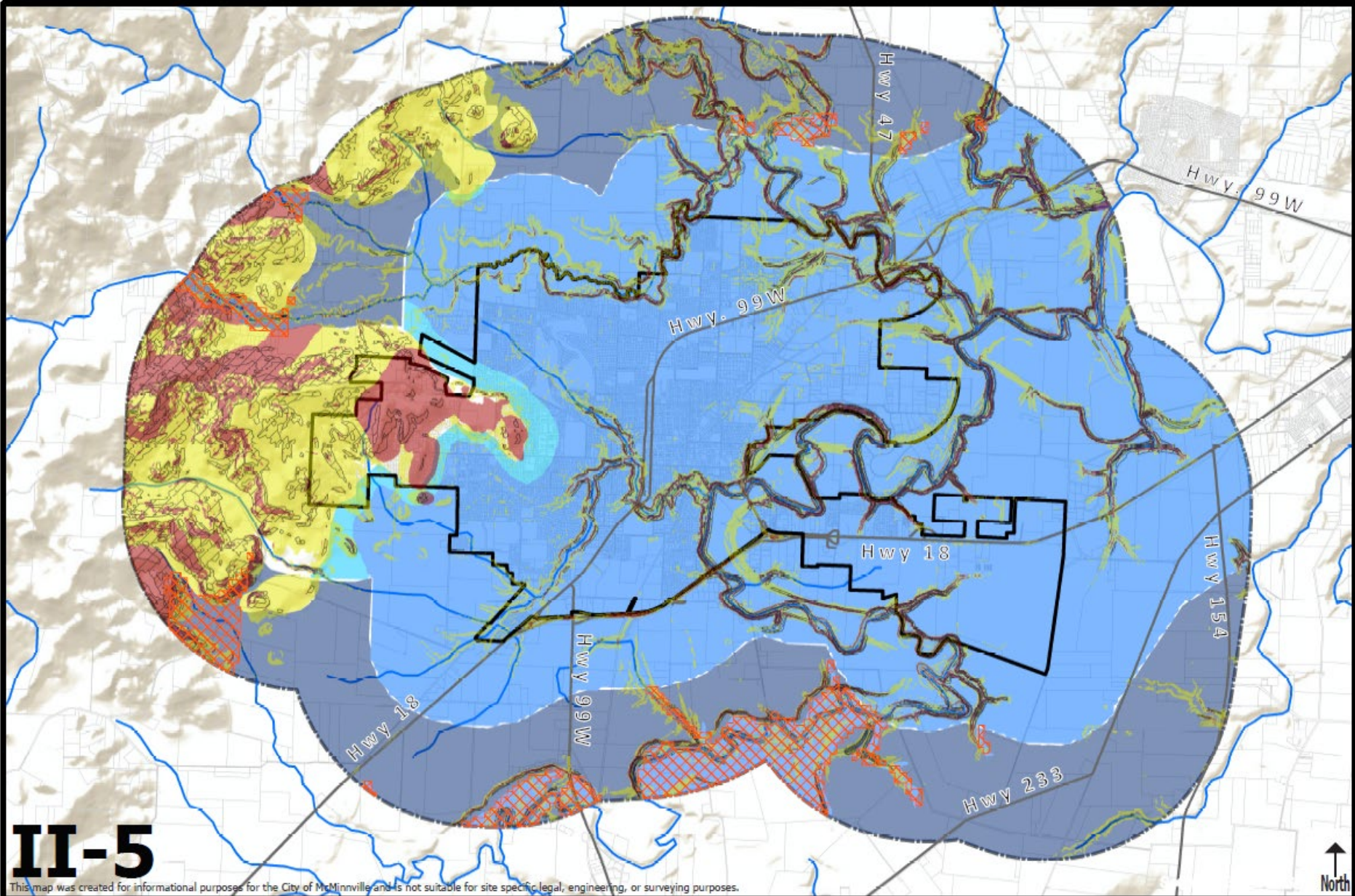
- | | | |
|----------------------|-----------------------------------|-------------------------------|
| Wildfire Risk | Steep Slopes (>25%) | Major Roads |
| Low | McMinnville Urban Growth Boundary | Rivers & Streams |
| Moderate | Study Area (1.5 Miles) | Wildfire Risk Reduction Areas |
| High | Tax Lots | |

Miles 0 0.5 1 2

Created by Winterbrook Planning in coordination with the City of McMinnville



Last Revised: June 26, 2020



II-5

This map was created for informational purposes for the City of McMinnville and is not suitable for site specific legal, engineering, or surveying purposes.

McMinnville Geologic Hazards: Landslide, Liquefaction, Subduction Shaking & Steep Slopes

Landslide Risk
 Moderate Risk
 High Risk

Liquefaction Risk
 Low Risk
 Moderate Risk
 High Risk

Severe Shaking
 Steep Slopes (>15%)
 McMinnville Urban Growth Boundary
 Study Area (1.5 Miles)

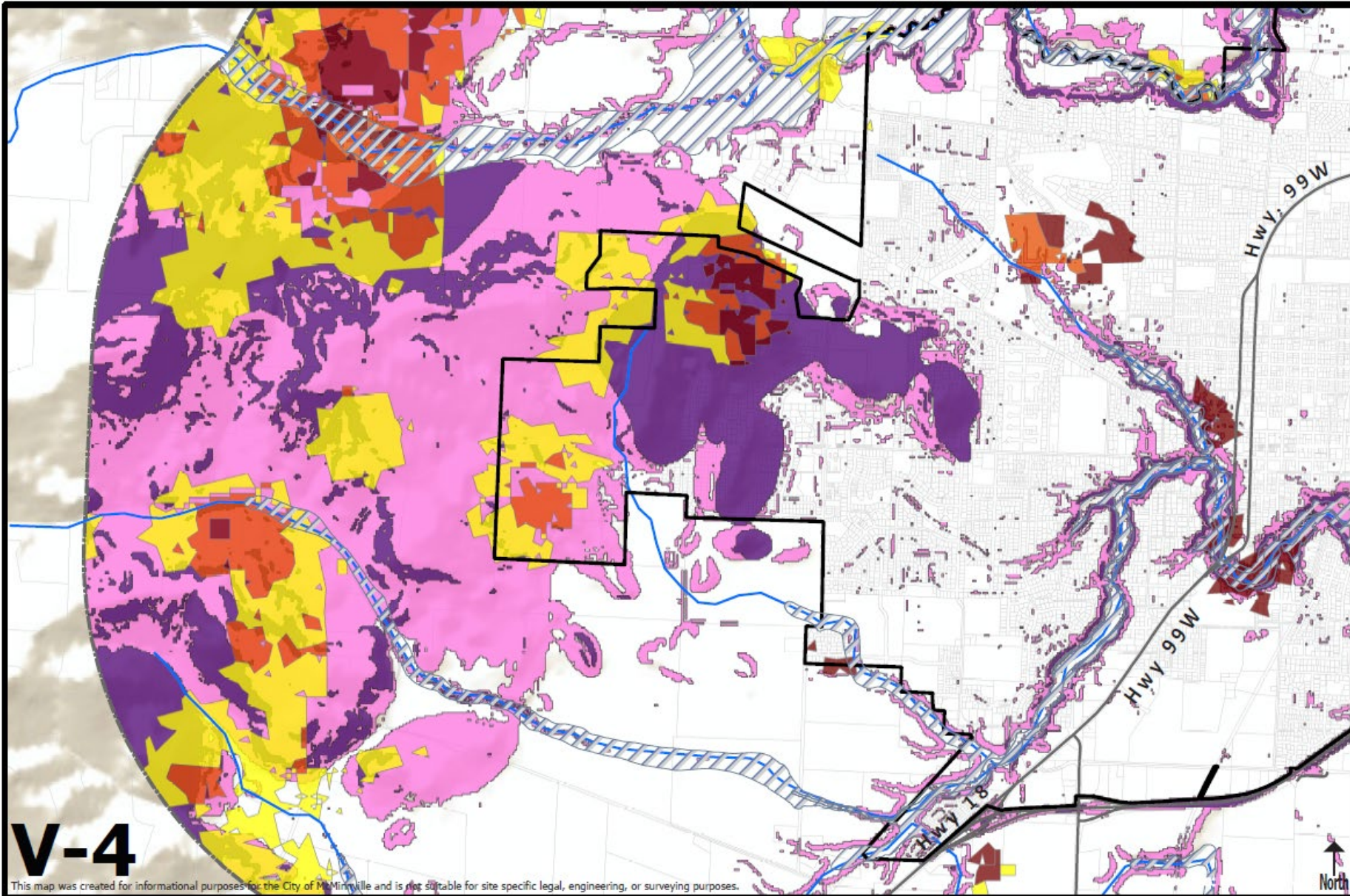
Tax Lots
 Major Roads
 Rivers & Streams

Miles 0 0.5 1 2

Created by Winterbrook Planning in coordination with the City of McMinnville

City of McMinnville
 WINTERBROOK
 Last Revised: June 26, 2020





**McMinnville WEST HILLS
Wildfire Impacts to People
& Property, Landslide Risk,
& Flood Hazards**

- | | | | | |
|----------------------|-----------------------|------------------------|-----------------------------------|------------------|
| Wildfire Risk | Landslide Risk | Flood Hazard | McMinnville Urban Growth Boundary | Tax Lots |
| Low | Moderate Risk | Study Area (1.5 Miles) | Major Roads | Rivers & Streams |
| Moderate | High Risk | | | |
| High | | | | |

Miles 0 0.2 0.4 0.8

Created by Winterbrook Planning in coordination with the City of McMinnville

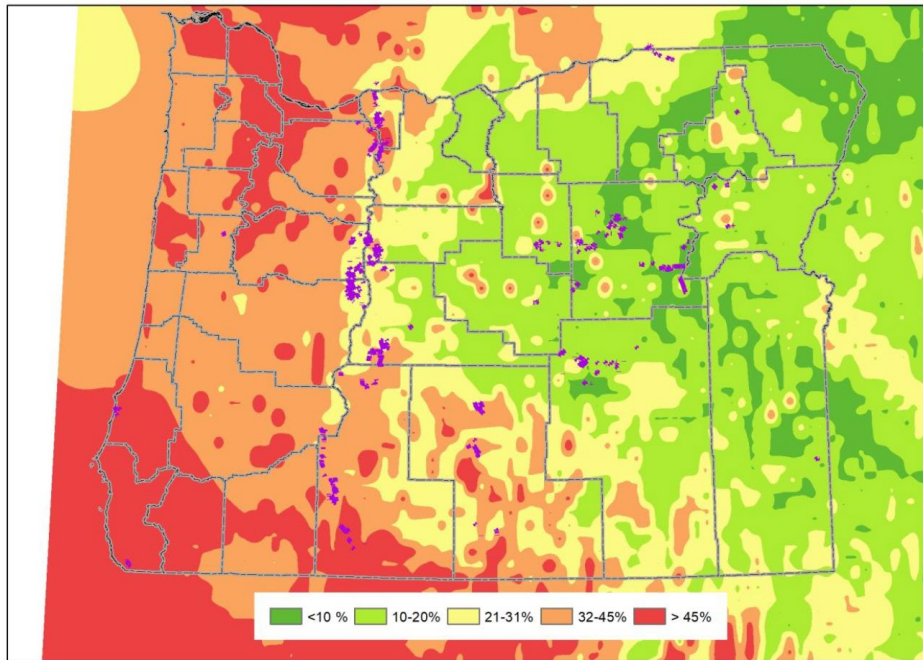
Last Revised: June 29, 2020




**EMERGING CONCERNS
FOR MCMINNVILLE –
LANDSLIDES AND EARTHQUAKES**

McMinnville Has a 45% chance of an earthquake (intensity of VI or greater) in 100 years.

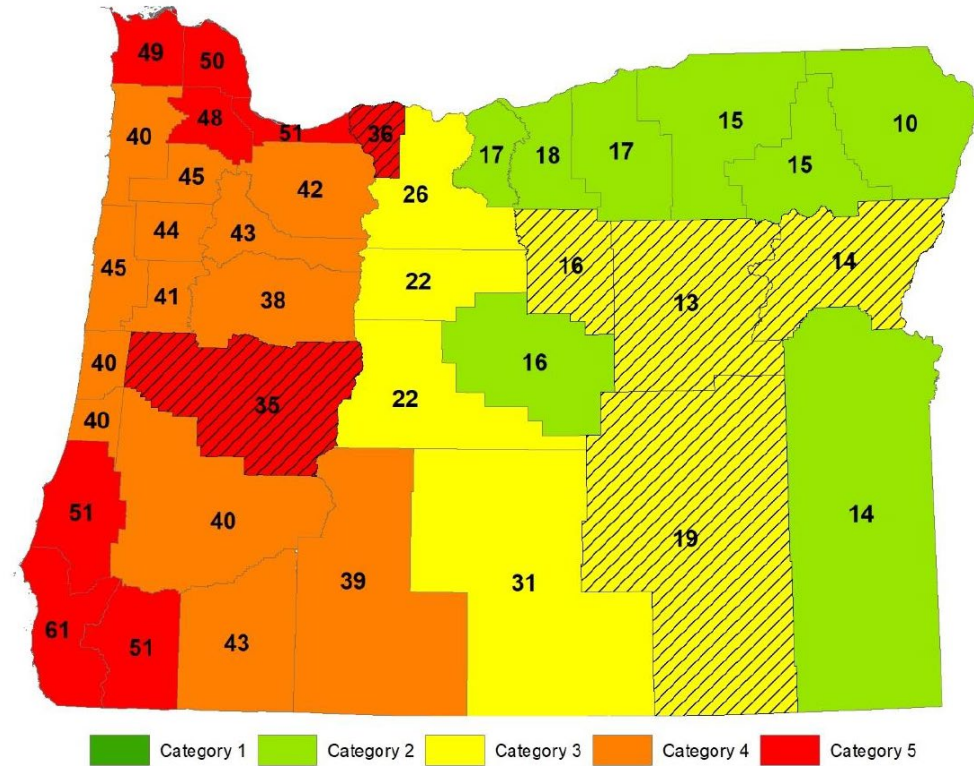
Figure 2-58. Probability of experiencing shaking of Modified Mercalli Intensity VI or greater during the next 100 years



Note: Purple lines are faults that have been recently discovered with lidar data that are not included in the USGS hazard map models.

Source: USGS

Figure 2-59. 2020 Oregon Earthquake Probability Ranking Based on Mean County Value of the Probability of Damaging Shaking and Presence of Newly Discovered Faults (Figures 2-30 and 2-31)

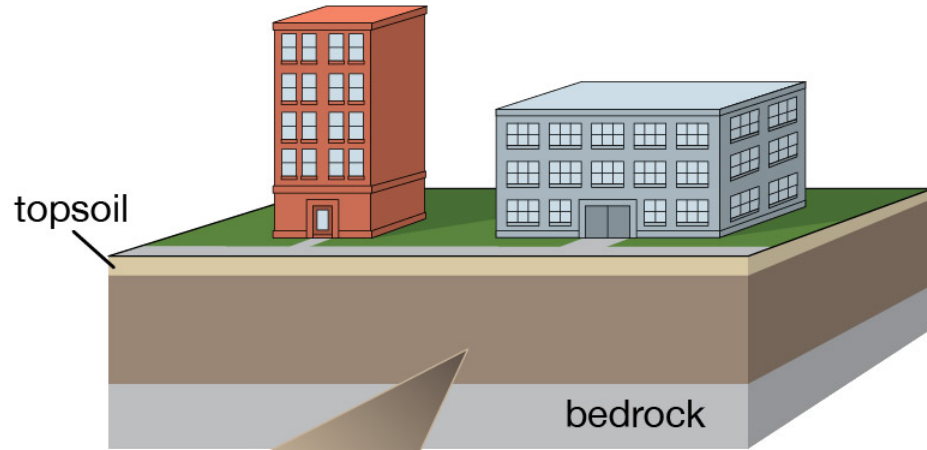


Note: Counties with hatching had their probability category increased one step due to newly discovered faults.

Source: DOGAMI

Soil liquefaction

stable soil



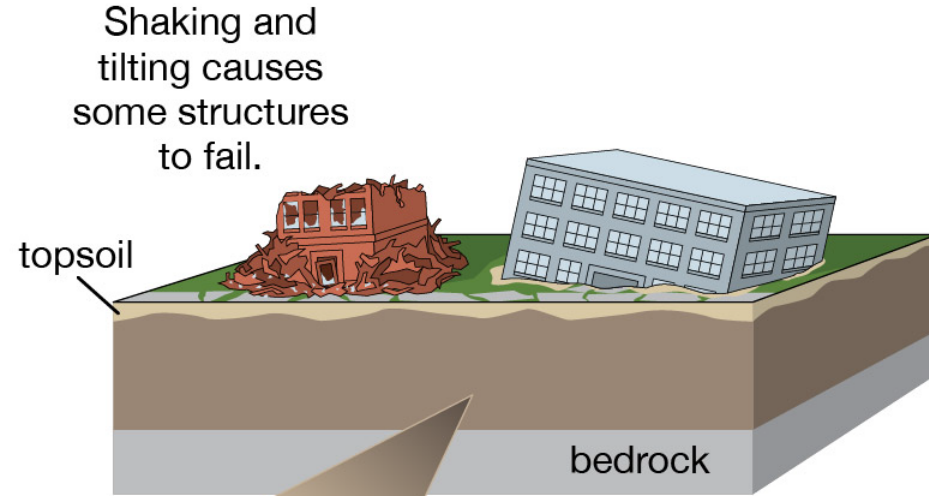
topsoil

bedrock

Building stands erect on stable soil.

Loosely packed grains of soil are held together by friction. Pore spaces are filled with water.

liquefied soil



topsoil

bedrock

Shaking and tilting causes some structures to fail.

Building tilts and sinks as soil stability declines.

Shaking destabilizes the soil by increasing the space between grains. With its structure lost, the soil flows like a liquid.

THE RESULTING RECOMMENDED PROGRAM AND PLAN

NATURAL HAZARDS ASSESSMENT

- Scored on a scale from 0 to 5
- Probability is based on inventories developed by state agencies
- Vulnerability is based on State Natural Hazard Management Plan

Natural Hazard Type	Probability of the Hazard in McMinnville		Social + Physical Vulnerability
Landslide	Moderate	2	2.67
	High	5	
Cascadia Subduction Zone Earthquake			(Earthquake) 3.33
Liquefaction	Moderate	2	
	High	5	
Shaking	Very Strong	2	
	Severe	5	
Slope	>25%	5	-
Wildfire	Moderate	2	2.50
	High/Severe	5	
Flood	Floodplain	5	2.67
	Floodway	5	

NATURAL HAZARDS ASSESSMENT

FID *	Landslide	Liquefacti	SubShaking Slope	WildFire	Flood	Total_Prob	Vul_Lands	Vul_Earth	Vul_WF	Vul_Flood	Total_V	New_Risk	
39	5	2	2	0	0	5	16	2.67	3.33	0	2.67	8.67	2.467
40	5	2	2	5	0	5	21	2.67	3.33	0	2.67	8.67	2.967
43	5	2	2	0	5	5	21	2.67	3.33	2.5	2.67	11.17	3.217
44	5	2	2	5	5	5	26	2.67	3.33	2.5	2.67	11.17	3.717
45	5	2	2	0	2	5	18	2.67	3.33	2.5	2.67	11.17	2.917
46	5	2	2	5	2	5	23	2.67	3.33	2.5	2.67	11.17	3.417
49	5	2	2	0	0	5	16	2.67	3.33	0	2.67	8.67	2.467
50	5	2	2	5	0	5	21	2.67	3.33	0	2.67	8.67	2.967
58	0	2	2	0	0	5	11	0	3.33	0	2.67	6	1.7
59	0	2	2	5	0	5	16	0	3.33	0	2.67	6	2.2
62	0	2	2	0	5	5	16	0	3.33	2.5	2.67	8.5	2.45

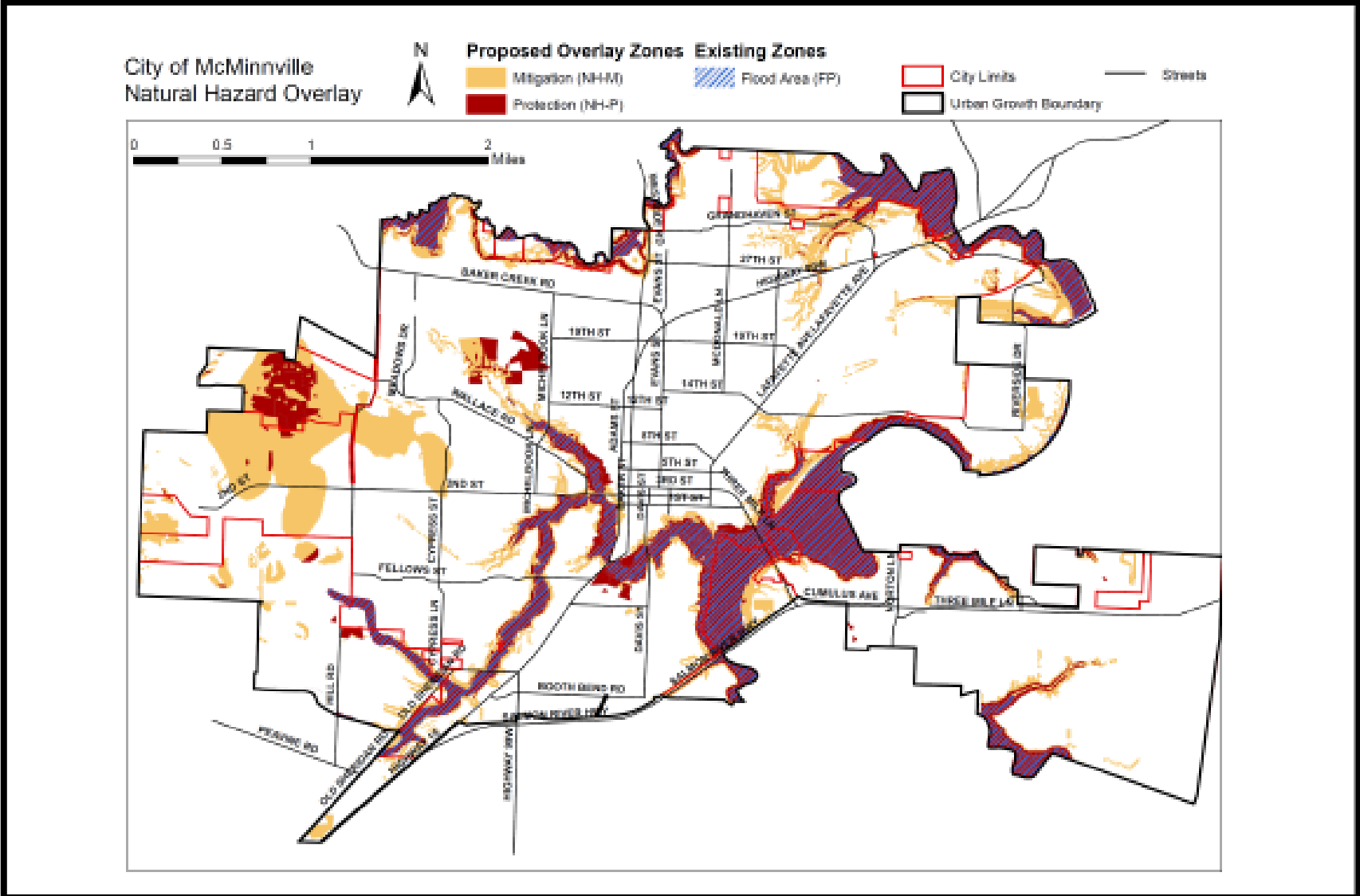
Applied scoring to GIS shapefiles

NATURAL HAZARDS ASSESSMENT

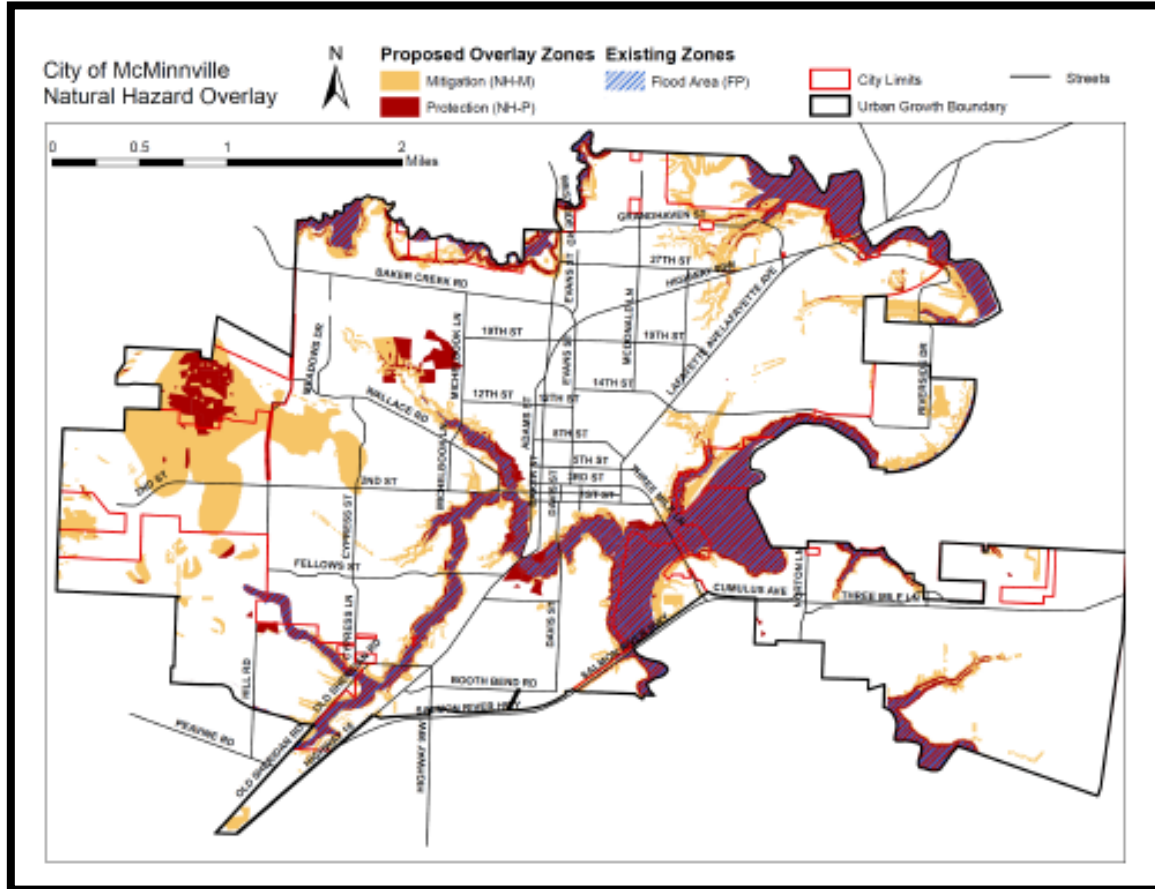
Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1 to 1.499	Natural Hazard Mitigation Subdistrict (NH-M)
1.5 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

TRANSLATED SCORING INTO OVERLAY ZONE MAPS

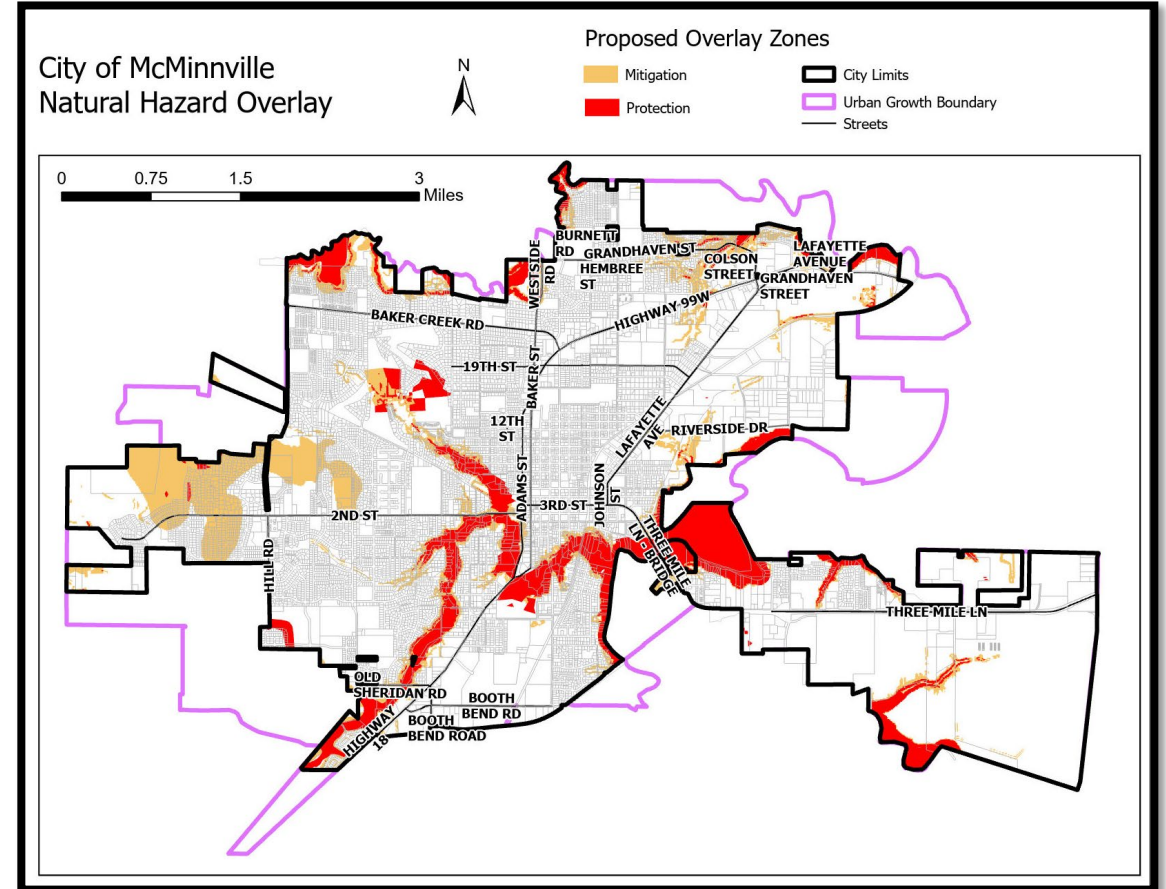
NATURAL HAZARDS PLANNING



IMPLICATIONS



UGB



City Limits

Most of the protection zone that is not also within the floodplain zone is in the UGB by Fox Ridge Road.

NEW NATURAL HAZARDS OVERLAY ZONES

Managed Development Area Subdistrict (MDA)

- Based on a medium cumulative hazard ranking:**
(Any area mapped with two or more moderate risk hazards (not including shaking data as that is citywide), most properties have moderate liquefaction and moderate landslide.)
- Development allowed consistent with site-specific hazard mitigation studies and building and fire codes.**

Limited Development Area Subdistrict (LDA)

- Based on a high cumulative hazard ranking**
(Any area mapped with at least one “high” risk hazard (floodplain, landslides, wildfire, etc.)
- Restricts intensity of development – opportunity for transfer of development rights**

CONFORMANCE / EXEMPTIONS

Existing built environment is considered conforming.

Additions up to 50% of the habitable floor area of existing building are exempt

Planning Director determines need to comply with standards based on the property submittal and information provided

PARTNER AGENCY OUTREACH

- DLCD Natural Hazards Division**
- DLCD Regional Representative**
- DOGAMI**
- McMinnville Public Works**
- McMinnville Water and Light**
- McMinnville Fire District**

PUBLIC OUTREACH

- ❑ **Measure 56 Notice to 3,500 Properties – both within the city limits and within the UGB.**
- ❑ **Set up a project website with all of the information including additional resource information such as YCNMMP and Oregon NHMP.**
- ❑ **Conducted Public Information Sessions**
- ❑ **Have met with and consulted individual property owners relative to their concerns.**
- ❑ **Started public hearings at PC**
- ❑ **Sent out 2200 letters to impacted property owners January 2026 to notify them about public hearings starting again.**

THE CITY OF McMINNVILLE IS PROPOSING AMENDMENTS TO THE McMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM.

THIS PROPOSED LAND REGULATION MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY.

On April 6, 2023, at 6:30 PM, the McMinnville Planning Commission will hold a public hearing regarding adoption of the following proposal.

Docket G 3-22 - Proposed amendments to the McMinnville Comprehensive Plan and Zoning Ordinance, adopting standards for Natural Hazard Mitigation Within the City of McMinnville .

Goal 7 of the Oregon I and Use system requires cities to conduct natural hazard planning to protect people and property from the potential harms of natural hazards. The City started this planning effort in 2019 in partnership with Yamhill County as part of the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan.

The proposal would adopt new standards for the mitigation of known natural hazards in all zoning districts by adopting the following:

1. The 2021 Natural Hazards Inventory & Management Program Options and Recommendations Plan.
2. Comprehensive Plan text amendments (Chapter X1, Natural Features)
3. Zoning Ordinance text amendments (Chapter 17 49, Natural Hazard Overlay Subdistricts, and amendments to Chapter 17 49, Flood Plain Area Zone).
4. Zoning Map Natural Hazard Mitigation and Protection Overlays

The meeting will be held in person at McMinnville Civic Hall, 200 NE Second Street and via ZOOM at the link below, or by using Meeting ID: 893 6863 4307 and Passcode: 989853. You can also join the ZOOM meeting by phone at +1 253 215 8782

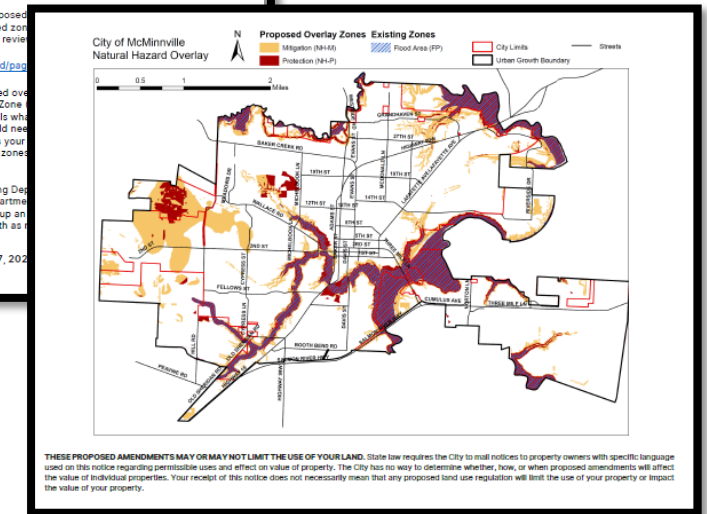
<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=MOREY3RV5zFHeFdmk2pZUmJNdkdSZz09>

The City of McMinnville has determined that adoption of the proposed permissible uses of your property, other properties in the affected zone property. A copy of the proposal (Docket G 3-22) is available for review at <https://www.mcminnvilleoregon.gov/cd/pag>

On the back of this flyer is a map indicating the two new proposed overlay zones: the Natural Hazard Mitigation Zone (NH-M) and Natural Hazards Protection Zone (NH-P), of the McMinnville Municipal Code details which are not allowed in these zones, and what types of mitigation would be required in these zones. If you have questions about how this specifically impacts your property, you can find a map on our website for you to find your parcel and what overlay zones apply to your property also on that webpage.

Additional information is also available at the McMinnville Planning Department website, www.mcminnvilleoregon.gov. You can call the McMinnville Planning Department at 503-398-2200 or email planning@mcminnvilleoregon.gov with your questions or to set-up an appointment with a planning staff. We are here to help you navigate this process with as little disruption as possible.

Notice Date: March 17, 2023



PROPERTY OWNER COMMENTS

1) Positive Response

2) Viability of the Data

3) Financial Impact on Property Owner

Costs of Study (\$500 - \$1,200 per lot depending on size)

Property Value – Perceived or Real

Insurance Implications

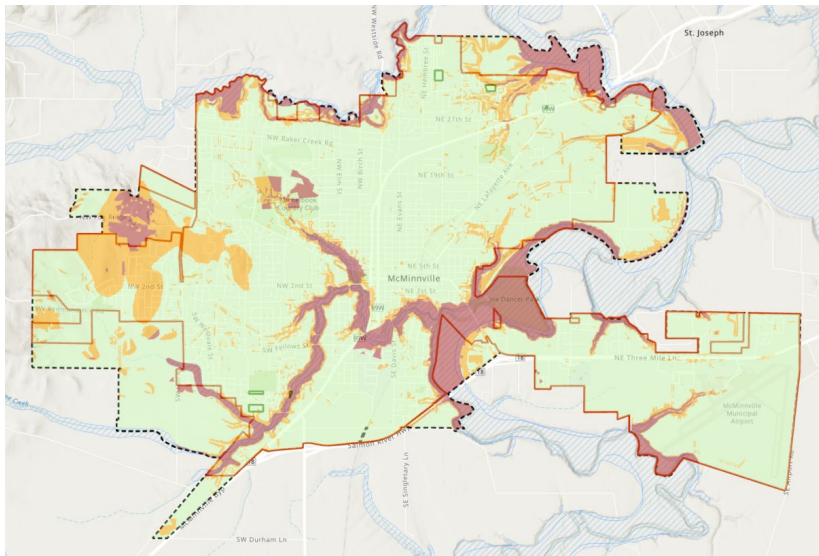
4) Property owners that are adjacent to potentially hazardous properties that are supportive of the program, concerned about adjacency impact.

PLANNING COMMISSION ADDITIONS

- Appeals Process – Type I and Type II**
- Transfer of Residential Density Rights**
- Invited staff from DOGAMI and DLCD to a PC Public Hearing**
- Researched and Expanded Types of Reports Required**
- Changed name to Managed Development Overlay Zone with two subdistricts
– Managed Development Area and Limited Development Area**
- Added a 200 foot impact zone for consideration.**
- Changed scoring methodology**

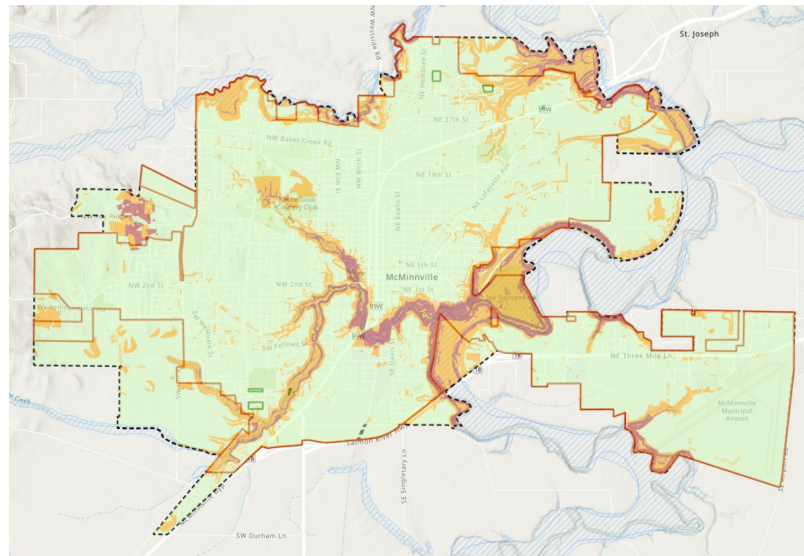
SCORING METHODOLOGY

Should the City establish a different threshold for the property risk scores allowing more properties to be in the mitigation zone rather than the protection zone, and thus requiring more data analysis prior to governing the intensity of development?



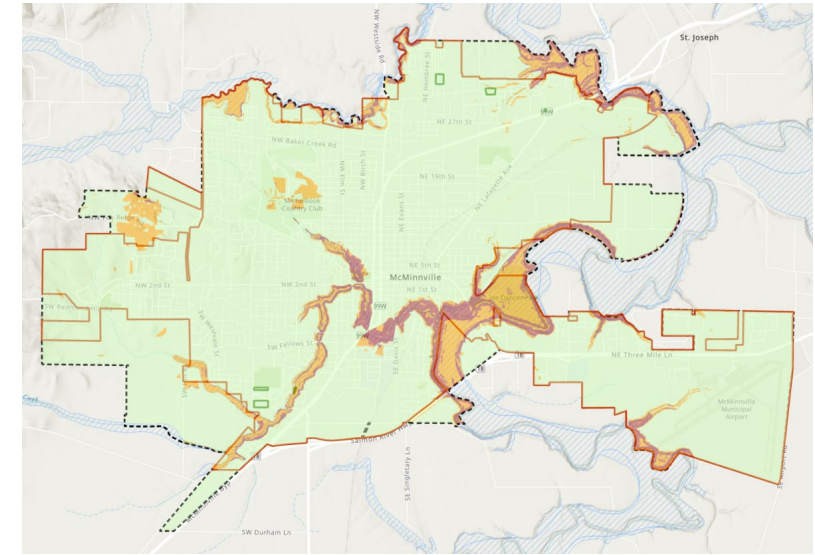
Current

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1 to 1.499	Natural Hazard Mitigation Subdistrict (NH-M)
1.5 to 3.517	Natural Hazard Protection Subdistrict (NH-P)



Scenario 1

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 1.249	No NH-Subdistrict
1.25 – 1.799	Natural Hazard Mitigation Subdistrict (NH-M)
1.8 – 3.517	Natural Hazard Protection Subdistrict (NH-P)



Scenario 2

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 1.499	No NH-Subdistrict
1.5 – 1.999	Natural Hazard Mitigation Subdistrict (NH-M)
2.0 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

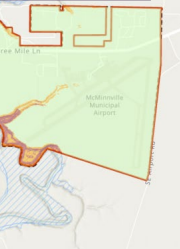
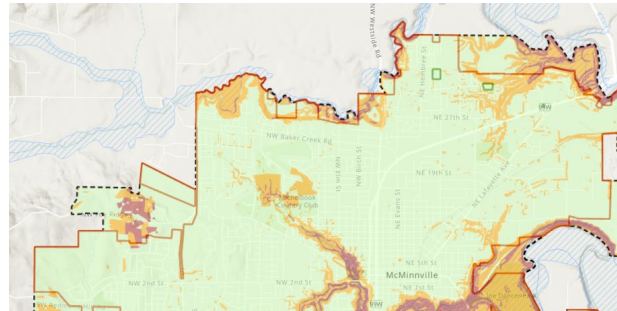
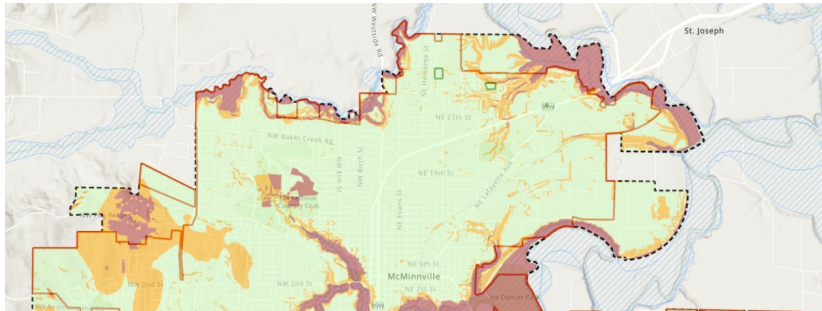
Subdistrict

- No NH ■
- NH-M ■
- NH-P ■

SCORING METHODOLOGY

Should the City establish a different threshold for the pro
 properties to be in the mitigation zone rather than the pro
 more data analysis prior to governing the intensity of dev

The premise behind this is that the NH-P zone is restrictive, and if there are borderline properties, they can be assessed for more data in the NH-M zone.



Curren

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1.00 – 1.799	Natural Hazard Mitigation Subdistrict (NH-M)
1.8 – 3.517	Natural Hazard Protection Subdistrict (NH-P)

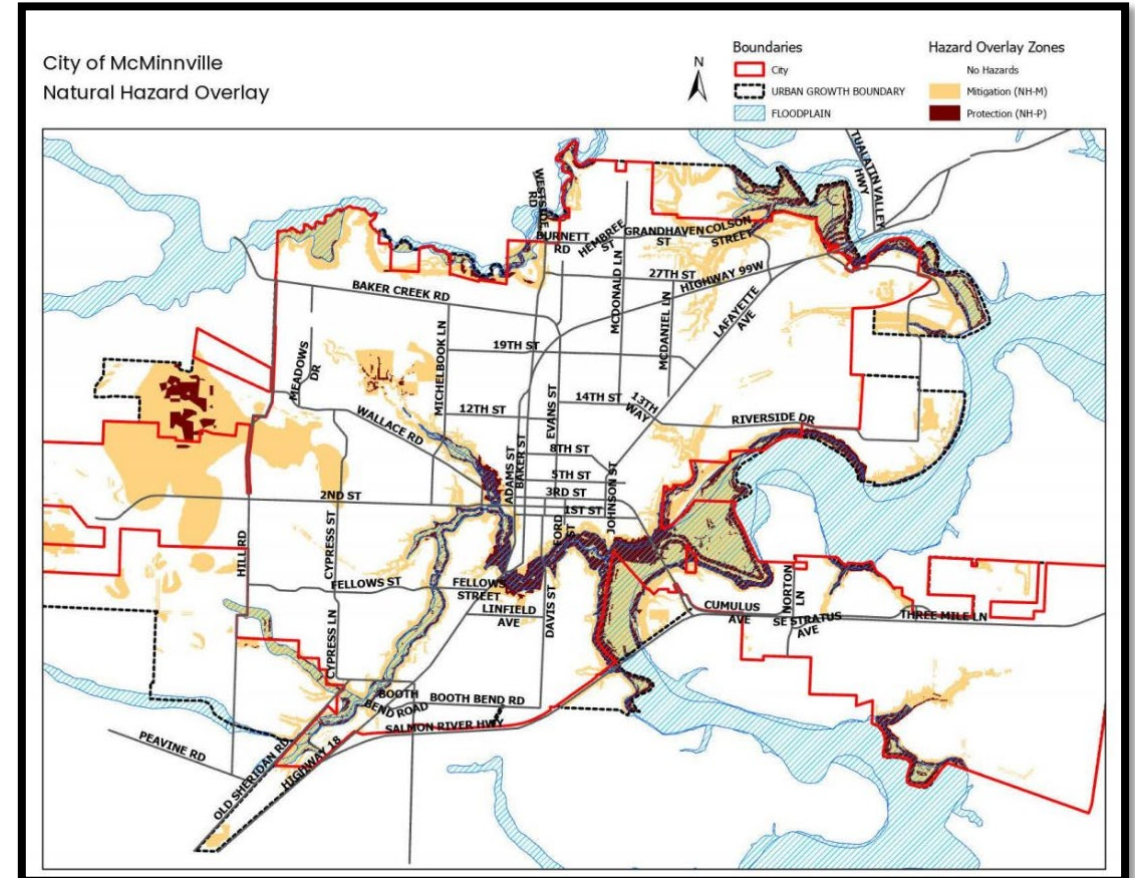
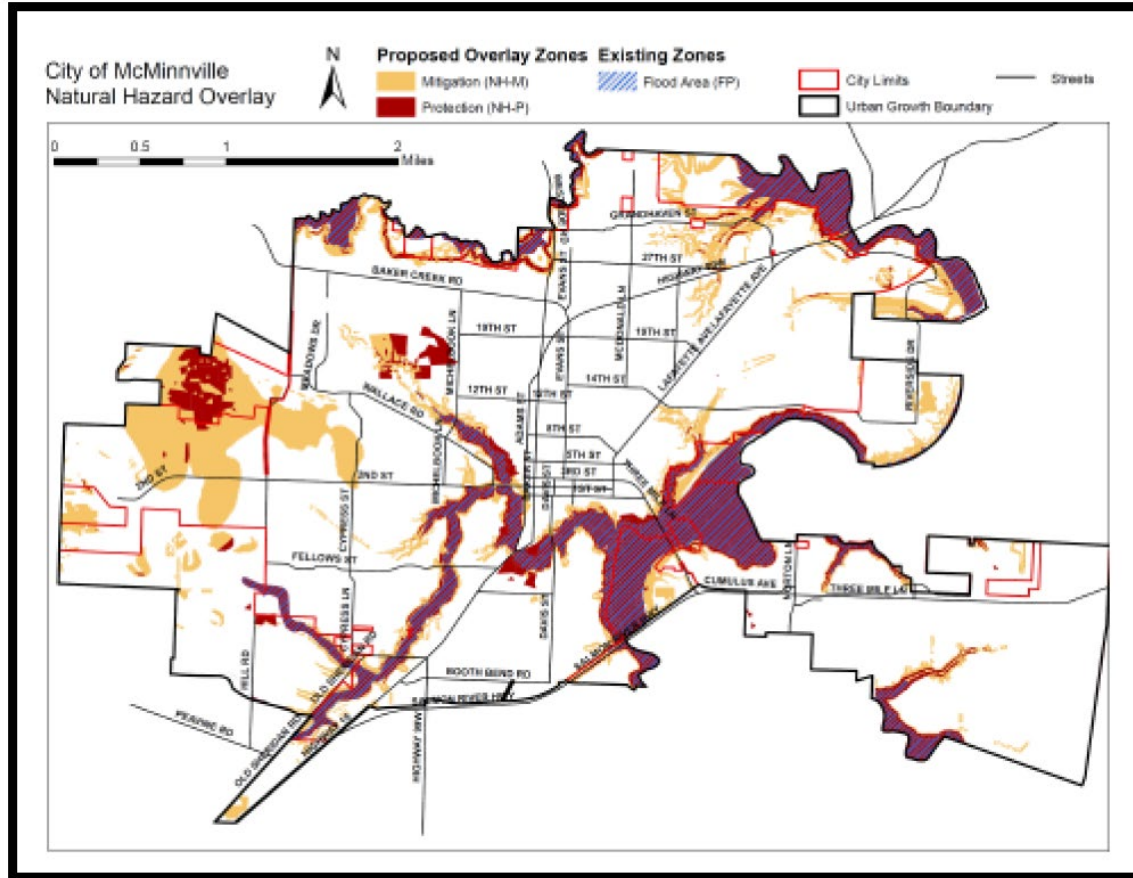
Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 0.99	No NH-Subdistrict
1 to 1.499	Natural Hazard Mitigation Subdistrict (NH-M)
1.5 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 1.249	No NH-Subdistrict
1.25 – 1.799	Natural Hazard Mitigation Subdistrict (NH-M)
1.8 – 3.517	Natural Hazard Protection Subdistrict (NH-P)

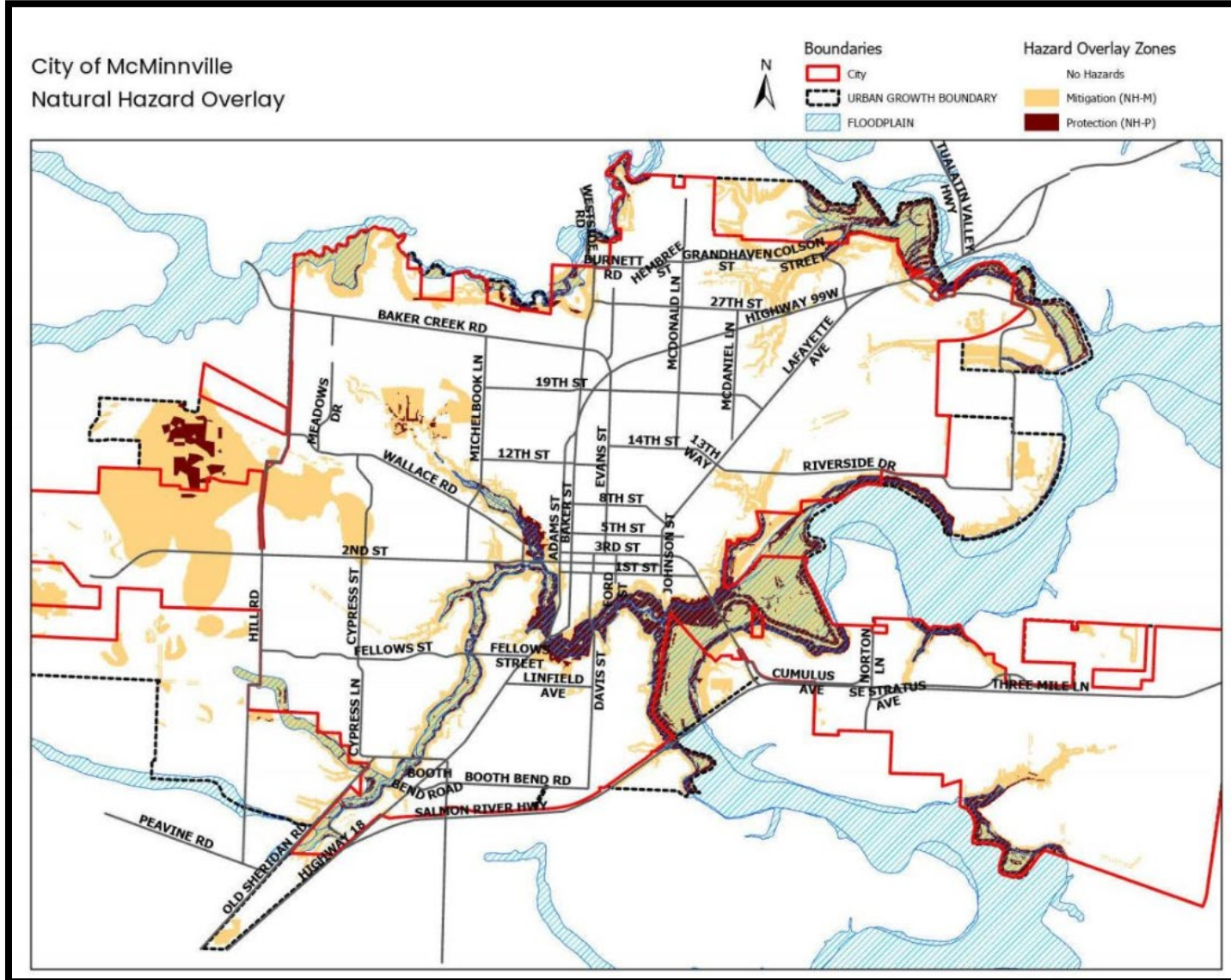
Combined Subarea Hazard Risk	Natural Hazard Overlay Subdistrict
0 to 1.499	No NH-Subdistrict
1.5 – 1.999	Natural Hazard Mitigation Subdistrict (NH-M)
2.0 to 3.517	Natural Hazard Protection Subdistrict (NH-P)

Subdistrict
 No NH ■
 NH-M ■
 NH-P ■

NEW OVERLAY MAP



NEW OVERLAY MAP



Old Overlay Zone:

MDA (NHM) = 2,567 Properties

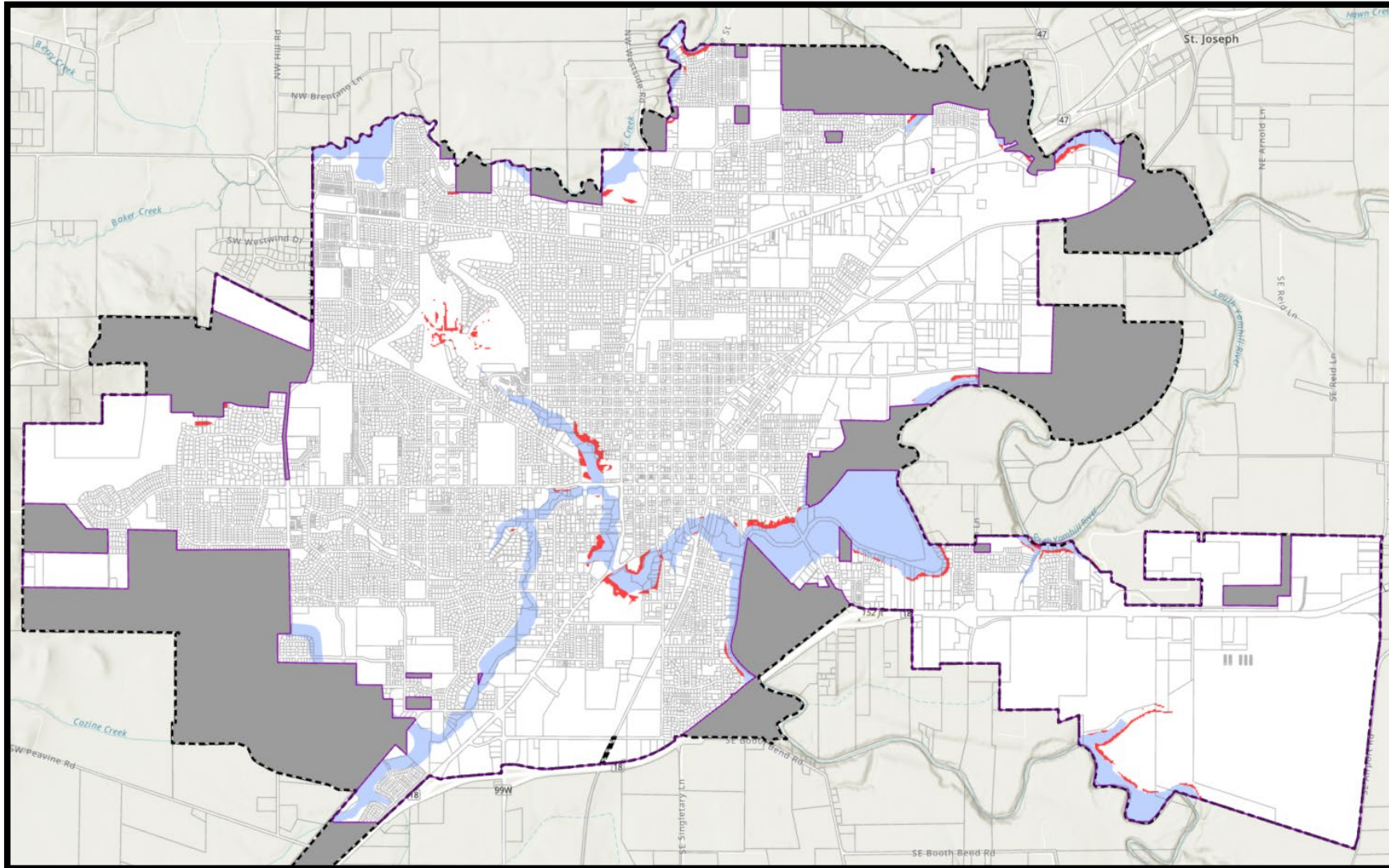
LDA (NHP) = 1040 Properties

New Overlay Zone:

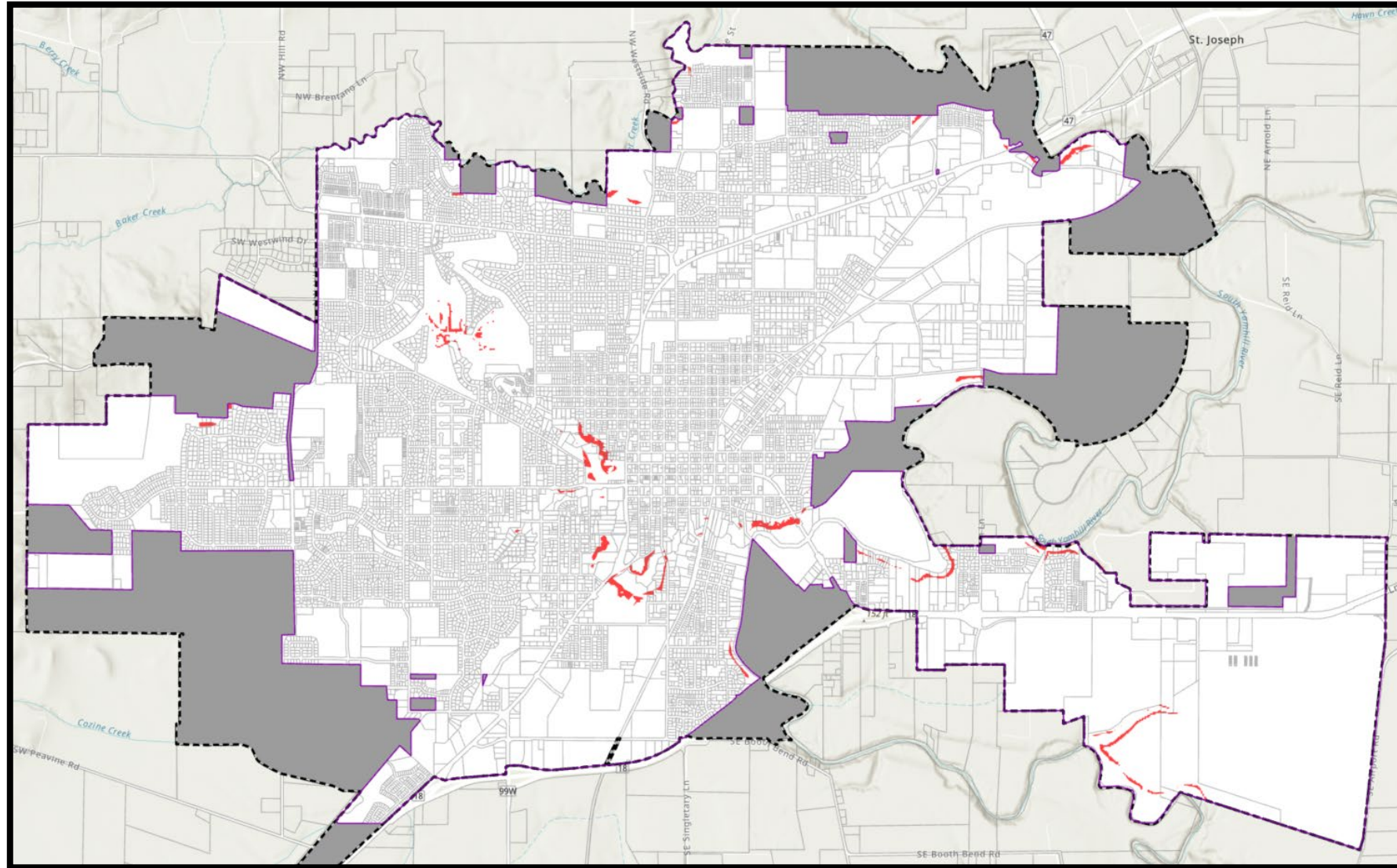
MDA (NHM) = 2,976 Properties

LDA (NHP) = 631 Properties

LDA (NHP) – City Limits

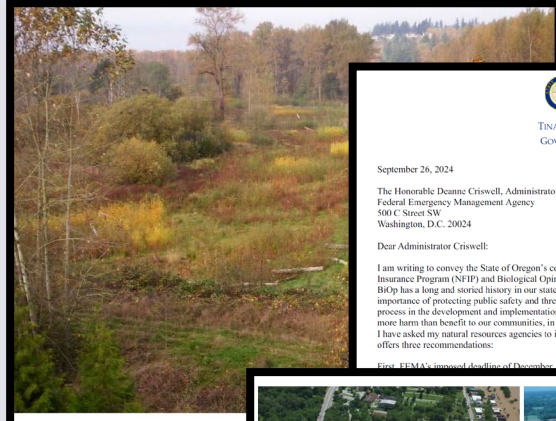



LDA (NHP) – City Limits



FLOODPLAIN ZONE: FEMA ESA COMPLIANCE

FEMA ESA PRE-COMPLIANCE MANDATE FOR CITIES WITH NFIP PROGRAM




TINA KOTER
 GOVERNOR

September 26, 2024


The Honorable Deane Criswell, Administrator
 Federal Emergency Management Agency
 500 C Street SW
 Washington, D.C. 20024

Dear Administrator Criswell:

I am writing to convey the State of Oregon's concerns related to FEMA's National Flood Insurance Program (NFIP) and Biological Opinion (BiOp) efforts in the State of Oregon. The BiOp has a long and storied history in our state, and we share FEMA's perspective on the importance of protecting public safety and threatened species. However, FEMA's lack of public process in the development and implementation of the current set of interim measures will cause more harm than benefit to our communities, in particular many coastal and rural communities. I have asked my natural resources agencies to identify possible pathways forward, and the State offers three recommendations:

First, FEMA's proposed deadline of December 1, 2024, for local decision-making is inappropriate.

Floodplain Hazard and Mitigation
 Regional Guidance for
 August 2024



FEMA Region 10



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the Implementation Plan Area


FEMA

Federal Emergency Management Agency
 Region 10
 Department of Homeland Security
 150 - 2229 Street SW
 Bothell, WA 98021


FEMA
 Federal Insurance and Mitigation Administration

National Flood Insurance Program Fact Sheet

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a federal program enabling property owners in participating communities to purchase flood insurance as protection against flood losses, while requiring state and local governments to enforce floodplain management ordinances that aim to reduce future flood damage. More than 22,100 communities in the U.S. participating in the NFIP and more than 5.1 million NFIP policies in force, providing \$1.25 trillion of content and building coverage.

Financial Protection Against Flood Loss

Floods are the most common and costly natural disaster in the United States. Fortunately, property owners who live in communities participating in the NFIP can purchase affordable protection to insure against flood losses. Since 1978, the NFIP has paid nearly \$5.2 billion dollars in flood insurance claims that have helped hundreds of thousands of families and businesses recover from flood events.

To participate in the NFIP, a community must adopt and enforce floodplain management ordinances that meet or exceed the minimum requirements of the program. These requirements include: loss of property, disaster relief, as well as mitigation measures to reduce the hardships that result from requirements that a community type of flood hazard faces.

The NFIP has an arrangement with insurance companies to sell and service flood insurance. See a list of those companies.

*FEMA's mission is to support state and local governments in their ability to prepare for, prevent, and recover from natural disasters.

CITY OF MCMINNVILLE ZONING ORDINANCE

Chapter 17.48
F-FLOOD AREA ZONE

Sections:

- 17.48.005 Purpose
- 17.48.010 Established—Area included.
- 17.48.020 Boundaries indicated on map.
- 17.48.025 Definitions.
- 17.48.030 Permitted uses.
- 17.48.040 Conditional uses.
- 17.48.045 Conditional use factors.
- 17.48.050 Use limitations.
- 17.48.070 Use of other base flood data.
- 17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).
- 17.48.010 Established—Area included. In accordance with Section 17.09.010, all property within the corporate limits of the City lying within Special Flood Hazard Areas (100-year flood) identified by the Federal Insurance Administration in the report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," (effective date March 2, 2010), and accompanying Flood Insurance Rate Maps (FIRM) is declared to be flood area zone property and subject to the requirements of this Chapter. (Ord. 4821 §4A, 2010; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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).

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

July 2024 1

Questions about Pre-Implementation Compliance Measures

Information available to DICD staff at this time. If your situation, cities and counties should consult FEMA.

- What are "Pre-Implementation Compliance Measures"? 1
- What led up to PICM? 2
- What is the role of the Oregon Department of Land Conservation and Development in PICM? 2
- What does a city or county need to do now? 3
- Does Pathway 3 "Prohibit floodplain development" require a moratorium? 3
- Is a "Measure 56 Notice" required for PICM short-term options? 5
- Will the state waive legislative adoption requirements? 6
- What if a city or county cannot complete the ordinance process by December 1, 2024? 7
- Is the model ordinance clear & objective? 7
- What is changing for cities and counties for letters of map revision based on fill? 7
- Are there any Measure 45 implications to adopting the PICM model ordinance? 8
- Where can I find additional information or ask questions about PICM? 9
- What if a city or county received a PICM letter in error, or did not receive a PICM letter? 10
- What area does the BiOp cover? 10

LEGAL TESTS

Development in special hazard flood area must result in no net loss of undeveloped space, pervious surface and trees equal to or greater than 6" dbh.

PROPOSED AMENDMENTS

17.48.080 Endangered Species Act Requirements. Certain fish, wildlife and plant species within the city may be protected by the federal Endangered Species Act (ESA) and therefore:

A. Before granting any development or building permit within the F-P zone, the applicant shall submit a Flood Habitat Assessment Report from a qualified expert indicating that the applicable requirements of the Endangered Species Act are satisfied;

B. All mitigation recommendations contained within the qualified report shall be included as permit conditions of approval; and

C. No authorization granted through this section shall be constructed to guarantee compliance with Endangered Species Act.

DECISION DOCUMENT – FINDINGS

General Conclusions:

Response to testimony regarding the accuracy and reliability of hazard data

Applicable Legal Standard – “Best Available Information”

FINDINGS:

The City’s obligation under Goal 2 (OAR 660-015-0000(2)) and Goal 7 (OAR 660-015-0000(7)) is to base its planning decisions on an adequate factual base, not perfect or site-specific certainty.

Oregon land use law does not require:

- Parcel-level precision for legislative mapping; or
- Elimination of all uncertainty in hazard identification

Rather, the City must rely on the best available information at the time of adoption, consistent with:

- State agency guidance
- Accepted scientific and technical sources
- Reasonable planning-level analysis

CITY COUNCIL OPTIONS

Per Section 17.72.130(B)(2) of the McMinnville Municipal Code:

Upon receipt of the decision of the Planning Commission, the City Council shall:

- a. Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
- b. Adopt an ordinance effecting the proposed change in an amended form, or*
- c. Refuse to adopt the amendment through a vote to deny, or*
- d. Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*

QUESTIONS?

