



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/10/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 008-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 24, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Luke Pelz, City of Newberg
Gloria Gardiner, DLCD Urban Planning Specialist
Chris Shirley, FEMA Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAR 04 2010

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **CITY OF NEWBERG**

Local file number: **CPTA-09-002**

Date of Adoption: **MARCH 1, 2010**

Date Mailed: **MARCH 3, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/28/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A comprehensive plan text amendment for flood hazard policies, a Development Code amendment to create flood plain development standards, and adoption of the most current Yamhill County Flood Insurance Study and associated Flood Insurance Rate Maps.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from:

to: **FLOOD HAZARD OVERLAY**

Location: **FEMA SPECIAL FLOOD HAZARD AREA**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Local Contact: **LUKE PELZ**

Phone: **(503) 554-7728** Extension:

Address: **PO BOX 970**

Fax Number: **503-537-1272**

City: **NEWBERG**

Zip: **97132**

E-mail Address: **luke.pelz@newbergoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



ORDINANCE No. 2010-2719

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN TEXT AMENDMENT REVISING EXISTING FLOOD HAZARD POLICIES, ADOPTING A DEVELOPMENT CODE AMENDMENT TO CREATE FLOOD HAZARD AREA DEVELOPMENT STANDARDS, ADOPTING THE YAMHILL COUNTY FLOOD INSURANCE STUDY AND ASSOCIATED NATIONAL FLOOD INSURANCE RATE MAPS AND CONTAINING AN EMERGENCY CLAUSE WITH AN EFFECTIVE DATE DATED OF MARCH 1, 2010

RECITALS:

1. The flood hazard areas of Newberg are subject to periodic inundation which may result in: loss of life and property, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief.
2. Flood hazard development standards minimize the negative impacts of flooding. Currently the City of Newberg does not have development code regulations for flood hazard areas.
3. In order for local property owners to participate in the National Flood Insurance Program local governments are required to adopt the Federal Emergency Management Agency Flood Insurance Study, Flood Insurance Rate Maps, and flood hazard development regulations.

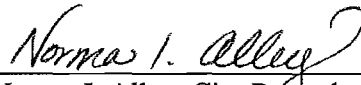
THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council hereby adopts an amendment to the Newberg Comprehensive Plan as shown in Exhibit "A", which is attached. Exhibit "A" is hereby adopted and by this reference incorporated.
2. The City Council hereby adopts an amendment to the Newberg Development Code as shown in Exhibit "B", which is attached. Exhibit "B" is hereby adopted and by this reference incorporated.
3. The findings in Exhibit "C" is hereby adopted and by this reference incorporated.

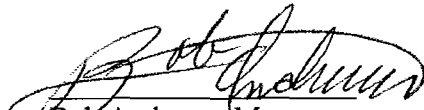
4. **EMERGENCY CLAUSE:** The Federal Emergency Management Agency (FEMA) requires that the revised flood plain maps are adopted by March 2, 2010. There is no grace period. Local governments that do not adopt the revised maps prior to March 2, 2010 may not participate in the National Flood Insurance Program (NFIP). This means that property owners would be unable to purchase flood insurance through the NFIP and the city may not receive federal disaster assistance. Non-participation in the NFIP would be effective until the city takes the required actions, as determined by FEMA, in order to participate in the National Flood Insurance Program. Therefore, the city declares an emergency for the safety and welfare of the citizens as well as property owners of the city, and thereby having this ordinance take full force and effect immediately upon passage by the council and signature of the mayor.

➤ **EFFECTIVE DATE** of this ordinance is: March 1, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of March, 2010, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**


Norma I. Alley, City Recorder

ATTEST by the Mayor this 1st day of March, 2010.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Planning Commission at 02 /11/2010 meeting. Or, ___ None.

EXHIBIT "A"

EXHIBIT "A" COMPREHENSIVE PLAN AMENDMENTS Flood Hazard Area Map Update and Code Amendment

The following text of the Newberg Comprehensive Plan including the Inventory of Cultural and Natural Resources shall be amended as follows:

NOTE: Proposed text shown in underline font
Deleted text is shown with strikethrough font
Existing text shown in regular font

COMPREHENSIVE PLAN TEXT ORDINANCE 1967

II. GOALS AND POLICIES

F. AREAS SUBJECT TO NATURAL ~~DISASTERS AND~~ HAZARDS

GOAL: To protect life and property from flooding and other natural ~~disasters and~~ hazards.

POLICIES:

1. The City will coordinate with the Federal Emergency Management Agency to ensure continued compliance with federal floodplain regulations.

2. The City will adopt the most current Federal Emergency Management Agency Flood Insurance Rate Maps, the Flood Insurance for Yamhill County to ensure that property owners may participate in the National Flood Insurance Program.

3. The City will adopt floodplain development standards to:

- a. minimize public and private losses,
- b. protect human life and health,
- c. minimize expenditure of public money and costly flood control projects,
- d. minimize damage to public facilities, and
- e. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard,
- f. to ensure property owners may participate in the National Flood Insurance Program.

~~2.~~ 3. The largest floodplain area within the Urban Growth Boundary is located within the Willamette Greenway. As such, this area will be subject to Greenway plans and regulations.

~~3.~~ 4. In other areas of potential or existing hazards, development shall be subject

EXHIBIT "A"

to special conditions. Reasonable development may be permitted in these areas when it can be shown, based on sound engineering and planning criteria, that adverse impacts can be mitigated and kept to a minimum. Hazardous areas shall be considered to be lands with slopes 20% or greater, potential and existing slide areas, fault areas, and areas with sever soil limitations.

4. ~~5.~~ The City will discourage development on hazardous slope areas and natural resource areas in the Riverfront District. (Ordinance 2002-2564, April 15, 2002)

THE INVENTORY OF NATURAL AND CULTURAL RESOURCES

SECTION 10 ~~AREAS SUBJECT TO HAZARDS AND NATURAL DISASTERS~~ HAZARDS

~~Flood Areas~~

~~Floodplain areas are periodically subject to hazardous conditions. Damage to development during flooding is generally caused by rapid stream velocities and by prolonged high water levels. As a standard measurement, hazardous flood conditions are considered to exist when stream velocities reach three cubic feet per second and when a depth of three feet above ground level is reached.[†] Actual damage from flood varies with stream velocity, stream height, local soil or slope conditions and the amount of advance warning time given.~~

~~The Army Corps of Engineers identifies two categories of flood situations that provide meaningful information for land use planning: (1) the Standard Project Flood and (2) the Intermediate Regional Flood (100 Year Flood).~~

~~(1) Standard Project Flood~~

~~This is the flood which can be expected as a result of the most severe combination of meteorological and hydrological conditions considered reasonably characteristic of the geographical region involved, excluding extremely rare combinations. Because of its rare occurrence, this flood has not been mapped, and no frequency is assigned. This flood could occur in any given year and generally corresponds to the Federal Insurance administration's 500-year floodplain.~~

~~(2) Intermediate Regional of 100 Year Flood~~

~~[†] Floodplain Information: Willamette River, Chehalem Creek, Newberg, Oregon. U.S. Army Engineer District, Portland Corps of Engineers, 1976.~~

EXHIBIT "A"

The 100-year flood area is a commonly used concept. It is the floodplain which is mapped by the Department of Housing and Urban Development for the Federal Floodplain Insurance Program as the base flood elevation. 100-year floodplain areas have also been mapped by the Army Corps of Engineers. These areas vary slightly from those of the FIA but are based upon the same concept. In general, 100-year floodplains are areas in which flooding could occur at any time but in which the probability of such an occurrence in any given year is one percent. Due to more extensive geographic coverage and for consistency with county mapping, Army Corps 100-year floodplain boundaries have been used on the Hazardous Areas Map.

The 100-year floodplain mapped by the Army Corp and HUD were both based upon an analysis of runoff records and of general soil and other characteristics in the are. The Corps also examined records from gauging stations along the Willamette River. During an intermediate regional flood, the Corp projects that a peak flow of 285,000 cubic feet per second and a flood elevation of about 90 to 92 feet above mean sea level are likely to occur. These figures are lower than the peak discharge of 339,000 cubic feet per second and flood elevation of 95.2 feet that were recorded during a major flood in December 1964. The reduced flows and elevation projections are a result of additional flood control measures installed since that time.²

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 have made flood insurance available to Newberg and other communities that apply to the Federal Insurance Administration. Under the program, communities must show that at least minimal floodplain management measures are in effect and indicate their intent to adopt additional specified measures. After acceptance, an "emergency program" is begun which enables local insurance agents to sell insurance at subsidized rates. Amounts are limited, but in some cases can equal the total value of a structure and/or its contents. A study of the community is then done to identify areas and frequency of flooding. This information is then utilized to determine rates and develop a floodplain management program. Once this is accomplished, the "emergency program" becomes a "regular program".

Newberg currently participates in the flood insurance program, but has not completed work on its management program. Once this program is implemented, an ordinance will limit future development within flood areas, reducing potential damage to life and property. To qualify for the flood insurance program, provisions of the ordinance will have to be based on the division of the 100-year floodplain into floodway and floodway fringe areas. Floodways include the channels of the streams plus adjacent areas that must be kept open in order that the heights of 100-year floods are not substantially increased. Generally, no more than one foot of additional height is permitted. Floodway fringes are those portions of floodplains that can be completely obstructed without increasing the water surface elevation of a 100-year flood more than the one foot limit. In floodway areas development is generally restricted to open space and light recreational uses. In floodway fringe areas, additional uses are frequently permitted, provided that special engineering and planning criteria are met.

Currently HUD has mapped the approximate location of the 100-Year Intermediate Regional Floodplain based on available data. The boundaries are general and certain inaccuracies are

² Floodplain Information: Willamette River, Chehalem Creek—Newberg, Oregon.—U.S. Army Engineer District, Portland Corps of Engineers, 1971.

EXHIBIT "A"

~~evident. More precise mapping can be done but would require more detailed information concerning stream flow, elevations and cross sections of specific locations. To date, the 100-year floodplain has not been divided into floodway and floodway fringe areas.~~

10.2 Flood Hazard Management

10.2.1 Existing Waterways

The City of Newberg has four primary waterways and associated flood hazard areas – Hess Creek, Springbrook Creek, Chehalem Creek, and the Willamette River. Hess Creek originates in the southeastern part of the Chehalem Mountains approximately 2.5 miles north of the city center. It flows southerly, through the middle of the city draining approximately 4.4 square miles before joining Springbrook Creek south of the city. Springbrook Creek flows 1.4 miles until joining the Willamette River. Chehalem Creek flows generally southeasterly from its headwaters in hills approximately 9 miles northwest of Newberg. It flows along the southwestern corporate limits of the city to its confluence with the Willamette River. Elevations in the basin range from approximately 100 feet near Newberg to above 1,450 feet on the northeastern boundary in the Chehalem Mountains. The Willamette River flows just south of the Newberg corporate limits. Although it does not directly overflow into the city, it causes several smaller tributaries to back up within the city limits.

10.2.3 Floods, Floodplains, and Special Flood Hazard Area (SFHA)

Flooding is a natural occurrence. Periodically rivers, streams, and lakes will overflow their banks and inundate adjacent land areas. These areas, known as floodplains, temporarily store this excess water. Special Flood Hazard Areas are locations where flood studies have determined that there is a likelihood of a base flood occurring. The base flood, sometimes referred to as the 100-year flood, has a 1% or greater chance of occurring in any given year. Flooding in Newberg is rare, however flooding can occur. Most floods in Newberg are contained within the upper banks of the streams, and in areas adjacent to the Willamette River. Localized flooding can occur because of various factors, such as blocked stream channels or storm drains. In reviewing the latest flood hazards maps, the city has not identified any homes within the Newberg city limits that are located in a Special Flood Hazard area, though it is possible that some may exist.

10.2.2 The National Flood Insurance Program (NFIP)

The National Flood Insurance Program was primarily established by the U.S. Congress to relieve communities of the fiscal burden caused by potential flood relief. The NFIP is administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security (DHS). To participate in this program, local governments are required to adopt plan policies, development standards, and to adopt the most current FEMA flood insurance rate maps. Participating communities are provided with a Flood Insurance Rate Map (FIRM) and detailed engineering study, termed a Flood Insurance Study (FIS). Paper copies of the study and maps shall be made available for review at Newberg City Hall. A digital version of the flood insurance rate maps can be viewed on the internet at www.fema.gov. If Newberg does not participate in the program, under the NFIP, flood insurance is not available for property owners within Newberg. The City of Newberg recognizes the fiscal and public health benefits of participating in the NFIP, and shall take necessary steps to ensure continued participation in the program.

EXHIBIT "A"

10.2.4 Flood Hazard Management Policies

The following policies shall guide the management of flood hazards in Newberg:

- (a) The City recognizes that development standards help to: minimize public and private financial losses, minimize expenditure of public money and costly flood control projects, minimize damage to public facilities, and maintain a stable tax base by providing for the sound use and development of areas of special flood hazard. Development regulations do not prohibit construction in floodplain areas, but seek to lessen the economic loss and social disruption caused by flood events.
- (b) The City shall periodically review existing development standards to ensure consistency with best management practices and state and federal law.
- (c) The City shall participate in the National Flood Insurance Program. This requires that the City adopt plan policies, flood hazard development standards, and adopt the most current FEMA flood insurance study and flood insurance rate maps.

EXHIBIT "B"

EXHIBIT "B" DEVELOPMENT CODE AMENDMENTS Flood Hazard Area Map Update and Code Amendment

The Newberg Development Code shall be amended as follows:

NOTE: Proposed text shown in underline font
Deleted text is shown with strikethrough font
Existing text shown in regular font

151.003 DEFINITIONS.

Note: The Planning Commission recommends adding the following definitions to the section 151.003 of the Newberg Development Code. No existing definitions are recommended to be modified or deleted.

AREA OF SHALLOW FLOODING. Areas designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on flood maps always includes the letters A or V.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood. Designation on flood maps always includes the letters A or V.

BELOW- FLOOD GRADE CRAWL SPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

ELEVATED BUILDING. A nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or

EXHIBIT "B"

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN DEVELOPMENT. Within the floodplain, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 151.484.2(A).

STRUCTURE, AFFECTED. A walled and roofed building including a gas or liquid storage tank that is principally above ground, that may be affected by or affect a flood.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by an affected structure whereby the cost of restoring the affected structure to its before damaged condition would equal or exceed 50 percent of the market value of the affected structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of an affected structure, the cost of which equals or exceeds 50 percent of the market value of the affected structure either:

- (1) Before the improvement or repair is started; or
- (2) If the affected structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the affected structure.

The term does not, however, include either:

- (1) Any project for improvement of an affected structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of an affected structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

EXHIBIT "B"

WATER DEPENDENT. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

151.480 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO)

151.481 PURPOSE

(A) It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(B) In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- (6) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances

151.482 GENERAL PROVISIONS

151.482.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Newberg, Oregon as designated in the Flood Insurance Study for Yamhill County and Incorporated Areas and on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) dated March 2, 2010.

EXHIBIT "B"

151.482.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Newberg City Hall. The best available information for flood hazard area identification as outlined in Section 151.482.6 (A)(4) shall be the basis for regulation until a new Flood Insurance Rate Map is issued which incorporates the data utilized under section 151.482.6 (A)(4).

151.482.3 PENALTIES FOR NONCOMPLIANCE

No affected structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) are subject to enforcement. Nothing herein contained shall prevent the City of Newberg from taking such other lawful action as is necessary to prevent or remedy any violation.

151.482.4 RELATION TO OTHER REGULATIONS

Most areas of special flood hazard in Newberg are within the existing Stream Corridor Sub-District, the Willamette Greenway, or in wetlands or waterways subject to Federal and State regulations. Therefore, it is expected that floodplain development and use of these regulations will be rare. This ordinance should not be read as allowing development that is otherwise restricted or prohibited by other city, state, or federal laws.

151.482.5 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Newberg, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

151.482.6 DUTIES OF THE LOCAL ADMINISTRATOR

The Director is hereby appointed to administer and implement this ordinance by granting or denying floodplain development permit applications in accordance with its provisions. The Director's duties are outlined below:

(A) *Information to be Obtained and Maintained*

- (1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 151.483.3, obtain and record the actual elevation (in

EXHIBIT "B"

relation to mean sea level) of the lowest floor (including basements and below-flood grade crawlspaces) of all new or substantially improved affected structures, and whether or not the affected structure contains a basement.

- (2) For all new or substantially improved floodproofed affected structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 151.483.3:
 - (a) Verify and record the actual elevation (in relation to mean seal level), and
 - (b) Maintain the floodproofing certifications.
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (4) When base flood elevation data has not been provided (A and V Zones) in accordance with Section 151.482.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 151.484.2, SPECIFIC STANDARDS, and 151.486 FLOODWAYS.

(B) Alteration of Watercourses

- (1) Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(C) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 151.483.5.

151.483 FLOODPLAIN DEVELOPMENT PERMIT PROCEDURES

151.483.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED.

Any person shall obtain a floodplain development permit before constructing or developing within any area of special flood hazard established in Section 151.482.2. The permit shall be for all affected structures including manufactured homes, as set forth in Section 151.003, and for all floodplain development including fill and other activities, also as set forth in the Section 151.003.

151.483.2 APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT.

Application for a floodplain development permit shall be made on forms furnished by the Planning and Building Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed affected structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (A) Elevation in relation to mean sea level, of the lowest floor (including basement) of all affected structures;
- (B) Elevation in relation to mean sea level of floodproofing in any affected structure;

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(C) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in Section 151.484.2; and

(D) Description of the extent to which a watercourse will be altered or relocated as a result of proposed floodplain development.

151.483.3 FLOODPLAIN DEVELOPMENT PERMIT APPLICATION REVIEW

The Director shall review all floodplain development permit applications. Floodplain development permits shall be reviewed as part of the review of applicable design review, building permit application, grading permit application, other application, or as a Type I review if no other application is concurrent. The review shall determine:

(A) That the permit requirements and conditions of this ordinance have been satisfied.

(B) That all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

(C) That if the floodplain development is located in the floodway, that the encroachment provisions of Section 151.486 (1) are met.

151.483.4 FLOODPLAIN DEVELOPMENT VARIANCE PROCEDURE

(A) Procedure

(1) Any person proposing floodplain development may request a variance to the provisions of this section. The application shall be on forms and include such information as determined by the Director. Variance requests shall be processed as a Type II land use action.

(2) The decision shall be based upon the criteria established in Section 151.483.4(C).

(3) Those aggrieved by the decision of the Director may appeal the decision to the Planning Commission.

(4) The Director shall report any variances to the Federal Insurance Administration upon request.

(5) Any applicant to whom a variance is granted shall be given written notice that the affected structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(B) Eligibility

(1) A variance from the elevation standard may be issued for new construction and substantial improvements.

(2) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

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- (3) Variations may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with Sections 151.484.1(A) through 151.484.1(C) of the GENERAL STANDARDS.
- (4) Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) The review body may approve variations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, notwithstanding the application may not meet all the criteria set forth in subsection C below.

(C) Criteria

The review body may approve, approve with conditions, or deny a floodplain development variance provided all the following criteria are met:

- (1) Exceptional hardship would result to the applicant if the variance is not granted.
- (2) Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, victimization of the public, or conflict with existing local laws or ordinances.
- (3) No reasonable alternative location(s) exists which are not subject to flooding or erosion that may accommodate the proposed use.
- (4) The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) The characteristics are compatible with neighboring development.

151.483.5 APPEAL PROCEDURE

(A) Appeal Board

The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director in the enforcement or administration of this section. Those aggrieved by the decision of the Planning Commission may appeal such decision to the City Council.

(B) Appeal Procedures

Appeals shall follow the Type III procedures outlined in Section 151.055.

(C) Scope of Review

The Planning Commission shall follow the scope of review procedures established in Section 151.057. The decision shall follow the procedures in Section 151.058.

151.484 PROVISIONS FOR FLOOD HAZARD REDUCTION

151.484.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

(A) Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent

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flotation, collapse, or lateral movement of the affected structure.

- (2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(B) Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems, if allowed, shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

(D) Tentative Subdivision & Partition Plat Proposals

- (1) Where floodplain development is proposed or reasonably likely, all tentative subdivision and partition plat proposals shall be consistent with the need to minimize flood damage.
- (2) All tentative subdivision and partition plat proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- (3) All tentative subdivision and partition plat proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) For any proposed affected structure, proposed subdivision or partition, and other proposed floodplain development which contains at least 50 lots or 5 acres (whichever is less), flood elevation data shall be provided.

- (E) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 151.483.3(A)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

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- (F) AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed affected structures. AH zones are areas that have a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet.

151.484.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided (Zones AI-30, AH, and AE) as set forth in Section 151.482.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 151.483.3, Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

(A) Residential Construction

- (1) New construction and substantial improvement of any residential affected structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(B) Nonresidential Construction

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential affected structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that below the base flood level the affected structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 151.483.3(A)(2);
 - (d) Nonresidential affected structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 151.484.2(A)(2);
 - (e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be

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rated as one foot below.

(C) Manufactured Homes

- (1) All manufactured homes to be placed or substantially improved on sites:
 - (a) Outside of a manufactured home park or subdivision,
 - (b) In a new manufactured home park or subdivision,
 - (c) In an expansion to an existing manufactured home park or subdivision, or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - (a) The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(D) Recreational Vehicles

- (1) Recreational vehicles placed on sites are required to either:
 - (a) Be on the site for fewer than 180 consecutive days
 - (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (c) Meet the requirements of 151.484.2(C) above and the elevation and anchoring requirements for manufactured homes.

(E) Below- flood grade crawl spaces

- (1) Below- flood grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the affected structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

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- (b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- (c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- (d) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- (e) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- (f) The height of the below- flood grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- (h) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. For more detailed information refer to FEMA Technical Bulletin 11-01.

151.485 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other floodplain development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed floodplain development, when combined with all other existing and anticipated floodplain development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

151.486 FLOODWAYS

Located within areas of special flood hazard established in Section 151.482.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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- (1) Encroachments are prohibited unless evidence is provided by a registered professional civil engineer demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 151.486 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 151.484, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- (3) Projects for stream habitat restoration may be permitted in the floodway provided:
 - (a) The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and,
 - (b) A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
 - (c) No affected structures would be impacted by a potential rise in flood elevation; and,
 - (d) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
- (4) New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
 - (a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 - (b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria
 - i. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory affected structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - ii. The replacement manufactured dwelling and any accessory buildings or accessory affected structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
 - iii. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
 - iv. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory affected structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

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- v. The location of a replacement manufactured dwelling is allowed by local ordinances; and
- vi. Any other requirements deemed necessary by the Director as having jurisdiction.

151.487 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) New construction and substantial improvements of residential affected structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential affected structures within AO zones shall either:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 151.484.2(B)(1)(c).
- (3) Require adequate drainage paths around affected structures on slopes to guide floodwaters around and away from proposed structures.
- (4) If allowed, recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - (a) Be on the site for fewer than 180 consecutive days, and
 - (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (c) Meet the requirements of 151.487 above and the elevation and anchoring requirements for manufactured homes.

151.488 CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical

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facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

EXHIBIT "C"

EXHIBIT "C" FINDINGS Flood Hazard Area Map Update and Code Amendment

Note: The Development Code criteria are shown in *italic font*. Findings are shown in regular font.

I. COMPREHENSIVE PLAN, ZONING MAP, AND LAND USE REGULATION AMENDMENT – CRITERIA THAT APPLY NDC § 151.122(B)(2)

The applicant must demonstrate compliance with the following criteria:

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code.*
- (b) There is a public need for a change of the kind in question.*
- (c) The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.*
- (d) Compliance with the State Transportation Planning Rule (OAR 660.012-0060) for proposals that significantly affect transportation facilities.*

FINDINGS:

The proposed amendments are consistent with the following goals of the Newberg Comprehensive Plan:

- (a) The City will coordinate with the Federal Emergency Management Agency to ensure continued compliance with federal floodplain regulations.
- (b) To protect life and property from natural disasters and hazards.
- (c) To maintain and, where feasible, enhance air, water and land resource qualities within the community.
- (d) To retain and protect wooded areas.

The amendments promote existing plan policies and will serve the public interest by helping to: minimize public and private financial losses, minimize expenditure of public money and costly flood control projects, minimize damage to public facilities, and maintain a stable tax base by providing for the sound use and development of areas of special flood hazard. The proposed amendments will not have an effect on existing or future transportation facilities.

Attn: Plan Amendment Specialist
DLCD
635 Capitol St. NE
Suite 150
Salem, OR 97301-2

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LAND CONSERVATION
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