

Summary of Changes from the City's Flood code adopted in 2011 to the 2019 & 2020 Versions of the Oregon Model Flood Hazard Ordinance:

In general, the content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). The content was also revised to incorporate relevant standards in the State of Oregon's Specialty Codes, and updates to those standards that have changed in the last 5 – 10 years. Current City code standards that are considered a higher standard than FEMA's model code will remain. A summary of the primary changes found in the 2019 & 2020 model ordinance is provided below:

1. Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA. There are optional and recommended definitions previously used in the City's code, all of which have been included in the proposed new code.
2. The 2019 model ordinance notes the requirement for coordination with State of Oregon Specialty Codes (section **151.12**) and incorporates relevant requirements (higher standards) from the Specialty Codes to ensure alignment between the model flood ordinance language and the building code language. For example, the 2019 model ordinance:
 - a. Directly addresses "Garages" (section **151.41(B)**) and "Tanks" (section **151.40(E)**) by incorporating the relevant NFIP and State of Oregon Specialty Code requirements into the ordinance language.
 - b. Incorporates the Specialty Codes additional standards for flood openings in residential structures that require a building permit (section **151.41(A)**).
3. The floodplain development permit and permit review requirements have been expanded in the 2019 model ordinance (sections **151.31** and **151.21(A)**) to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review, to ensure a floodplain development proposal complies with the standards of the 2019 model ordinance (minimum NFIP and state standards). Staff kept language from the 2011 code that breaks out the stages of a development permit.
4. The 2019 model ordinance expands the requirements for "Information to be Obtained and Maintained" (section **151.21(B)**). To reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The 2019 model ordinance also has a new section, **151.21(C)(1)**, "Community Boundary Alterations", that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur).

6. The 2019 model ordinance clearly indicates that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations in a new section **151.21(D)**. Previously in City code, this was based on the definitions only.

Both SI and SD are defined in section 151.05. SI review is required for all structural development proposals and other development activities associated with or attached to a structure. This section is designed to help ensure that each floodplain development file includes SI calculations whenever appropriate, as well as the floodplain administrator's determination of whether the proposed development activity qualifies as SI. SD review is required whenever structures have been damaged due to natural or other events (i.e. house fire).

7. There is a change to the "Variance Conditions" section in the 2019 model ordinance. Per FEMA guidance, the variance condition related to historic structures has been removed. The City is maintaining this exclusion within the definition of substantial improvement (SI) and removing the variance criteria.

The reasons for this change include the following:

- *Communities have the option of using either using the variance language or the Substantial Improvement definition exemption to regulate historic structures.*
- *FEMA Region X advocates for the use of the Substantial Improvement Definition historic structure exclusion. The Region believes it may represent a less rigorous process for exclusion than the variance process.*

8. In the 2019 model ordinance, subdivisions and other development proposals (including manufactured subdivisions and dwelling parks) are addressed similarly in section **151.40(F)**. The City added its original opening statement to the code. The Floodway reference and on-site waste disposal sections were moved to their perspective sections.
9. Section **151.40(G)**, "Use of Other Base Flood Data" has replaced "Areas of Special Flood Hazard without BFE". Language has been updated to reflect the minimum state and NFIP standards, but retains the City's higher elevation standard of three (3) feet, rather than the minimum two (2) feet.
10. Section **151.40(H)** "Structures Located in Multiple or Partial Flood Zones", is a new section added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones.

11. Section **151.41**, which addresses the specific standards for “SFHA” flood zones has been re-organized, but it is still broken down by the type of construction. It has also been amended to add the following sections at the beginning:
 - a. Section **151.41(A)**, “Flood Openings,” which covers the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit.
 - b. Section **151.41(B)**, “Garages,” addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.

Summary of Changes Made Under October 2020 Revisions to the Model Ordinance Language:

1. The stream habitat restoration exemption under the floodway section is no longer allowed by FEMA and has been removed. This exemption allowed projects without being certified by a registered professional engineer. The code now requires this.
2. Addition of the word “and” after the first bullet in Section **151.41(G)**, to clarify that recreational vehicles need to meet both criteria not just one. This has been City practice since the 2011 update.
3. Addition of the words “conversion to” into the residential and non-residential development standards Sections **151.41(D)** and **151.41(E)**. This language was added to ensure that structures that are converted to different uses within the Special Flood Hazard Area are brought into compliance with residential standards for life, safety, and property damage prevention purposes. This has been City practice since the 2011 update.
4. Addition of “replacement” to the language in Section **151.41(F)** standards for manufactured dwellings to ensure that the standards in this section are applied to replacement manufactured homes as well as new and substantially improved manufactured dwellings. This has been City practice since the 2011 update.
5. The model code adds the term “Riverine” as a new term in place of Special Flood Hazard Area (SFHA) non-coastal. The City has removed this term and reverted back to SFHA, as it is a more intuitive term.