

# Amendments to Flood Damage Prevention Standards

*Case No. ORA17-0002*

## Table of Changes

Section(s)	Description	Justification	In Accord with the Comp Plan	In Accord with Update
8.7.201	<ul style="list-style-type: none"> <li>• Adds statements regarding applicability and findings of fact</li> <li>• Provides the basis for the establishment of special flood hazard areas, including base flood elevations for major lakes</li> <li>• Establishes requirement to obtain a floodplain development permit before any floodplain development may occur</li> <li>• Provides that floodplain development may occur only in compliance with Article 7.2 and other applicable provisions of County Code</li> </ul>	To provide clear language requiring floodplain development to comply with Article 7.2, including securing of a floodplain development permit; to comply with federal NFIP regulations for local floodplain development ordinances	Yes: NR-5I <sup>1</sup> , HA-1B <sup>2</sup> , C-1I <sup>3</sup> , LU-1F <sup>4</sup> , LU-2A(c) <sup>5</sup>	Yes: Land Use Obj. 7A, Pol. 6 <sup>6</sup> , Hazardous Areas Pol. 1-2 <sup>7</sup>

<sup>1</sup> Develop regulations which designate lake, river, stream, waterway corridors, riparian areas, flood plains and other wetland features as “environmentally sensitive,” and require additional safeguards for these areas.

<sup>2</sup> Propose development regulations which limit developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: a. Flood hazards ....

<sup>3</sup> Restrict development in the flood plain.

<sup>4</sup> Develop regulations that provide for density limitations, density transfer or denial of development where physical constraints or hazards exist. Such constraints or hazards may include flood hazards....

<sup>5</sup> Retain the development rights of legal lots of record with residential development rights that exist on the effective date of this Plan, provided that:... c. The non-conforming use or inconsistent land development, land activity, and/or land use is not abandoned for an extended period, which in most cases should be deemed to be one year. Non-conforming structures that are destroyed by ... flood ... may be reconstructed as long as a building permit for such reconstruction is approved within a reasonable period of time, which in most cases should be deemed to be one year.

<sup>6</sup> Encourage development near public resources to be developed in a manner that minimizes potential conflicts by such means as clustering, adequate shoreline buffers; site disturbance and storm water control measures; standards for building above aquifers, in flood plains and on steep slopes and unstable soils; and viewsheds where appropriate.

<sup>7</sup> Work with appropriate agencies to inventory and map current known hazardous areas in the county, which include such hazards as earthquake faults, slide areas, contaminated areas, floodways and areas prone to wildfires; develop and/or maintain regulations which promote public health and safety and protect public resources in identified floodplains, geologically unstable areas and other hazardous areas.

Section(s)	Description	Justification	In Accord with the Comp Plan	In Accord with Update
8.7.202	<ul style="list-style-type: none"> <li>• Clarify restrictions and standards for permitted development in floodways</li> <li>• Require floodplain development permits for encroachments into waterways</li> <li>• Allow for approval of construction of a structure in a floodway that would serve a substantial public interest</li> </ul>	To comply with federal NFIP regulations for local floodplain development ordinances, including establishment of a process for issuance of flood development permits for IDL-permitted encroachments on navigable waters	Yes: NR-5I, HA-1B, C-1I, LU-1F, LU-2A(c)	Yes: Land Use Obj. 7A, Pol. 6, Hazardous Areas Pol. 1-2
8.7.203	Revise and clarify general standards for floodplain development	To comply with federal NFIP regulations for local floodplain development ordinances		
8.7.204	<ul style="list-style-type: none"> <li>• Revise, reorganize and clarify specific standards for various types of floodplain development, including addition of a construction diagram (standards for fully enclosed areas below the lowest floor have been moved to section 8.7.203)</li> <li>• Add regulations regarding additions and improvements to existing structures, mobile and manufactured homes, compensatory storage for fill, storage tanks, and public interest projects</li> </ul>	To consolidate redundant language and to comply with federal NFIP regulations for local floodplain development ordinances		
8.7.205	Revise provisions related to administration of floodplain development regulations	To comply with federal NFIP regulations for local floodplain development ordinances	Yes: I-2B <sup>8</sup> , I-3B <sup>9</sup>	Yes: Implementation Goal 1, Pol. 1-2 <sup>10</sup>

<sup>8</sup> Ensure future land development applications are properly reviewed for consistency with the adopted development regulations.

<sup>9</sup> Develop and enact regulations that require the recommending body and/or decision maker approving a project to find that the project is in compliance with all applicable development regulations.

<sup>10</sup> Goal: To implement the comprehensive plan's goals and policies in a timely and efficient manner. Policies: Enact development regulations and processes which implement comprehensive plan policies; adopt land use regulations which are clear, concise and avoid the use of planning or legal jargon to the greatest extent possible.

Section(s)	Description	Justification	In Accord with the Comp Plan	In Accord with Update
8.7.206 (new)	Add section governing applications for, and issuance of, floodplain development permits	To comply with federal NFIP regulations for local floodplain development ordinances	Yes: I-2B, I-3B	Yes: Imp. Goal 1, Pol. 1-2
8.8.203	Revise specific findings required for issuance of a floodplain variance	To comply with federal NFIP regulations for local floodplain development ordinances		
8.9.102, 8.9.104, 8.9.201, 8.9.202, 8.9.301, 8.9.303, 8.9.402, 8.9.403	Amend the following definitions: <ul style="list-style-type: none"> <li>• <i>base flood</i></li> <li>• <i>development</i></li> <li>• <i>elevation certificate</i></li> <li>• <i>floodway</i></li> <li>• <i>lowest floor</i></li> <li>• <i>nonresidential structure</i></li> <li>• <i>residential accessory structure</i></li> <li>• <i>residential structure</i></li> <li>• <i>special flood hazard area</i></li> <li>• <i>substantial improvement</i></li> </ul>	To comply with federal NFIP regulations for local floodplain development ordinances and to provide additional clarity to these definitions	Yes: NR-5I, HA-1B, C-1I, LU-1F, LU-2A(c)	Yes: Land Use Obj. 7A, Pol. 6, Hazardous Areas Pol. 1-2, Imp. Goal 1, Pol. 1-2
8.9.104, 8.9.201, 8.9.202, 8.9.204, 8.9.301, 8.9.401, 8.9.402	Add the following definitions: <ul style="list-style-type: none"> <li>• <i>datum</i></li> <li>• <i>enclosure</i></li> <li>• <i>encroachment</i></li> <li>• <i>floodplain development</i></li> <li>• <i>freeboard</i></li> <li>• <i>highest adjacent grade (HAG)</i></li> <li>• <i>letter of map change (LOMC)</i></li> <li>• <i>lowest adjacent grade (LAG)</i></li> <li>• <i>post-FIRM</i></li> <li>• <i>pre-FIRM</i></li> <li>• <i>regulatory floodway</i> (cross-reference to <i>floodway</i>)</li> </ul>	To comply with federal NFIP regulations for local floodplain development ordinances; to provide a definition of “encroachment” for purposes of issuing flood development permits for IDL-permitted encroachments on navigable waters; and to provide additional clarity to these definitions		



Section(s)	Description	Justification	In Accord with the Comp Plan	In Accord with Update
Throughout	Redesignating section 8.7.206 as section 8.7.207; making miscellaneous technical corrections	To redesignate the section containing required (and unchanged) disclaimer language and to provide clarifying language that remedies inconsistencies	NA	NA
Ordinance Sections 19-21	“Boilerplate” language: Providing for severability; providing for survival and non-waiver of enforcement actions under previously adopted ordinances and codes; and providing for an effective date	To clarify the legal effect of the amendments to be made to the LUDC via this ordinance	NA	NA