

Summary of Community Development Code (CDC) 106 and 421 Amendments

Resolution & Order 18-99

Adopted October 16, 2018

Effective October 19, 2018

- **CDC 106 and 421-2 Definitions:** Added or modified definitions to match Federal Emergency Management Agency (FEMA) and/or Oregon Model Code definitions. Definitions found in Section 421 are applicable only within Section 421.
 - Base flood – reference to “100-year flood” changed to “1% chance flood” per FEMA (CDC 106-22)
 - Basement – added FEMA-complaint definition (421-2.1); retained CDC definition (106-23)
 - Development – added FEMA-compliant definition (421-2.2); retained CDC definition (106-57)
 - Drainage Hazard Area – reference to “25-year flood” changed to “4% chance flood” (106-63) for consistency with FEMA terminology
 - Flood or Flooding – added definition per FEMA (421-2.3)
 - Flood Insurance Rate Map – added definition per FEMA (421-2.5)
 - Flood Insurance Study – added definition per FEMA (421-2.6)
 - Flood Plain – modified CDC definition to match FEMA definition (106-83)
 - Floodway – modified CDC definition to match FEMA definition (106-85)
 - Historic Structure – added definition per FEMA (421-2.8)
 - Lowest Floor – added definition per FEMA (421-2.9)
 - Manufactured dwelling, manufactured dwelling park, manufactured dwelling subdivision – added FEMA-compliant definitions (421-2.10 and 2.11); retained existing CDC definitions (106-131, 133 and 135)
 - New Construction – added definition per FEMA (421-2.12)
 - Recreational vehicle – added FEMA-compliant definition (421-2.13); retained existing CDC definition (106-175)
 - Start of Construction – added definition per FEMA (421-2.14)
 - Substantial Damage – added definition per FEMA (421-2.16)
 - Substantial Improvement – added definition per FEMA (421-2.17)
- **421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards:**
 - Reorganized to clarify the different map resources to be referenced for determining Flood Plains (primary maps are FEMA FIRM maps effective October 19, 2018) and Drainage Hazard Areas (primary maps are County maps)
 - Moved requirement to submit FP and DHA delineations from 421-1 to the “Submittal Requirements” (421-3) for consistency with Oregon Model Code and FEMA recommendation
- **421-3 Submittal Requirements:** Moved submittal-related provisions from 421-1 into this section

- **421-4 Uses and Activities Allowed Through a Type I Procedure:** no substantive changes
- **421-5 Uses and Activities Allowed Through a Type II Procedure:**
 - 421-5.2: Moved definition-related provisions for “Substantial Improvement” to the Definitions section (421-2.17)
 - 421-5.20: See 421-16.8 below
- **421-6 Uses and Activities Allowed Through a Type III Procedure:** No substantive changes
- **421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities:**
 - 421-7.2 and 7.5: removed misleading language which implied that increases in flood levels could be approved only with signature of affected property owner(s); this requires a Letter of Map Revision (LOMR) from FEMA
 - 421-7.4: added new section addressing flood plain areas without a delineated floodway
- **421-8 Criteria for Dwellings:** Minor edits per FEMA request
- **421-9: Criteria for Manufactured Dwellings and Manufactured Dwelling Parks and Subdivisions:** Minor edits for consistency with FEMA regulations and Oregon Model Code
- **421-10 Criteria for Non-Dwelling Structures:** Minor edits per FEMA
- **421-11 Criteria for Utilities and Tanks:** No changes
- **421-12: Criteria for Piping, Culverting and Man-Made Creek Beds, Except as Permitted in Section 421-5:** No changes
- **421-13 Criteria for Parking for Multi-Family, Institutional, Commercial and Industrial Developments:** No changes
- **421-14 General Requirements and Prohibitions:** No substantive changes
- **421-15 Duties of the County:** Updated to reflect FEMA requirements, including:
 - Obtain and maintain certain records pertaining to actual or proposed flood plain development
 - Review all proposed development to determine if in flood plain; if so, review for compliance with flood plain code requirements
- **421-16 Exceptions:**
 - 421-16.8: Moved development requirements associated with replacement of non-exempt non-conforming Recreational Vehicles to Section 421-5.20 (Type II uses and activities); a Type II review is required for anyone proposing to replace a non-conforming stationary RV within a flood plain.
 - Other minor amendments per FEMA