

Frequently Asked Questions (FAQ) & Key Changes

Section 3.3-400 Floodplain Overlay District Updates

WHAT IS THE PURPOSE OF UPDATING THE FLOODPLAIN OVERLAY DISTRICT CODE?

The City of Springfield participates in a program called the National Flood Insurance Program (NFIP). Participation in the NFIP allows members of the Springfield community to access federally backed flood insurance. Flood insurance is required for federally backed loans to purchase or build structures located within the floodplain. To be eligible for participation in the NFIP, the City must adopt and enforce a floodplain management ordinance that regulates development within the floodplain. Springfield Development Code (SDC) Section 3.3-400 Floodplain Overlay District contains Springfield's regulations for development within the floodplain.

It is time to update the Floodplain Overlay District section of the Development Code to ensure that it aligns with current Federal and State laws. Making the required updates will allow the City to continue participating in the NFIP, better protect lives from flood hazard, and reduce flood related property damage.

WHAT IS THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)?

The National Flood Insurance Program (NFIP) is run by the Federal Emergency Management Agency (FEMA). The objectives of the NFIP are (1) to ensure that new buildings will be free from flood damage, (2) to prevent new development from increasing flood damages on existing properties, and (3) to ensure the natural and beneficial functions of the floodplain are maintained. The program was created by the U.S. Congress in 1968 to help minimize the rising costs of disaster relief and to reduce the loss of life and property caused by flooding. In addition to allowing community members to access federally backed flood insurance, participation in the NFIP ensures Springfield remains eligible for Federal disaster assistance in the event of a flood.

WHAT IS THE BASIS FOR THE UPDATES TO THE CODE?

City of Springfield staff have proposed updates to the Floodplain Overlay District code based on the State of Oregon Model Flood Hazard Management Ordinance (effective October 2020). This is a model code which the State developed to align with both Federal and State laws. The model ordinance was reviewed and approved by FEMA. Adoption of the model ordinance language will ensure the City of Springfield is in compliance with the standards required by FEMA for continued participation in the NFIP.

HOW DOES THE CITY DETERMINE WHICH AREAS ARE IN THE FLOODPLAIN OVERLAY DISTRICT?

FEMA conducts a Flood Insurance Study (FIS) to determine the flood hazards present in a community and uses this data to produce flood maps which detail the location of flood hazard areas. Areas within Springfield designated by FEMA as flood hazard areas are within the floodplain and must follow the requirements of the Floodplain Overlay District. In addition, the

City may zone as Floodplain Overlay other areas that are susceptible to inundation. No changes are proposed to the Floodplain Overlay District boundaries at this time.

HOW WILL THESE CHANGES AFFECT PROPERTY OWNERS?

Many of the proposed code amendments are administrative changes and do not affect the type of development or the standards of development in the floodplain. The City has added requirements for property owners that are necessary to meet federal requirements to continue participation in the NFIP program.

The recommended code amendments would make the following key changes to Development Standards:

- Allow attached garages to be constructed below the base flood elevation when they meet certain standards but prohibit the storage of hazardous materials unless they are elevated at least one foot above the base flood elevation or are contained within a tank
- Add standards for appurtenant (accessory) structures including detached garages
- Change how to measure the height above the ground when placing a manufactured dwelling, and change how the manufactured dwelling must be anchored
- No longer allow any structure, including a manufactured home, be replaced in the floodway with same size structure/home without first doing a study
- Require that new electrical, mechanical, plumbing and other equipment be installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy
- Require that structures come into compliance with Development Standards when there is a conversion of the structure from one type to another
- Require (rather than just advise) that the lowest floor of proposed development be elevated at least two feet above grade in areas where the base flood elevation is unknown
- Apply standards/requirements for flood openings to many situations, not just residential development and prohibit storage of hazardous materials in crawl spaces unless they are contained within a tank
- Specify that underground and above ground tanks be anchored
- Specify that structures partially located in the floodplain comply with the Development Standards
- Require that owners of RV parks and RV storage enter into an agreement with the City ensuring compliance with floodplain regulations and create an emergency plan that specifies how flood warnings will be received and how vehicles, trailers, and occupants will be safely evacuated in the event of a flood.

KEY CHANGES to the FLOODPLAIN OVERLAY DISTRICT

This list identifies and explains the key substantive changes recommended for Springfield's Floodplain Overlay District which is one Section of the Springfield Development Code (SDC), 3.3-400. It may be helpful to use this document to review the proposed code language. Specific code references are included as appropriate. The legislative version of code amendments include commentary explaining the new language.

The package of recommended code amendments includes the following changes:

1. Organization of Code – Re-arranges subsections to better match the State's Model Floodplain Code layout.
2. Floodplain Development Permit - Names the permit issued for development in the floodplain a "Floodplain Development Permit" to clarify that this floodplain development permit is separate from a "Land Drainage and Alteration Permit". Requirements for a Land Drainage and Alteration Permit are in the Springfield Municipal Code. In most cases, an applicant would be required to obtain both permits (Floodplain Development Permit and a Land Drainage and Alteration Permit) for any development within the Floodplain Overlay District.
3. Definitions - Includes definitions specific to floodplain management in this Section of the Springfield Development Code (SDC) – see SDC 3.3.415. Because definitions are being included in this Section, the definitions in SDC 6.1-110 are modified to remove any definitions or portions of definitions specific to the floodplain.
4. State of Oregon Specialty Codes – Recognizes that the state's building codes have a role in establishing standards for the design and construction of buildings within the floodplain – see SDC 3.3.420 (E).
5. Duties and Responsibilities of the Floodplain Administrator – Clarifies and adds to the responsibilities of the floodplain administrator – see SDC 3.3.425 (C).
6. Information to be Obtained and Maintained and Shared – SDC 3.3-425 (C)(2) lists information the City is required to make available to the public and SDC 3.3-425 (C)(3) lists when new data is required and to whom to provide that information.
7. Substantial Damage – Requires the City to assess structures damaged in a natural hazard (not just a flood event) or other causes to determine if the structure is damaged to the extent that any repairs would be considered as "substantial improvements" and therefore required to comply with the Floodplain Development Standards. See SDC 3.3.425 (D) and the definition of "Substantial improvement" in Section 3.3.415.
8. Alteration of Watercourse – Explicitly requires that the flood carrying capacity of a watercourse be maintained – see SDC 3.3.430 (A)(1).
9. Standards for Manufactured Dwellings

- Changes anchoring standards - see SDC 3.3.430 (A)(2) and 3.3.430 (B)(3)(d).
 - Changes how to measure the height to which to place the manufactured dwelling – see SDC 3.3.430 (B)(3)(d).
10. Utilities – Requires that electrical, mechanical, plumbing, and other equipment must be designed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy if it is not installed above base flood elevation – see SDC 3.3.430 (A)(4)(a).
11. Tanks – Adds specific standards for anchoring underground and above-ground tanks – see SDC 3.3.430 (A)(5).
12. Manufactured Dwelling Parks – Specifically calls out that new Parks greater than 50 lots or 5 acres establish a base flood elevation and all new Parks be designed to minimize flood damage – see SDC 3.3.430 (A)(7).
13. When No Base Flood Elevation Available – Requires rather than just recommends that development proposals elevate a minimum of two feet above the highest adjacent grade – see SDC 3.3.430 (A)(8)(b). Removes the exception for manufactured homes in existing Mobile Home Parks and Subdivisions so that when a manufactured dwelling is placed in an existing Mobile Home Park or Subdivision, it must also be elevated a minimum of two feet above the highest adjacent grade.
14. Structures Located in Multiple or Partial Flood Zones – Specifies that structures that are partially located in the floodplain comply with the Floodplain Overlay District standards, and requires structures located in multiple flood zones to comply with the more restrictive requirements – see SDC 3.3.430 (A)(9).
15. Flood Openings – Applies modified flood opening requirements broadly (not just for residential development) for fully enclosed areas below the lowest floor (excluding basements) – see SDC 3.3.430 (B)(1). Storage of hazardous materials in crawl spaces is not allowed unless confined to a tank.
16. Garages – Creates requirements specific to garages. Attached garages may be constructed with the garage floor slab below the base flood elevation if certain requirements are met. Detached garages must comply with standards for appurtenant (accessory) structures – see SDC 3.3.430 (B)(2). Storage of environmentally hazardous materials is not allowed unless confined to a tank or elevated one foot above the base flood elevation.
17. Conversion of Structure – Requires that when there is conversion from one type of structure to another (i.e. a non-residential structure to a residential one, or an accessory structure to a residential one), the building must be brought into compliance with floodplain requirements – see SDC 3.3.430 (B)(3)(b) and (B)(3)(c).
18. Recreational Vehicles (RVs) – Clarifies that recreational vehicles parked on a site for 180 days or more must obtain a Floodplain Development Permit and meet the anchoring and elevation requirements for manufactured dwellings – see SDC 3.3.430 (B)(3)(e). Owners of RV parks or storage must enter into an agreement with the City ensuring compliance with floodplain regulations and create an emergency

plan that specifies how flood warnings will be received and how vehicles, trailers, and occupants will be safely evacuated in the event of a flood.

19. Appurtenant (Accessory) Structures – Creates requirements specific to appurtenant structures – see SDC 3.3.430 (B)(3)(f).
20. Floodway – Allows encroachments into the floodway only with an approved Conditional Letter of Map Revision (CLOMR) and when the requirements for such revision are fulfilled – see SDC 3.3.430 (B)(4)(a). Manufactured homes and other structures already in the floodway may no longer be replaced by a structure of the same size and placement unless an engineer has provided the required certification that the replacement will cause no increase in flood levels within the community.
21. Floodplain Development Permit – Makes clear that a Floodplain Development Permit must be obtained before any development-related activity begins, and describes the information required as part of the application – see SDC 3.3.435.
22. Variances – Reorganizes this subsection on Variances and streamlines the approval criteria – see SDC 3.3.440. Adds a lot size condition for a variance – see SDC 3.3.440 (C)(1). Requires the City provide the applicant notice that a variance increases risks to life and property – see SDC 3.3.440 (D). Requires that the variance be recorded with Lane County Deeds and Records as a notice of variance which is more appropriate than a deed covenant – see SDC 3.3.440 (E).
23. Enforcement – Clearly states that all development within special flood hazard areas must comply with requirements in the Floodplain Overlay District and the consequences of a violation – see SDC 3.3.445 (B) and 3.3.445 (C). Deletes language that is not applicable to the enforcement of a Floodplain Development Permit.
24. Foundations – Removes specific standards for foundation design which are already addressed in the State's building codes.