



STATE OF OREGON

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance, if present in the state. The potential credits must be verified by the ISO/CRS Specialists within each community, since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State-Based Credit

| ACTIVITY | ELEMENT | POINTS |
|-----------------------------------|-----------------------------------|--------|
| 340 (Hazard Disclosure) | ODR—other disclosure requirements | 15 |
| 430 (Higher Regulatory Standards) | BC1—building codes | 8 |
| | LDP3—local drainage protection | 10 |
| | | |

Activity 340 (Hazard Disclosure) Element ODR, Other Disclosure Requirements

Oregon has a property disclosure requirement that sellers of residential property disclose whether a property is in a special flood hazard area, and whether it has previous flood-related damage.

Citation: [ORS 105.465 \(Application of ORS 105\)](#), and [ORS 105.464 - Form of seller's property disclosure statement \(public.law\)](#), and [ORS 105.780 – Substantial damage from flooding to residential structures](#)

Excerpt from ORS 105.464 Disclosure Form Elements

... 9. GENERAL

A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area? Yes No Unknown

B. Does the property contain fill? Yes No Unknown

C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides? Yes No Unknown

D. Is the property in a designated floodplain? Yes No Unknown

Note: Flood insurance may be required for homes in a floodplain.

Activity 430 (Higher Regulatory Standards) Element BC1, Building Codes

The state has adopted codes based on the 2021 International Plumbing Code, 2021 International Mechanical Code, and 2021 International Fuel Gas Code. <https://codes.iccsafe.org/codes/oregon>

However, Oregon does not qualify for most BC credit statewide – language added to Chapter 1 of the Oregon Structural Specialty Code, which a state revised version of the IBC the state of Oregon adopted, states “the following matters... are outside the statutory authority of this code”: 101.2.2.1(13) Administration and Implementation of NFIP.”

<https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>

Oregon also removed flood regulation sections from Section 6 of the IBC model code (and for CRS credit the state has to adopt the current IBC chapters 3-7, 14-18, 21-24 in their entirety to get credit under 430-BC). Same situation for the Oregon Residential Specialty Code -

101.2.2 Matters not available for local regulation under the statutory authority of this code.

While the following matters may be included in the published national model code, they may not be regulated by the local *municipality* under the statutory authority of this code. Any references to these matters retained in this code are for the convenience of the reader.

101.2.2.1 Matters outside the statutory authority of this code.

The following matters are not regulated by this code and are outside the statutory authority of this code. Local *municipalities* may not regulate these matters under the authority of this code. A *municipality* may have authority outside of this code to regulate these matters locally, where not preempted:

1. Pursuant to the regulation of dangerous buildings, a *municipality* may adopt seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.
2. Abatement of nuisances and dangerous buildings.
3. Portable fire extinguishers.
4. Fire safety during construction.
5. Public utility towers and poles.
6. Building or structure encroachments into the public right-of-way.
7. Demolition.
8. Hydraulic flood control structures, including but not limited to dams and levees.
9. Mechanical equipment not specifically regulated in the *state building code*.
10. Temporary use of streets, alleys and public property.
11. Floating structures.
12. Detached *tents* and other *membrane structures* erected for periods of 180 days or less.
13. Administration and implementation of a National Flood Insurance Program (NFIP).
14. Transitional housing accommodations.
15. Construction located in the public right-of-way.
16. Employee qualifications, in accordance with Appendix A.
17. Fire Districts, in accordance with Appendix D.
18. Flood-resistant Construction, in accordance with Appendix G.
19. Grading, in accordance with Appendix J.

Buildings codes in OR are adopted as the “state program” and all local jurisdictions must enforce the state code.

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

2022 Oregon Structural Specialty Code incorporates the International Building Code requirement in Chapter 18 for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available. *Citation: OSSC 1804.4 and 1804.5.*

Other Potential Credit

ISO/CRS Specialists and the community need to determine which credits may apply to an individual community. The following is a summary of activities that are potential credits:

| ACTIVITY | ELEMENT |
|-----------------------------------|--|
| 420 (Open Space Preservation) | OSP–open space preservation CEOS–coastal erosion open space NSP–natural shoreline protection |
| 430 (Higher Regulatory Standards) | Other |
| 450 (Stormwater Management) | ESC–erosion & sedimentation control WQ–water quality |
| 630 (Dams) | SDS–state dam safety |
| | |

Activity 420 (Open Space Preservation)

OSP–OPEN SPACE PRESERVATION CEOS–COASTAL EROSION OPEN SPACE NSP–NATURAL SHORELINE PROTECTION

The Oregon Department of Land Conservation and Development (DLCD) administers Oregon’s planning goals. State Planning Goal 18: Beached and Dunes, Oregon Administrative Rule (OAR) 660-015-0010(3) contains language prohibiting development on beaches, active foredunes, and on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding.

Citation: State of Oregon Planning Goal 18 <https://www.oregon.gov/lcd/OP/Documents/goal18.pdf> and <https://www.oregon.gov/lcd/OCMP/Pages/Coastal-Goals.aspx>

Activity 430 & Potential Higher Regulatory Standards in the State’s Model Ordinance

State Model Flood Damage Prevention Ordinance

The Oregon Department of Land Conservation and Development (DLCD) is the State NFIP Coordinating Agency. <https://www.oregon.gov/lcd/NH/Pages/NFIP.aspx>

Model ordinance language (version from October 2020) is posted on the state’s website:

https://www.oregon.gov/lcd/NH/Documents/DLCD_Final_FEMA_Approved_OregonModelFloodHazardOrdinance_10232020.pdf

- Appendix B of this model contains Recommended and Optional Higher Standard language for Freeboard and the placement of critical facilities.

Activity 450 (Stormwater Management)

ESC-EROSION AND SEDIMENTATION CONTROL WQ-WATER QUALITY

Oregon Dept of Environmental Quality (DEQ) administers the National Pollutant Discharge Elimination System (NPDES) Phase II Program, which requires all construction activities greater than 1 acre to obtain a permit, via their [1200-C Construction Stormwater General Permit](https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx).

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

Activity 630 (Dams), Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

- Oregon Dam Safety Program
<https://www.oregon.gov/OWRD/programs/streamslakessanddams/dams/DSPProgram/Pages/default.aspx>

The U.S. Army Corps of Engineers National Inventory of Dams webpage at <https://nid.sec.usace.army.mil/#/> documents the dams and flood inundation maps information. [FEMA's Dam Safety](#) Office annually verifies element SDS credit.