



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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STAFF REPORT

TO: Planning Commission
CC: Erika Shook, AICP, Director, DCD
FROM: Colin Maycock, AICP, Planner IV *CM*
SUBJECT: Amendments to the San Juan County flood hazard control regulations, Chapter 15.12 SJCC.
DATE: May 3, 2018
PUBLIC HEARING: May 18, 2018

ATTACHMENT: Draft ordinance repealing sections 15.12-010-15.12.200 of Chapter 15.12 (Flood Hazard Control Regulations); adopting new flood hazard control regulations and amending Chapter 18.80.140 SJCC.

Proposed Action:

In order to continue as a participating community in the National Flood Insurance Program (NFIP), the County is required to adopt the new Flood Insurance Rate Maps (FIRMs) prepared and vetted by the Federal Emergency Management Agency (FEMA) and update San Juan County Code Chapter 15.12, Flood hazard control regulations by June 20, 2018.

The Planning Commission was briefed on this issue on April 20, 2018. A public hearing was scheduled for May 18, 2018 for the Planning Commission take public testimony, deliberate and make a recommendation to County Council on the attached draft ordinance.

Background:

On December 20, 2017, FEMA concluded their Flood Insurance Study (FIS) for the County and finalized the updated FIRMs. On that date, the County received a letter of final determination from FEMA announcing the start of a six month compliance period. This ends on June 20, 2018. The County must adopt the new FIRMs and update the flood hazard control regulations by that date.

The preliminary FIRMs and draft FIS were published on August 12, 2016. A Consultation Coordination Officer (CCO) meeting was held on October 11, 2016. During the CCO meeting, FEMA and STARR reviewed the updated maps, discussed the regulatory process and how property owners could appeal the maps, the length of the appeal period and public outreach strategies.

On February 3, 2017, the County issued a policy decision that the department would use the preliminary FIRMs published on August 12, 2016, to review proposed development within the special flood hazard areas. Since that date, the County's online map program, Polaris, has included the identified flood hazard areas.

FEMA published a notice of proposed flood hazard determinations in the Federal Register and in the Journal of the San Juans on May 10 and 17, 2017. The ninety (90) day appeal began on May 17, 2017, and concluded on August 15, 2017. FEMA received no appeals or comments during the ninety (90) day comment period.

Failure to adopt the new FIRMs and update the County code will lead to the County's automatic suspension from the NFIP. Suspension from the NFIP entails the following consequences:

- a. Federal flood insurance would not be available for new buyers;
- b. Mortgage insurance on any federally backed mortgages would not be available;
- c. Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), and Government National Mortgage Association would not be able to purchase mortgages in the secondary market;
- d. Non-compliant development within the SFHA, constructed while suspended, would be required to be brought up to code prior to reinstatement;
- e. Federal assistance to individuals may not be provided following an inundation.
- f. Post-inundation federal disaster assistance loans (usually obtained through the Small business administration) will not be available if the damage was caused by flooding or if the structure is in the flood hazard area; and
- g. No other federal grants or loans, the County may otherwise be eligible for, will be issued.

If any portion of a structure falls within the mapped special flood hazard area (SFHA), the entire structure is subject to the flood hazard control regulations. FEMA has identified 841 structures that are in the mapped SFHA's. Currently there are 126 flood insurance policies on record. (There have been four (4) claims filed with NFIP since the County's entry in 1991. Two (2) claims were paid and two (2) were closed without payment.)

Updated Flood Insurance Rate Maps (FIRMs):

Persistent flooding of the Mississippi River in the early 1960s prompted the passage of the 1968 National Flood Insurance Act which created the National Flood Insurance Program (NFIP). The NFIP allows property owners in participating communities to buy insurance to protect against flood losses. The NFIP has three components:

- To identify and map flood hazard zones;
- To provide flood insurance;
- To improve floodplain management.

Identifying and mapping the flood hazard areas is the first step to improving floodplain management and efficient insurance provision.

In order to develop the Flood Insurance Rate Maps (FIRMs), FEMA first compiles flood risk data for specific watercourses, lakes and coastal flood hazard areas in a community, which make up the FIS. Using data from the FIS, FEMA creates the FIRMs. The FIRMs are integral to the NFIP because the FIRMs establish the location and boundaries of the County's Special Flood Hazard Areas (SFHAs). Where appropriate, the FIS and FIRMs, compute anticipated floodwater elevations during base flood (100-year flood) events. These calculations are shown on the FIRMs as the Base Flood Elevations (BFEs). The BFE establishes the necessary elevation to construct reasonably flood proof developments.

The County's current Flood Hazard Boundary Maps (FHBMs) were adopted in 1977 and have not been officially updated since then. The 1977 FHBMs identified only one category of SFHA, (A), for the entire County. (Special flood hazard zone A indicates a high risk of flooding but does not include the hydraulic studies sufficient to establish base flood elevations.) As a result, property owners whose projects were located in the mapped SFHA were required to hire a surveyor to determine the BFE specific to that parcel. The BFE sets the point above which construction may occur.

The updated FIRMs identify three categories of SFHA in the County: A, AE, and VE.

- **A:** Areas subject to inundation by the 1-percent-annual-chance flood event, also known as the "100-year floodplain," using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown. Properties in zone A are considered to be at a high risk of flooding under the NFIP. Flood insurance is required for all properties with federally backed mortgages. Construction in this area must meet the flood hazard reduction regulations. Projects will be required to establish BFE's and obtain elevation certificates.
- **AE:** Areas subject to inundation by the 1-percent-annual-chance flood event, also known as the "100-year floodplain," and where predicted floodwater levels have been established, a.k.a. the BFE. Properties in zone AE are considered to be at high risk of flooding under the NFIP. Flood insurance is required for all properties in the AE zone with federally backed mortgages.
- **VE:** Areas subject to inundation by the 1-percent-annual-chance flood event, also known as the "100-year floodplain," with additional hazards due to storm-induced velocity wave action. BFEs derived from detailed hydraulic analyses are shown. Properties in VE are considered to be at high risk of flooding and flood related damage under the NFIP. Flood insurance is required for all properties with federally backed mortgages.

Public Hearing Draft Ordinance:

In October, 2016, the Department of Ecology and FEMA reviewed Chapter 15.12 of the San Juan County Code (SJCC) and compared the current regulations to the floodplain management provisions required by the Code of Federal Regulations (44 CFR 60). The reviewers concluded that instead of amending the current code, the County's residents would be better served if the County repealed the existing regulations and adopted regulations based on FEMA's model ordinance.

On February 26, 2018, FEMA sent the County a copy of the model ordinance revised to meet the local context. FEMA stated that, the model, if adopted as such, would meet all of the agency's requirements and ensure the County's continued participation in the NFIP.

The public hearing draft ordinance repeals each section of Chapter 15.12 SJCC and provides replacement text consistent with the FEMA model ordinance.

The following changes to the April 20, 2018 draft ordinance are incorporated into the Planning Commission May 18, 2018 public hearing draft:

- Amending the title of the ordinance to reflect the current Chapter 15.12 SJCC heading "Flood Hazard Control" instead of 'Flood Hazard Reduction.'
- Changing references in the text from 'this ordinance' to 'this chapter' where appropriate.

- Correcting minor grammatical errors, formatting issues and typos.
- Amending Figures 1 and 2 by changing the depicted BFE to reflect the elevation requirement in the text.

The content of Chapter 15.12 SJCC and the proposed amendments is similar. The majority of the changes proposed are simply an update to the existing regulations. However, there are four new provisions that depart significantly from the current standards:

1. An engineer or architect will be required to certify that all new and substantially improved structures in the VE zone will meet the development standards for elevation, hydrostatic pressure equalization and structural resistance to hydrodynamic forces.
2. All new or substantially improved structures in special flood hazard zones will need to ensure that electrical, heating, ventilation, plumbing and air conditioning equipment is elevated or located or designed to prevent water from entering and accumulating in the service utility structures during flood events.
3. Distinguishing between residential and nonresidential developments and providing options for non-residential development to floodproof areas below the BFE.
4. The identification and regulation of the placement, anchoring and elevation of manufactured homes and recreational vehicles.

The general standard of elevating new or substantially improved structures a minimum of one (1) foot above the BFE is still required as is the directive to ensure construction allows for the equalization of hydrostatic pressure in the area beneath the lowest floor of the structure.

The most significant change is the identification of VE zones on the map. SJCC 15.12.190 currently regulates development in V zones; however, the maps adopted in 1977 did not identify any V zones in the County.

Staff Recommendation:

Staff recommends adoption of the draft ordinance repealing sections 15.12-010-15.12.200 of Chapter 15.12 (Flood Hazard Control Regulations); adopting new flood hazard control regulations and amending Chapter 18.80.140 SJCC including the options regulations for subgrade crawlspaces.