

**Public Works
Staff Report
January 2, 2019**

I. BACKGROUND INFORMATION

Summary of Request:

Adopt amended version of Whatcom County Code, Title 17, Flood Damage Prevention (see Attachment A).

The Federal Emergency Management Agency (FEMA) has completed a Flood Insurance Study (FIS) that includes revised Flood Insurance Rate Map (FIRM) panels or flood maps that more accurately reflect the Special Flood Hazard Area (SFHA) and the associated risk within Incorporated and Unincorporated areas of Whatcom County.

Whatcom County received the Letter of Final Determination (LFD) from FEMA for the FIS and FIRM's on July 18, 2018. The date for the FIS and FIRM's to become effective is January 18, 2019.

Whatcom County is a participating community in FEMA's National Flood Insurance Program (NFIP). Public Works administers the program locally in accordance with Title 17, Flood Damage Prevention. Whatcom County must adopt a floodplain management ordinance that references the new FIS and FIRM's and meets the minimum requirements of the NFIP by January 18, 2019 in order for the maps to become effective and to avoid suspension from the NFIP.

FEMA and the State NFIP Coordinator reviewed Whatcom County Code Title 17 and provided comments on October 23, 2018. FEMA identified revisions that are necessary to ensure consistency with the Code of Federal Regulations (CFR's) and recommended some minor clarifications. Accordingly, no changes to regulatory standards or how the code will be administered are being proposed in these amendments.

Location: Title 17 and the proposed amendments apply to Special Flood Hazard Areas (areas within the 100-year floodplain) within the unincorporated areas of Whatcom County.

SEPA: A State Environmental Policy Act (SEPA) checklist was prepared and submitted on November 14, 2018. A SEPA "Threshold Determination" of Non Significance (DNS) was issued and decision made final on December 21, 2018.

II. ANALYSIS OF THE PROPOSED AMENDMENT

A detailed analysis of each of the proposed revisions is as follows.

Chapter 17.08 DEFINITIONS

17.08.095 Floodway

This definition was edited to include "and adjacent" land areas to provide clarification and is required by FEMA.

17.08.097 Historic structure

This definition was changed in order to be consistent with the Code of Federal Regulations (CFR's) as required by FEMA.

17.08.110 Manufactured home

This definition was revised to clarify that "recreational vehicles" are not included in this definition as required by FEMA.

17.08.160 Start of construction

This definition was revised for clarity and to be consistent with the CFR's as required by FEMA.

17.08.180 Substantial improvement

This definition was edited to provide clarification and to be consistent with the CFR's as required by FEMA.

17.08.200 Zone

FEMA recommended deleting "Zones B and C" from this definition because they are no longer used on the FIRM's. Definitions for "Shaded X" and "Unshaded X" were added to be consistent with what is shown on the FIRM's.

Chapter 17.10 REGULATORY DATA

17.10.010 Basis for establishing Special Flood Hazard Area

This section was changed to reference the new FIS and FIRM's that become effective on January 18, 2019 as required by the State and FEMA.

17.10.020 Flood hazard data

Minor edits were made to this section to provide clarification, part G was added for consistency with CFR's as required by FEMA.

17.10.030 New regulatory data

Section 17.10.030.C, was revised to clarify the requirements to obtain base flood elevation and floodway data when not provided for small projects on large lots as required by FEMA.

Chapter 17.12 ADMINISTRATION

17.12.020 Administrative department - Designated

One minor clarification was made in this section as required by FEMA.

17.12.030 Administrative department – Duties and responsibilities

This section was edited to provide clarification and to be consistent with the CFR's as required by FEMA.

Chapter 17.16 FLOOD HAZARD REDUCTION STANDARDS

17.16.080 Residential construction

Section 17.16.080.B, part 2 was revised to clarify the requirements for foundation openings as recommended by FEMA.

17.16.110 Wet-floodproofing

"Residential" was deleted from Section 17.16.110.A, part 2c. for clarity as required by FEMA. Wet floodproofing is not allowed for new residences.

17.16.125 Standards for AE and A1-30 Zones with Base Flood Elevations but no Floodways

This section was added to the standards section of the code to clarify the requirements for developments proposed in floodplains where the flood elevation has been determined but a floodway has not been mapped. This section is consistent with existing section 17.12.030 which requires the Public Works Department to review proposals to ensure they meet this standard. This addition is required by the State and FEMA to be consistent with the CFR's.

17.16.130 Standards for shallow flooding area (AO Zones)

One minor revision clarifies the elevation requirements consistent with the CFR's as required by FEMA.

III. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

1. The proposed ordinance has been revised to reflect the release of the new FIS and FIRM's.
2. The proposed ordinance has been revised to address other deficiencies found by FEMA and the State NFIP Coordinator.
3. These amendments are being proposed for consistency with the CFR's and for clarification purposes only and will not change how the code is administered or regulated.

IV. RECOMMENDATION

The deadline for the maps to become effective is January 18, 2019. Failure to adopt an ordinance that is consistent with the minimum requirements of the NFIP and CFR will result in suspension from the NFIP and jeopardize the County's eligibility to receive funding for projects. Failure to act would ultimately jeopardize the County's ability to participate in the NFIP which makes flood insurance available to the community.

Staff recommends that the County Council adopt the amendments to Title 17 as proposed. The FEMA and State NFIP Coordinator has reviewed and approved these amendments to code for compliance with the NFIP and CFR's.

VI. ATTACHMENTS

1. Whatcom County Title 17, Flood Damage Prevention