



Staff Report

February 16, 2021 Regular Meeting

Public Hearing - Amendments to Flood Hazard Regulations

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BACKGROUND: This is a Public Hearing regarding the proposed amendments to Camas Municipal Code (CMC) Chapter 16.57 *Frequently Flooded Areas* and Section 18.03.050 *Environmental Definitions* for compliance with the National Flood Insurance Program (NFIP), which allows citizens within the community to obtain flood insurance and certain types of federal disaster aid.

SUMMARY: The following attachments are provided for your review: 1) The proposed CMC amendments are shown in red text. A comment box is provided at each code section indicating whether the proposed amendment is MANDATORY or RECOMMENDED by FEMA and identifies the applicable CFR and Section of the WA Model Ordinance, 2) Clean version of the proposed amendments 2) The WA Model Ordinance and 3) Floodplain Development Permit.

Chapter 18.03 Definitions

Chapter 18.03.050 – Environmental Definitions

Suggest adopting the NFIP definitions in 44 CFR 59.1 for "alteration of watercourse", "area of shallow flooding", "area of special flood hazard", "base flood", "base flood elevation", and "flood or flooding", "flood elevation study", "flood insurance rate map", "floodplain or flood prone area", "floodplain administrator", "flood proofing", "floodway", "functionally dependent use", "highest adjacent grade", "historic structure", "main sea level", "new construction", "structure" and "variance".

Chapter 16.57 Frequently Flooded Areas

Chapter 16.57.010 – Applicability

Mandatory amendments to this section include 1) adopting by reference the Flood Insurance Study (FIS), 2) providing the City Hall address and website address for the physical location to obtain copies of the FIS and Flood Insurance Rate Maps (FIRM) and 3) penalties for non-compliance, which will be subject to the enforcement provisions of the Camas Municipal Code sections 18.55.400-18.55.460.

Recommended amendment to this section is that all development in the special flood hazard areas shall comply with this ordinance.

Chapter 16.57.050 – Performance Standards-General requirements

Mandatory amendments to this section include 1) the establishment of a flood development permit within a special flood hazard area, 2) the designation and duties of a floodplain administrator that would enforce the ordinance including reviewing all floodplain development permits, 3) requiring staff to obtain and maintain information such as a record of elevation of the lowest floor of structures, and 4) informing applicants that are floodproofing that insurance premiums are based on the flood proofed level.

Recommended amendments to this section include requiring engineering documentation and analysis if a project alters the BFE or boundaries of a SFHA and requires the applicant to submit the full CLOMR documentation with the flood development permit if a CLOMR is required. Another recommended amendment in this section is prohibiting the storage or processing of injurious materials in flood areas unless if not susceptible to flood damage and properly stored.

Chapter 16.57.060 – Performance Standards-Specific Uses

Mandatory amendments to this section include 1) waterproofing or elevation of mechanical equipment and utilities at least one foot above the BFE, 2) residential and nonresidential construction in an Unnumbered A zone shall have the lowest floor at least two feet above the Highest Adjacent Grade if the BFE is not available or cannot be obtained, 3) garages floor slabs below the BFE shall allow for entry and exit of floodwaters (i.e. flood vents), 4) water wells are to be located on high ground outside of the floodway and 5) BFE data shall be included as part of other development proposals greater than 5 acres.

A recommended amendment includes language that further explains variances from flood elevations or other requirements in the flood ordinance are quite rare and are only granted for parcels with unusual physical land characteristics and only when the requirements of this ordinance would create an exceptional hardship.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

- To maintain compliance with the National Flood Insurance Program (NFIP) so the citizens of Camas may obtain flood insurance and certain types of flood disaster aid.

What's the data? What does the data tell us?

- The Flood Insurance Rate Maps identify several properties within the City of Camas that are located within frequently flooded areas and therefore subject to the flood hazard regulations in Chapter 16.57.

How have communities been engaged? Are there opportunities to expand engagement?

- A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) notice was published in the local paper, posted to the city website and emailed to other agencies for public comments. No public comments were received.

Who will benefit from, or be burdened by this agenda item?

- The current 61 and future flood insurance policy holders in the City of Camas will benefit from a compliant City code with the NFIP regulations.

What are the strategies to mitigate any unintended consequences?

- Any unintended consequences as a result of the proposed code amendments would be presented to FEMA for feedback and revised where needed.

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

- The proposed code amendments are equally applicable to all property owners with property located within the special flood hazard area.

Will this agenda item improve ADA accessibilities for people with disabilities?

- Not applicable.

What potential hurdles exist in implementing this proposal (include both operational and political)?

- Operationally, a potential hurdle may be if only one staff person is knowledgeable on how to implement this section of the code and issue flood improvement permits. Politically, a potential hurdle may be if a suggested revision by the local community is not approved by FEMA and thereby risking the City's compliance with the NFIP.

How will you ensure accountabilities, communicate, and evaluate results?

- As a participant in the NFIP, the City of Camas is subject to a Community Assistance Visit by Department of Ecology Floodplain staff every few years for the purpose of ensuring the City's compliance with NFIP. Accountability will be accomplished through excellent record keeping and properly trained staff.

How does this item support a comprehensive plan goal, policy or other adopted resolution?

- This agenda item supports Resolution no. 17-003, adoption of the Clark Regional Natural Hazard Mitigation Plan.

BUDGET IMPACT: There is no impact on the City budget.

RECOMMENDATION: Staff recommends that Council conduct a public hearing, deliberate, and move to approve the amendments to Title 16 Environment and Title 18 Zoning including directing the City Attorney to prepare an ordinance for adoption.