

Ordinance No. 02023-017

FP Floodplain Overlay Amendments



March 19, 2024

City Council Consideration

Background

- Close to three hundred towns, cities, counties, and tribes in the state participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP)
- Continued enforcement of the City's floodplain management regulations (TMC 18.38 *FP Floodplain Overlay*) allows FEMA to make federally backed flood insurance available to property owners within the City



Background

- As a condition of participation in the NFIP, communities are required to adopt and enforce flood hazard reduction regulations that meet the minimum requirements of the NFIP
- In May 2023, City staff completed a FEMA floodplain community assistance visit (CAV) with State Department of Ecology staff to review the City's participation in the National Flood Insurance Program
- The CAV determined that TMC 18.38 *FP Floodplain Overlay* should be updated to reflect FEMA current standards



Background

- On November 8, 2023, FEMA notified the City of the final flood determinations for Thurston County, Washington, and Incorporated Areas, which includes the City of Tumwater
- The FEMA flood hazard determinations for the City are considered final
- The Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) covering the City will be effective May 8, 2024



FEMA Requirements

- Prior to the May 8, 2024, effective date of the FIS and FIRMs, the City must amend its existing floodplain regulations to be more consistent with the Model Ordinance for Floodplain Management under the NFIP, the Endangered Species Act, and to maintain its eligibility in the NFIP



Staff Report

The staff report includes:

- Summaries of the fifteen proposed amendments
- The code sections amended or added
- Proposed amendment language



TMC 18.38.017 – Definitions

- Clarify and add definitions as needed for enhanced interpretation of floodplain regulations.
- Eight new definitions added addressing:
 1. Alteration of watercourse
 2. Area of special flood hazard
 3. Flood elevation study (FES)
 4. Floodplain administrator
 5. Flood proofing
 6. Highest adjacent grade
 7. Mean sea level
 8. Structure



18.38.090 – Special Flood Hazard Areas

- Updating language to reflect most current versions of the FIS and FIRMs that are effective May 8, 2024
- For consistency with the definitions section, used the acronym “BFE” for Base Flood Elevation



TMC 18.38.100 – Flood Hazard Data

- For consistency with the definitions section, used FIRM as acronym
- Added reference to TMC 18.38.090 for BFE and Floodway areas when data has not been provided or is not available in the Flood Insurance Study and Flood Insurance Rate Maps



TMC 18.38.130 – Floodplain Development Permit Required

- Revised the section name to be more clear
- Removed passive language
- States a permit is required in special flood hazard areas (SFHAs) defined in TMC 18.39.090



TMC 18.38.140 – Floodplain Development Permit Application

- Updated acronyms to be consistent with the definitions section
- Added five subsections addressing additional elements required for applications



TMC 18.38.180 – Records

- Code requirements for regulating development and collection of records
- Updated acronyms
- Clarified information required to be obtained for record
- Removed passive language
- Provided a process for floodplain administrator to ensure proposed construction will be safe from flooding when elevation data is not available
- Added a list of information the floodplain administrator shall obtain and make available to the public



TMC 18.38.210 – Development and Subdivisions

- Clarified short subdivisions, short plats, and binding site plans are subject to TMC 18.38.210
- Updated language to acronyms
- Subdivisions or developments with over 50 lots or 5 acres must provide base flood elevation data with the application



TMC 18.38.184 – Flood Protection Standards

- In areas where the BFE data has been determined or obtained (A zones), all new development must be elevated at least one-foot above BFE
- Materials used shall be resistant to flood damage
- Construction methods that minimize flood damage
- All structures, including manufactured homes and substantial improvements, shall be anchored properly
- New construction and substantial improvement of any residential structure in an Unnumbered A zone and BFE is not available shall be raised two feet above highest adjacent grade
- An attached garage constructed with the floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters



TMC 18.38.270 – Nonresidential Construction

- Reformatted the whole section
- Created clear standards for non-residential development
- In AE and A1-30 zones or other A zoned areas: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE



TMC 18.38.280 – Manufactured Homes

- Added clarifying requirements for anchoring of manufactured homes that minimize flood damage
- States other anchoring requirements throughout TMC 18.38 are applicable

TMC 18.38.285 – Detached Accessory Structures

- New section
- Adds standards to allow for structures to be built below the BFE for used solely for parking of vehicles or limited storage
- Different flood zones have different requirements for detached structure such as size, elevation, materials, item stored, and anchoring



TMC 18.38.325 – Storage of Materials and Equipment

- New section
- The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas
- Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning



TMC 18.38.360 – Floodway Standards

- Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless a certification by a registered professional engineer demonstrating development would not result in any increase in flood levels during the occurrence of the base flood discharge
- Clarifies that repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area may be allowed subject to outlined requirements
- TMC 18.38.360(A)(1) is satisfied, or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of TMC 18.38



TMC 18.38.450- Penalties for Noncompliance

- New section
- Ties into the civil and criminal enforcement processes in TMC Title 1



SEPA and Notice of Intent

- 60-Day Notice of Intent for Ordinance No. 02023-017 was sent to the State Department of Commerce December 14, 2023, and that process is complete with no comments received
- SEPA Checklist for Ordinance No. 02023-017 was completed December 13, 2023, and a determination of nonsignificance was issued on December 29, 2023, and that process is complete



FEMA Notification – Draft Maps

- FEMA is required to publish two notices in the newspaper of record for the communities affected by the map change
- There was a 90-day appeal period, no appeals were received



FEMA Notification – Draft Maps

- [Thurston County Lakes Flood Map Update \(arcgis.com\)](#) – Map Updates through TC Lakes Flood Map Update
- [Thurston County Lakes Preliminary Flood Hazard Map Update Comparison Viewer \(arcgis.com\)](#) – View comparison of current maps and maps effective May 8, 2024



Planning Commission Recommendation

Approve Ordinance No. 02023-017 FP Floodplain Overlay Amendments

