

Ordinance No. 02023-017

Floodplain Overlay Amendments

January 23, 2024
Planning Commission Work Session



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
- 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



Requirement

- Prior to the May 8, 2024, effective date of the FIS and FIRM, 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:
 - “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.
 - “Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.
 - “Flood elevation study (FES)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).
 - “Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.
 - “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.
 - “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
 - “Mean sea level” means for the purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's flood insurance rate map are referenced.
 - “Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.



18.38.090 – Special flood hazard areas

- Updating language to reflect most current versions of the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) (effective May 8, 2024)
- For consistency with the definitions section, using the acronym “BFE” for Base Flood Elevation



TMC 18.38.100 – Flood hazard data

- For consistency with the definitions section, using the acronym FIRM
- 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 5 subsections:
 - E. If a project will alter the base flood elevation data (BFE) or boundaries of the SFHA, the project applicant shall provide the floodplain administrator with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, the project approval shall be conditioned accordingly.
 - J. The application shall include the elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with section B completed by the floodplain administrator.
 - K. The application shall include the elevation relation to mean sea level to which any structure has been flood proofed.
 - L. The application shall include, where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation (BFE).
 - M. The application shall include any other such information that may be reasonably required by the floodplain administrator in order to review the application.



TMC 18.38.180 – Records

- Updated acronyms
- Clarified information required to be obtained for record
- Removed passive language
- Provides a process for floodplain administrator to ensure proposed construction will be safe from flooding when elevation data is not available
- Adds a list of information the floodplain administrator shall obtain and make available to the public



TMC 18.38.210 – Development and subdivisions

- Clarifies 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 base flood elevation (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 isn't 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
- unnumbered A zone for which a BFE is not available : the lowest floor shall be at least two feet above the highest adjacent grade.



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 18.38



TMC 18.38.450- Penalties for noncompliance

- New section

- A. *No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Tumwater from taking such other lawful action as is necessary to prevent or remedy any violation.*
- B. *Enforcement under this section is in addition to and does not preclude or limit any other forms of enforcement available to the city including, but not limited to, enforcement under any provision of TMC Chapter 1.10, nuisance actions, actions for injunctions, or any other civil or equitable actions to abate, discontinue, or correct, acts in violation of this code.*



SEPA and Notice of Intent

- Notice of Intent for Ordinance No. 02023-017 was sent to the State Department of Commerce December 14, 2023
- SEPA Checklist for Ordinance No. 02023-017 was completed Dec 13, 2023, and a determination of nonsignificance was issued on December 29, 2023



Suggested Work Session Discussion Topics

1. Review the proposed amendments and new sections within the staff report
2. Are the proposed amendments clear and digestible?
3. Is it easy to determine standards for developing in the floodplain and know what will be required?
4. Provide comments/questions to Staff



Next Steps

Planning Commission

- February 13, 2024 – Planning Commission hearing

City Council

- March 12, 2024 – City Council work session
- March 19, 2024 – City Council consideration

