CITY OF GARDEN CITY

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MEMORANDUM

DATE: For April 15, 2020 Meeting
TO: Planning and Zoning Commission
FROM: Development Service Staff
RE: Public Hearing: Garden City Code Flood Hazard Ordinance

REQUEST: Public Hearing- Recommendation to City Council

BACKGROUND: The Federal Emergency Management Agency (FEMA) has completed a Flood Insurance Study (FIS), which will necessitate that Garden City update Garden City Code Flood Hazard Ordinance to comply with current requirements as well as adopt the new Flood Insurance Rate Map (FIRM) and FIS before June 20, 2020. This item was discussed during the March 2020 Planning and Zoning Commission meeting.

It has been previously identified by State Floodplain Manager and FEMA that there are some deficiencies to Garden City's Flood Hazard ordinance. To ensure that the City ordinance addresses all required elements of the ordinance, the State's model ordinance was utilized as a basis for a draft amendment and noticed for hearings.

Finally the ordinance will be relocated in to design standards rather than being located in an overlay. Staff believes this to be a best practice.

The ordinance shows strike through to the model ordinance. The strike through may show in a number of colors depending on the individual's computer settings. The text that is shown in blue is FEMA required phrasing. Comments have been updated from the previous draft to identify why the changes have been made to the previous draft as well as removing comments that have been dealt with by reviewers.

CHANGES SINCE MARCH 18, 2020 DISCUSSION:

Since the discussion with the Planning and Zoning Commission comments from the Planning and Zoning Commission, City Engineer, FEMA, and IDWR have been incorporated into the draft. The notable changes include:

1. The Freeboard has been changed to 2' rather than the 1.5' proposed in the discussion draft.
2. A resolution will adopt work maps for regulations in the area of Seclusion
3. The areas that are shown as the floodway in the 2003 FIRMs that are shown as not in the floodway in the work maps will be treated as 100 year floodplain.
4. Critical Facilities:
    a. The maps that will determine critical facilities' requirements will be the FIS maps. Therefore, Critical facilities in seclusion shall still meet critical facility standards.

b. The State has recommended that the 500 year floodplain be considered in the review of critical facilities. Previously, the critical facilities regulations required that there be 3' of freeboard. It has been revised to state that critical facilities be 3' above BFE of the 100-year floodplain or 1' above BFE of the 500-year floodplain; whichever is greater.

5. Subdivision provisions were added.

NOTABLE CHANGES TO PROVISIONS PROPOSED IN THE DRAFT AS PREVIOUSLY DISCUSSED:

1. Seclusion: The FIRMS that are required to be adopted by June 20, 2020 show Garden City in Seclusion. Staff has suggested the following provision be incorporated into the Garden City ordinance: "Properties that are in seclusion status in the June 19, 2020 FIRM that otherwise show that they are in the floodplain or floodway in the 2018 Flood Insurance Study utilized for the creation of June 19, 2020 FIRM shall be required to meet the permitting and construction standards set forth by this Article for the designation identified in the 2018 Flood Insurance Study or provide and record an acknowledgement that they may be building to standards contradicted by best available data."

In 2011, FEMA updated the way flood hazards for non-accredited levee systems were analyzed and mapped. As a result, some FIRM maps include levees that are no longer eligible to be utilized in updated FIS, and thus the revised maps. Seclusion mapping was developed by FEMA as a process to allow the release of these impacted FIRM updates. Levee seclusion mapping will maintain the flood hazard information as depicted on the current effective FIRM (the FIRM in effect before this update) with map notes explaining that these flood hazards will be updated at a later time when the updated levee analysis and mapping approach is applied.

In other words, for Garden City, this means that the 2003 FIRMS maps considered levees in Garden City that can no longer be considered. However, FEMA will allow the previous 2003 FIRMs to be applied for regulatory purposes as well as insurance rates until the next time that the Lower Boise River is mapped by FEMA. This gives Garden City the opportunity to explore protective means that could be integrated into a future FIS.

The proposed FIS shows that 74% of Garden City is in the flood hazard (shown below in Figures 1-4). There is a 76% chance of flooding in a 70-year time frame. Should development utilize the 2003 FIRMs for development, there is the chance that the structures will be below BFE once the seclusion is lifted. If the structures are built below BFE, the insurance premiums would be substantially higher.

Figure 1: Garden City's West based on the FIS Model

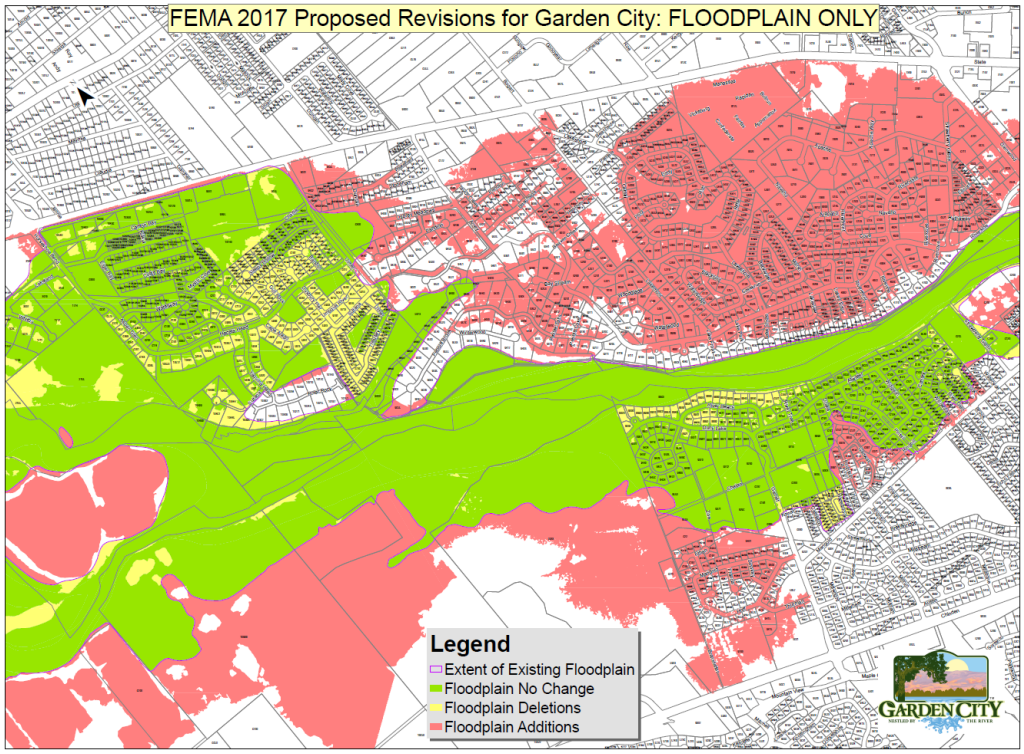


Figure 2: Garden City's Central based on the FIS Model

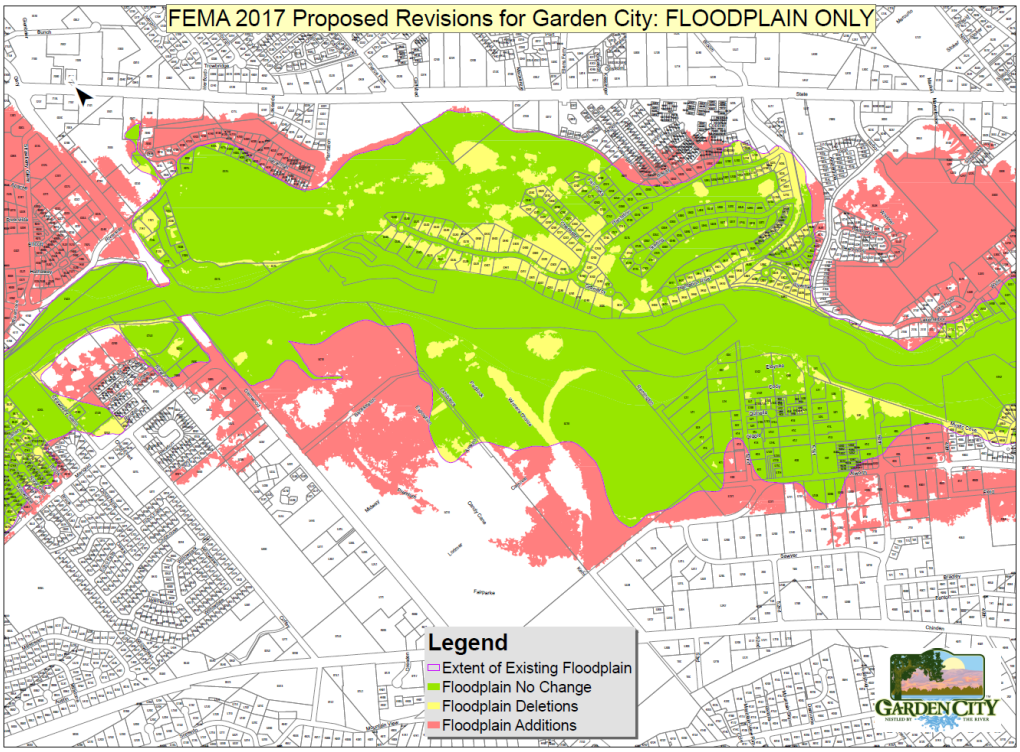


Figure 3: Garden City's Veterans Memorial Pkwy Area based on the FIS Model

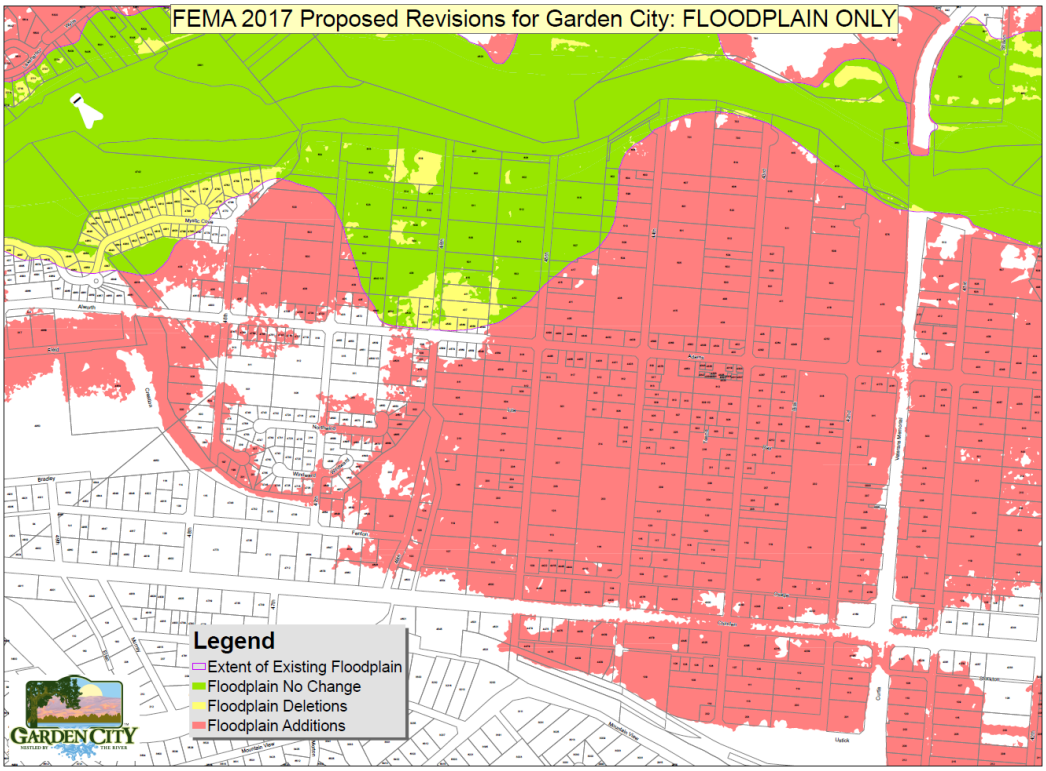
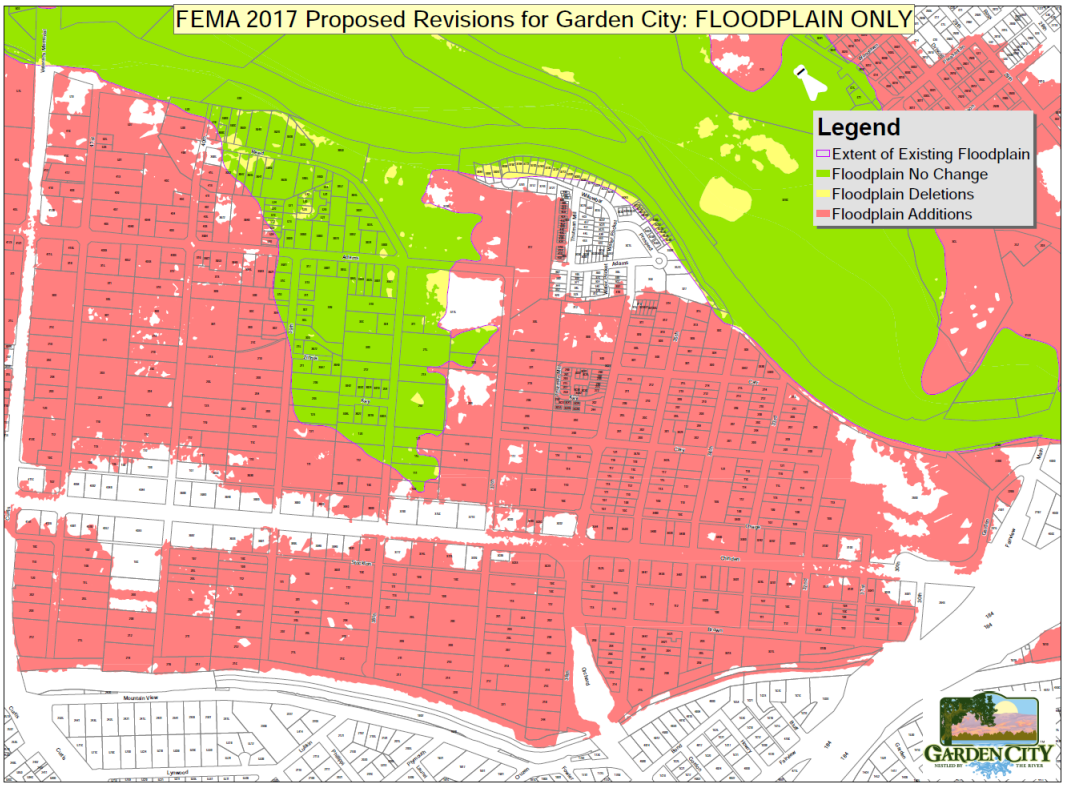


Figure 4: Garden City's Waterfront District Area based on the FIS Model



2. Language: There are certain definitions found within the current Garden City Flood Hazard Ordinance that do not coincide with FEMA's definitions. The draft ordinance, being based on the State model ordinance is intended to rectify any inconsistencies.

3. Variance: The current Flood Hazard Ordinance does not have provisions for a variance procedure specific to the floodplain. This is something that has been identified by the Idaho State Floodplain Administrator as being required. The draft ordinance proposes the State model ordinance variance procedures as drafted in the model ordinance.

4. Irrigation Permits: Previously it was understood that irrigation entities were exempted from the requirement to obtain floodplain permits. Staff understands that the State believes this to be in error. Neighboring jurisdictions are implementing a permitting process for irrigation entities. This is not found in the State model ordinance. The proposed Garden City ordinance utilizes language from the proposed City of Boise ordinance.

5. Freeboard: the draft ordinance proposes 2' of freeboard (previously proposed at 1.5').

Freeboard is the height above the Base Floodplain Elevation (BFE) that the construction takes place. Currently, Garden City Code requires that the construction commence at or above BFE, the Federal minimum. The State model ordinance recommends 2' above BFE.

It is more expensive to construct increased freeboard. However, if a structure is in the floodplain and has a federally backed loan, then the structure is required to have flood insurance. The premiums are considerably higher for structures at BFE than those built with freeboard (see below Figure 5). Moreover, when the FIS is updated, it is a possibility that BFEs may be determined to be different than the effective FIS. If a structure is built without freeboard, the probability increases that the structure would be lower than a new BFE. In this situation the flood insurance would be considerably higher. This could be a deterrent for the resale of the structure, reducing the overall value of the property.

The cities of Boise, Eagle, and Meridian are proposing 2' freeboard. Ada County is proposing 1.5' freeboard.

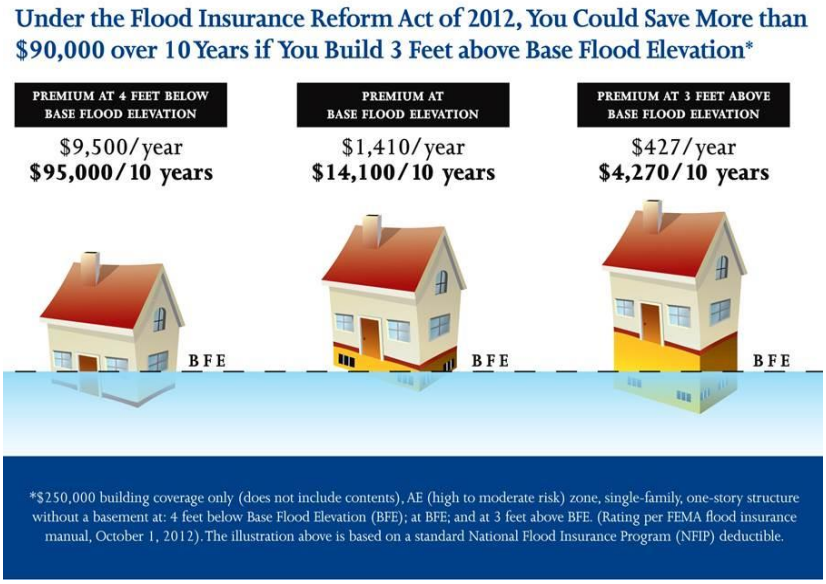



Figure 5: Flood Insurance Premium Slide received from Idaho Department of Water Resources