



## Agenda Statement

**File #:** ORD 19-0001 **Version:** 1  
**Type:** Ordinance **Status:** Passed  
**File created:** 12/26/2018 **In control:** City Council  
**On agenda:** 2/5/2019 **Final action:** 2/5/2019  
**Title:** #19-01 - Repealing and Reenacting Chapter 15.30 Relating to Flood Hazard Protection Regulations. Second Reading. Adoption.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-01 Repealing and Reenacting Chapter 15.30 of the Valdez Municipal Code Titled Flood Hazard Protection Regulations Final, 2. Floodplain Ordinance Notification Letter January 2019

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	approved	Pass
1/15/2019	1	City Council	introduced on first reading	Pass

### **ITEM TITLE:**

#19-01 - Repealing and Reenacting Chapter 15.30 Relating to Flood Hazard Protection Regulations. Second Reading. Adoption.

**SUBMITTED BY:** Kate Huber, Senior Planner

### **FISCAL NOTES:**

Expenditure Required: N/A  
Unencumbered Balance: N/A  
Funding Source: N/A

### **RECOMMENDATION:**

Approve Ordinance #19-01.

### **SUMMARY STATEMENT:**

The National Flood Insurance Program (NFIP) is a voluntary federal program that enables property owners in participating communities to purchase insurance protection against losses from flooding. It was established to reduce future flood damage through community floodplain management and to provide protection for property owners against potential losses.

In order for the City of Valdez to continue participation in the NFIP, we must adopt and enforce floodplain management regulations that reduce future flood risks to new construction in Special Flood Hazard Areas (SFHA). When we meet this requirement, the federal government makes flood insurance available within the community as a financial protection against flood losses. Our floodplain

ordinance must meet or exceed the federal standards.

The existing Title 15.30 was adopted in 1983 with the original Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) prepared for the City of Valdez. This ordinance update addresses changes in code that will support the recently adopted 2019 FIRMs and FIS. The changes are required to bring our code into compliance with the current federal requirements for NFIP participation. The FIRM and FIS establish the areas of special flood hazard and associated base flood elevations referenced throughout Title 15.30.

The ordinance before you is based on the Federal Emergency Management Agency (FEMA) model and includes provisions that encourage sound floodplain management and allow for property owners to obtain flood insurance at a more affordable rate.

To ensure participation in the NFIP, federal law requires that all residential structures within the SFHA have the lowest floor elevated to or above the base flood level. In addition to the minimum requirement, FEMA strongly recommends that new residential structures in Alaska have the lowest floor elevated to one foot or more above the base flood level. We have included the FEMA recommendation in this ordinance. If the City were to further increase the residential building standard, or increase the standard for non-residential construction above the BFE, homeowners and businesses could receive a reduction in the cost of their flood insurance.

When reviewing the proposed changes to the existing flood hazard reduction ordinance, it is important to remember that the changes will only apply to new or substantially improved structures within the SFHA. A substantial improvement is defined as “any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure.” Structures constructed before the adoption of this ordinance will not be required to meet the new standards, unless a substantial improvement takes place.

Although not required by code, a notification letter was mailed on January 9, 2019 to the owner of each property that intersects the SFHA, as established by the 2019 FIRM.

Other changes to note:

**Definitions:** The new ordinance draft includes a definition section. The definitions included only apply to the provisions of Title 15.30 and are intended to make the code easier to understand.

**Mobile homes:** New mobile homes will require a permanent foundation. This is required by federal regulations.

**Permit fee:** This section is included in the FEMA model ordinance and gives the city the option to charge a permit fee. This ordinance does not establish a fee - council would have to approve such a decision via resolution.

**New flood zones:** Sections have been added to the ordinance that establish standards for new flood zones including areas of shallow flooding (AO zones) and coastal high hazard areas (V zones).

**Critical facility:** The new ordinance draft includes a provision to require that the construction of new critical facilities be, to the extent possible, located outside the special flood hazard area. New critical facilities constructed within the SFHA would need to meet additional higher standards. Critical facilities include schools, nursing homes, hospitals, emergency response installations and installations that use or store hazardous materials.

The bulk of other changes included in this ordinance are to the structure or language and are intended to make the provisions more clear.

Given the natural hazards that face the community of Valdez, participation in the National Flood Insurance Program is an important public service facilitated by the City. Ordinance #19-01 is written to both meet the federal requirements for our continued participation in the NFIP and to reduce potential damages from future flooding.