



## Legislation Text

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**File #:** 17-0030, **Version:** 1

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### **ITEM TITLE:**

Approval of Preliminary Plat (SUBD# 17-01) of Anderson Robe River Subdivision with the following conditions: 1) The preliminary FIRM database must be used as best available data to delineate flood-zones on this plat prior to final approval. 2) A note shall be included on the plat, stating that “the property within Flood Zone A, as identified by the Federal Emergency Management Agency, shall be required to comply with Federal Regulations.” Applicant: Daniel Anderson

**SUBMITTED BY:** AnnMarie Lain, Sr. GIS/Planning

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

Approve Preliminary Plat (SUBD# 17-01) of Anderson Robe River Subdivision with the following conditions: 1) The preliminary FIRM database must be used as best available data to delineate flood-zones on this plat prior to final approval. 2) A note shall be included on the plat, stating that “the property within Flood Zone A, as identified by the Federal Emergency Management Agency, shall be required to comply with Federal Regulations.”

### **SUMMARY STATEMENT:**

Daniel Anderson is the owner of Lots 6,7,8 and 9 of Block 1, Robe River Subdivision. The purpose of this subdivision is to combine four lots into three to better utilize available building space for residential buildings and utilities.

This approval was postponed until we received direction from FEMA on the utilization of preliminary FIRM data. The attached email confirms that requiring the use of the data from the preliminary FIS and FIRM when it is more restrictive than the current effective information is required.

Over the last several years FEMA has been working with the City to gather data on floodplains in an extensive effort to update the FEMA-issued Flood Insurance Rate Maps (FIRM). The regulatory FIRM identifies the Community's flood zones, base flood elevations, and floodplain boundaries. This map is used to determine where the purchase of flood insurance is required for properties with federally-backed mortgages and is used by Staff to determine areas of development requiring floodplain development permits. The Regulatory maps that the City uses to determine Special Flood Hazard

Areas were done in 1983 with limited quality data. FEMA released the preliminary FIRM on September 15<sup>th</sup>, 2016. The preliminary FIRM signifies significant changes for Lots 6,7,8, and 9 by placing the majority of this subdivision (SUBD #17-01) in a Special Flood Hazard Area.

Federal Regulation Section 44 CFR 60.3(b)(4) requires communities to “obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources.” As outlined by FEMA, “Data obtained are to be used by communities as criteria for requiring that new construction and substantial improvements have their lowest floors elevated to or above the BFE (Base Flood Elevation) and for prohibiting any encroachments in a floodway that would result in any increase in flood levels during occurrence of the base flood discharge. The data obtained should be used as long as they reasonably reflect flooding conditions expected during the base flood, are not known to be scientifically or technically incorrect, and represent the best data available. **Data from a draft or preliminary Flood Insurance Study (FIS) constitute available data under 44 CFR 60.3(b)(4).**”

As for Zone A, areas designated on the community's draft or preliminary FIS constitute available data under Subparagraph 60.3(b)(4). Staff has requested the surveyor to make the following changes to the plat as a condition of preliminary approval prior to final plat approval:

☐ The preliminary FIRM database must be used as best available data to delineate flood-zones on this plat.

☐ A note shall be included on the plat, stating that “The property within Flood Zone A, as identified by the Federal Emergency Management Agency, shall be required to comply with Federal Regulations.”

Notice was sent to all property owners within 300 feet of the property per Section 16.04.090 of the Valdez Municipal Code on December 13th, 2016.

16.04.090 Notification requirements.

A. A notice shall be sent by mail at least ten days prior to the first scheduled meeting of the Planning and Zoning commission to consider the preliminary plat approval to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel described in the application for subdivision.

B. Consideration of Evidence: The Planning and Zoning Commission shall hear and consider evidence and facts from any person during preliminary and final plat approval or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such subdivision of land.

Staff has not received any comments from adjacent land owners or other notified agencies.

Staff recommends the Planning and Zoning Commission approve preliminary plat (SUBD #17-01) of Anderson Robe River Subdivision with the outlined conditions.