

Council Communication

February 21, 2017, Business Meeting

Second Reading of an ordinance amending the Flood Plain Corridor Lands Map

FROM:

Bill Molnar, Director of Community Development, bill.molnar@ashland.or.us

SUMMARY

To amend the City of Ashland Physical and Environmental Constraints Flood Plain Corridor map to reflect changes in the Federal Emergency Management Agency's Flood Insurance Rate Maps, providing consistency with Chapter 18.3.10 (Development Standards for Flood Plain Corridor Lands) and Chapter 15.10 (Flood Damage Prevention Regulations) of the Ashland Municipal Code.

BACKGROUND AND POLICY IMPLICATIONS

The City Council held a public hearing and approved first reading of the proposed ordinance on February 7, 2017, without amendment.

Ashland's Land Use Ordinance (Ch. 18.3.10: Development Standards for Flood Plain Corridor Lands), and Building Code (Ch. 15.10: Flood Damage Prevention Regulations), both contain requirements relating to development within the 100 year floodplain, and each specifically references the FEMA Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Jackson County and Incorporated Areas. A Revised FIS was completed for Jackson County and will go into effect on April 5, 2017.

The floodplain changes reflected in the new FIRM maps only impact properties along Neil Creek along the eastern perimeter of the city. Neil Creek's floodplain was remapped by FEMA as new topographic data was made available through a near infrared based light detection and range survey (LIDAR). This more precise topographic survey method allowed FEMA to update the FIS based on the revised elevations. Other regulated creeks within Ashland's City Limits (Ashland Creek, Bear Creek, Kitchen Creek, Tolman Creek, Cemetery Creek, Clay Creek, and Hamilton Creek) were not remapped by FEMA and their floodplains are therefore unchanged from those adopted in 2011.

Properties that contain lands within the Neil Creek 100 year floodplain are primarily outside Ashland's City Limits and therefore have been notified by Jackson County of the pending FIRM changes. Within the city limits the only property affected by an increase in the area designated as 100 year floodplain is the City of Ashland Municipal Airport. The Neil Creek floodplain on other properties within the City of Ashland is to be reduced in area by the revised map. A detail map is provided as an attachment that illustrates where the Special Flood Hazard area (100 year floodplain) is being reduced, and the area on the Ashland Airport property where it is increasing.

The National Flood Insurance Program (NFIP) supports local communities in their efforts to reduce the risk and consequences of serious flooding. In order to participate in the NFIP, a community must agree



to adopt and enforce sound floodplain management regulations and ordinances. In exchange for these practices, FEMA makes flood insurance available to homeowners, business owners and renters in these communities.

The City of Ashland does not provide an evaluation of insurance needs for properties within the City. However information is available through FEMA's website that can assist individuals in determining how their properties classification within a Special Flood Hazard Zone may impact both their needed coverage and corresponding rates: <http://www.floodsmart.gov>. Ultimately residents and business owners are advised to contact their insurance agents to determine how the newly mapped FEMA floodplains may impact their coverage needs and premium rates.

The City is a voluntary participant in the Community Rating System (CRS) which is a program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program (NFIP) requirements. As a result of participation in the CRS program, flood insurance premium rates in Ashland are currently discounted 15% throughout the City. Adoption of the proposed Flood Insurance Rate Maps, and Flood Insurance Study will allow Ashland to continue our efforts to regulate development within floodplains in a manner that effectively reduces flood risk, and residents will remain eligible for flood insurance.

COUNCIL GOALS SUPPORTED:

Goal 11: *Prepare the community for natural and human-made disasters.*

FISCAL IMPLICATIONS:

N/A

RECOMMENDATION AND REQUESTED ACTION:

The Planning Commission held a public hearing on January 24, 2017, to review the proposed ordinance and revised Flood Plain Corridor Map. The Commission unanimously recommended the Council approve planning action 2017-0024 adopting the revised FIS and FIRM maps.

Staff recommends that the Council approve second reading of the proposed ordinance.

SUGGESTED MOTION:

I move approval of second reading by title only of an ordinance titled, "An ordinance amending the Flood Plain Corridor Lands Map referenced in Chapter 18.3.10 of the Ashland Municipal Code, and, adopting by reference the Federal Insurance Administration's April 5, 2017 Flood Insurance Study and Flood Insurance Rate maps for Jackson County and incorporated areas".

ATTACHMENTS:

- Draft Ordinance adopting the 2017 FIRM and FIS and amending Ashland's official Flood Plain Corridor Map.
- Planning Staff Report PA#2017-00024
- FEMA 100 year flood plain comparison map for Neil Creek

Due to the size of the full FIS and Flood Insurance Rate Maps (FIRM), these documents are not included as printed attachments to this Council Communication, but are available electronically at the links below:



- [2017 Flood Insurance Study](#) (large file - 16MB – 298 pages)
- [2017 FEMA Flood Insurance Rate Maps](#) (large file - 12MB)



ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE FLOOD PLAIN CORRIDOR
LANDS MAP REFERENCED IN CHAPTER 18.3.10 OF THE
ASHLAND MUNICIPAL CODE, AND ADOPTING THE FEDERAL
INSURANCE ADMINISTRATION'S APRIL 5, 2017 FLOOD
INSURANCE STUDY AND ACCOMPANING FLOOD INSURANCE
RATE MAPS FOR JACKSON COUNTY OREGON AND
INCORPORATED AREAS**

Annotated to show deletions and <u>additions</u> to the code sections being modified. Deletions are bold lined through and additions are <u>bold underlined</u> .

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession;

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975);

WHEREAS, the Federal Emergency Management Agency (FEMA) published a Flood Insurance Study (FIS), and Flood Insurance Rate Maps (FIRMS) to be effective on April 5, 2017 for Jackson County, Oregon and the incorporated areas;

WHEREAS, the City of Ashland is a participant in the National Flood Insurance Program, and each participating community is responsible for planning, adoption and enforcement of regulations to accomplish proper floodplain management;

WHEREAS Adoption of FEMA's Flood Insurance Studies and Flood Insurance Rate Maps benefits fiscal sustainability as it enables the City's continued participation in the NFIP, qualifying the City for Federal assistance and making flood insurance available for property owners.

WHEREAS, notice of the proposed Ordinance Amendment was sent to the Department of Land Conservation and Development (DLCD) as required by State law;

WHEREAS, the Planning Commission of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on January 24, 2017;

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the above-referenced amendments on February 7, 2017;

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter;

WHEREAS, the City Council of the City of Ashland has determined that in order to protect life and property from flooding and flood hazards, and manage the areas subject to flooding to protect the public's interest, it is necessary to amend the Flood Plain Corridor Lands Map, as referenced in Chapter 18.3.10 of the Ashland Municipal Code, to be consistent with the Federal Insurance Administration's Flood Insurance Rate Map (FIRM); and

WHEREAS, the City Council of the City of Ashland has determined that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The City of Ashland hereby adopts the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) dated "Revised April 1, 2017", and the Flood Insurance Rate Maps (FIRMS) for Jackson County, Oregon and the incorporated areas dated "Revised April 5, 2017"

SECTION 3. The officially adopted City of Ashland Physical and Environmental Constraints Flood Plain Corridor Map, referenced in Chapter 18.3.10.060.A of the Ashland Municipal Code, is hereby amended to reflect the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS) designated 100 year Floodplain boundaries within Ashland to be effective on April 5, 2017.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2017, and duly PASSED and ADOPTED this _____ day of _____, 2017.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2017.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

ASHLAND PLANNING DIVISION
STAFF REPORT
January 24, 1017

PLANNING ACTION: #2017-00024

APPLICANT: City of Ashland

LOCATION: FEMA regulated Neil Creek Floodplain

ORDINANCE REFERENCES:

18.5.9 Comprehensive Plan, Zoning, and Land Use Ordinance Amendments

18.3.10.080 Development Standards for Flood Plain Corridor Lands

15.10 Flood Damage Prevention Regulation

REQUEST: To amend the City of Ashland Physical and Environmental Constraints map to reflect changes in the FEMA Flood Insurance Rate Maps relating to the Neil Creel 100 year floodplain, to provide consistency with Chapter 15.10 (Flood Damage Prevention Regulations) of the Ashland Municipal Code and federal regulations regarding building within the 100 year floodplain.

I. Relevant Facts

A. Background - History of Application

A Flood Insurance Study (FIS) was completed for Jackson County which evaluated flood hazards, floodway boundaries, and water surface elevations of the base flood utilizing the most current topographic information available, and current computer modeling of flood inundation scenarios. The result of this study is the creation of the new Digital Flood Insurance Rate Map (FIRM) which is the official map issued by the Flood Insurance Administration delineating the areas of special flood hazard.

Ashland's Land Use Ordinance includes standards for development within floodplain lands (18.3.10) , and Ashland's Building Code (15.10) contains specific requirements for construction within the Federal Emergency Management Agency (FEMA) 100 year floodplains. The land use code specifically defines the Flood Plain Corridor Lands as areas within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Rate Map (FIRM) (18.3.10.060.A).

FEMA is preparing to issue a letter of Final Determination to Jackson County and the City of Ashland stating that new Flood Insurance Rate Map (FIRM) will become effective on April 1, 2017. Prior to the effective date of the new FIRM the City shall have completed its local adoption process to modify our Physical and Environmental Constraints map to accurately reflect FEMA's revised 100 year floodplains.

The floodplain changes reflected in the new FIRM maps only impact properties along Neil Creek along the eastern perimeter of the city. The FIRM floodplain designations for the other regulated creeks within Ashland's City Limits (Ashland Creek, Bear Creek, Kitchen Creek, Tolman Creek, Cemetery Creek, Clay Creek, Hamilton Creek) are unchanged from those adopted in 2011. Of those properties that contain lands within the newly defined Neil Creek 100 year floodplain the majority are outside Ashland's City Limits and therefore have been notified by Jackson County of the pending FIRM changes. Within the city limits the only property affected by an increase in the area designated as 100 year floodplain is the City of Ashland Airport. The Neil Creek floodplain on other properties within the City of Ashland is to be reduced in area by the revised designation. A detail map is provided as attachment that illustrates where the 100 year floodplain is being reduced, and the area on the Ashland Airport property where it is increasing.

B. Detailed Description of the Site and Proposal

Staff has been coordinating with FEMA and the Department of Land Conservation and Development since mid-2016 regarding the FIRM updates. The following modifications were made for the FIRM update in Ashland:

- Update of the "Flood Insurance Study for Jackson County and Incorporated Areas" containing the scientific and engineering data and analysis for establishing the flood zones. The delineated Special Flood Hazard areas including the 100 and 500 year floodplains have been modified Neil Creek for within and adjacent to Ashland's City Limits. Ashland Creek, Bear Creek, Kitchen Creek, Tolman Creek, Cemetery Creek, Clay Creek, and Hamilton Creek have not been modified from the previously approved 2011 FIRM update, or Letters of Map Amendment (LOMA) that have been approved subsequent to 2011.
- The City of Ashland Flood Plain Corridor Map has been updated to illustrate changes to the Neil Creek 100 year floodplain.
- No changes to the Land Use Ordinance (Ch. 18), or local Building Code (Ch. 15) are proposed as numerous amendments were made in 2011 to address State and Federal requirements.

II. Project Impact

A. Regulated Area

The City of Ashland Physical and Environmental Constraints ordinance classifies flood plain corridor lands as including:

- Land contained within the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM)
- Land within the area defined as Flood Plain Corridor Land in maps adopted by the Council (the official Physical and Environmental Constraints Floodplain

Corridor Land Map)

- Lands which have physical or historical evidence of flooding in the historical past.
- All areas within 20 feet (horizontal distance) of any stream identified as a Riparian Preservation Creek on the Physical and Environmental Constraints Floodplain Corridor Lands Map.
- All areas within ten feet (horizontal distance) of any stream identified as a Land Drainage Corridor on the Physical and Environmental Constraints Floodplain Corridor Lands Map.

Of these five distinct areas the proposed map changes to adopt the new Digital FIRMS only relate to the delineation of the 100 year Floodplain. Adoption of the proposed changes to Ashland's Flood Plain Corridor Lands Map will provide consistency between the official city map, and the 100-year Flood Plain as defined by the Federal Insurance Administration and identified in the Flood Insurance Map (FIRM). Other water resource protection zones including riparian protection zones, wetlands, and areas of historic flooding remain regulated and are not modified by this planning action.

The FEMA regulated floodplains include areas along Ashland Creek, Bear Creek, Kitchen Creek, Neil Creek, Tolman Creek, Cemetery Creek, Clay Creek, and Hamilton Creek. Given the scope of changes to the 2017 FIRM maps only affect the Neil Creek floodplain, the Ashland Municipal Airport is the only property within the City Limits will be impacted by an increase in the area designated as being within the 100 year floodplain. Other properties along Neil Creek, both within the City Limits, and within the County, will see a reduction in the area regulated as 100 year flood plain following adoption of the revised FIRMs.

Detailed comparison maps showing the areas where the FEMA 100 and 500 year floodplain have been remapped to expand or contract are included as attachments to this staff report.

B. Insurance Rates

The City of Ashland is a jurisdiction that exceeds the National Flood Insurance Programs (NFIP) minimum requirements for implementing protections in special flood hazard areas. Due to these efforts the City is ranked highly in the NFIP Community rating system which entitles residents to purchase NFIP insurance and receive a 15% reduction in flood insurance rates. Adoption of the model code language into the Municipal Code in 2011 furthered Ashland's efforts to address structural and non-structural developments regulated by the NFIP and maintain Ashland's status as a participating jurisdiction.

Adjustments to the 100 and 500 year floodplain may impact flood insurance rates for individual properties within the special flood hazard areas. In cases where the land area delineated as within a flood zone is reduced as a result of the FIRM changes

insurance costs could decrease. In cases where the flood zone area is increased on a property, or moved into a higher risk classification, they could see an increase in insurance premiums. In the event an increase in insurance rates is anticipated due to adjustments in the flood zone location or area property owners are well advised to work with their insurer and the NFIP to determine if they can “grandfather” in their existing rates.

C. Planning Commission Deliberations

The Planning Commission makes a recommendation on the Map amendments to the City Council and the City Council makes the final decision.

III. Procedural - Required Burden of Proof

18.5.9.020 Applicability and Review Procedure

Applications for Plan Amendments and Zone Changes are as follows:

- B. Type III.** It may be necessary from time to time to make legislative amendments in order to conform with the Comprehensive Plan or to meet other changes in circumstances or conditions. The Type III procedure applies to the creation, revision, or large-scale implementation of public policy requiring City Council approval and enactment of an ordinance; this includes adoption of regulations, zone changes for large areas, zone changes requiring comprehensive plan amendment, comprehensive plan map or text amendment, annexations (see chapter 18.5.8 for annexation information), and urban growth boundary amendments. The following planning actions shall be subject to the Type III procedure.
1. Zone changes or amendments to the Zoning Map or other official maps, except where minor amendments or corrections may be processed through the Type II procedure pursuant to subsection 18.5.9.020.A, above.
 2. Comprehensive Plan changes, including text and map changes or changes to other official maps.
 3. Land Use Ordinance amendments.
 4. Urban Growth Boundary amendments.

IV. Conclusions and Recommendations

Staff supports the revisions to the official Physical and Environmental Constraints map as proposed. The map changes are warranted due to the change in conditions as reflected in the Flood Insurance Study completed by FEMA in 2016 and to correspond to the FEMA Flood Insurance Rate Maps. Should the revised Flood Insurance Rate Maps amendments not be adopted, the City would not conform to federal regulations regarding development within the flood hazard areas.

Attachments:

- Draft Ordinance adopting the FIS and Revised Firm Maps
- 2017 FEMA 100 Year Flood Plain Neil Creek Comparison Map
http://www.ashland.or.us/SIB/files/2017_NeilCreek_FIRM_update.pdf

Electronic Link attachments – very large files

- 2017 FEMA Flood Insurance Rate Maps (12Mb)
http://www.ashland.or.us/SIB/files/Revised_FIRM_maps_2017.pdf
- 2017 Flood Insurance Study (16Mb)
http://www.ashland.or.us/SIB/files/2017_FIS_41029CV00_full.pdf

