



TO: Elizabeth A. Pauli, City Manager
FROM: Sue Coffman, Building Official, Planning and Development Services
Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance - Amending TMC 2.02, 2.19, and 2.22 Related to Floodplain Management -
December 7, 2021
DATE: November 18, 2021

SUMMARY AND PURPOSE:

An ordinance amending Chapters 2.02, 2.19 and 2.22 of the Municipal Code, relating to the Building, Site Development, and Right-of-Way Development Codes, to modify requirements of the City's floodplain management, and correct code section numbers and clarify decision making where there are code conflicts, to comply with the State of Washington's floodplain ordinance, as required by the Department of Ecology.

BACKGROUND:

In April 2020, the Department of Ecology's (Ecology) Floodplain Management division performed a Community Assistance Contact (CAC) to review the City's floodplain management program for conformance with the Federal Emergency Management Agency's (FEMA) National Floodplain Insurance Program (NFIP). The review included the City's floodplain management ordinance related to development permitting, which is within Tacoma Municipal Code (TMC) 2.02 Building Code. Ecology's review found that the City's floodplain development regulations are largely consistent with the State's model flood damage prevention ordinance with the exception of restrictions within the floodway related to water wells and new or substantially remodeled residential homes. The proposed amendments to TMC 2.02 incorporate the model ordinance restrictions, and Ecology has stated the City's floodplain ordinance will be fully compliant with the NFIP with these additions to the code. The changes need to be incorporated in the City's ordinance by December 31, 2021 in order to be considered in good standing with the NFIP.

Additional amendments to TMC 2.02, 2.19, and 2.22 are also included which are administrative changes that correct code section numbers and clarify decision making where there are code conflicts.

Planning and Development Services (PDS) staff provided a briefing to the IPS committee on November 17, 2021, and received a recommendation to advance this ordinance for full council consideration.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

PDS reviewed the detailed regulation changes with the city-appointed Board of Building Appeals. The Board voted unanimously to recommend the City Council's approval of the proposed changes. PDS also reached out to some members of the following community organizations/stakeholders to inform them of the proposed changes and invite any comments or questions to City staff: Master Builder's Association of Pierce County, Tacoma Permit Advisory Task Force, Chamber of Commerce Industrial Council, and Port of Tacoma.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

FEMA's national floodplain insurance is only available to homeowners and businesses who reside within one of the 23,000 communities across the country participating in the program who actively regulate development in



compliance with their State’s program. The availability of access to national flood insurance removes disparities that may be caused by requiring these homeowners and businesses to use private flood insurance, which is much more costly. In addition, regulating development according to the State’s model ordinance ensures that all homes and businesses within our community are built in compliance with code requirements that protect them from the impact of floods.

Economy/Workforce: *Equity Index Score:* Moderate Opportunity

Increase the number of infrastructure projects and improvements that support existing and new business developments.

Increase positive public perception related to the Tacoma economy.

Civic Engagement: *Equity Index Score:* Moderate Opportunity

Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Livability: *Equity Index Score:* Moderate Opportunity

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Decrease the percentage of individuals who are spending more than 45% of income on housing and transportation costs.

Explain how your legislation will affect the selected indicator(s).

Homes and businesses that are compliant with current local floodplain regulations are eligible for lower flood insurance rates. By participating in the NFIP program, the City’s homeowners and businesses are eligible for these rates. In addition, FEMA provides mitigation funding to reduce impacts of flooding in problem areas of the community. Funds are provided where the need is greatest, and when reviewing prospective projects for mitigation funding of flood prone areas, Ecology places more importance on improving those areas with vulnerable communities.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Not make any changes to the TMC.	None identified.	The City’s floodplain ordinance would not be in compliance with FEMA’s NFIP. Our community may lose eligibility for FEMA assistance during floods as well as private citizen’s eligibility for national floodplain insurance, which affects mortgage lending with government backed loans.



EVALUATION AND FOLLOW UP:

Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance. The proposed code changes need to be in effect by the end of December 2021 for the City to be considered in good standing with the NFIP program. If the City does not update their floodplain management codes, any homeowners or commercial businesses in mapped floodplain areas will be unable to obtain national floodplain insurance for their buildings and structures, nor will the City be eligible for assistance and funding from FEMA after a flood.

STAFF/SPONSOR RECOMMENDATION:

PDS staff recommend adoption of the proposed amendments to the City's floodplain codes in TMC 2.02, along with administrative changes in Titles 2.02, 2.19, and 2.22. The effective date should be no later than December 31, 2021, to comply with Ecology's timeline for the City to comply with the program. These amendments incorporate required changes identified by Ecology for the City to be in compliance with the state's NFIP model ordinance, and for our community to be eligible for floodplain insurance.

FISCAL IMPACT:

There is no fiscal impact at this time. As stated previously, if the City is out of compliance with the NFIP, our community's homeowners and businesses will not be able to purchase flood insurance through the national FEMA program, and will have to purchase more expensive private insurance. The City would also lose eligibility for mitigation funding of flood prone areas.