




TO: Elizabeth A. Pauli, City Manager
FROM: Peter Huffman, Planning and Development Services Director 
COPY: Infrastructure, Planning and Sustainability Committee; Michael P. Slevin III, P.E.;
Claire Goodwin
PRESENTER: Sue Coffman, P.E., CBO, CFM, Planning and Development Services Building Official
SUBJECT: FEMA Floodplain Code Updates
DATE: November 17, 2021

PRESENTATION TYPE:

Request for Ordinance

SUMMARY:

Planning and Development Services (PDS) will present an ordinance proposal to adopt amendments to Tacoma Municipal Code (TMC) Title 2.02 to modify requirements of the City’s floodplain management ordinance. The Department of Ecology recently performed a review of the City’s floodplain management program, including the code requirements in the TMC, and are requiring updates for compliance with the State of Washington model floodplain ordinance. In order to remain in good standing with FEMA’s National Floodplain Insurance Program (NFIP), the City is required to adopt these code changes by the end of December 2021.

BACKGROUND:

Flood insurance is available to anyone living in one of the 23,000 participating NFIP communities across the country. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance. FEMA manages the NFIP and provides flood insurance to eligible communities. The agency not only helps the individual homeowners and businesses recover faster after a flood, but also provides management and resources to communities during the recovery period. In addition, to help communities lower the risk of future floods, FEMA provides funding for mitigation of flood prone areas, training, updating maps, and many other services to protect communities from the damages of floods.

Last December, the Department of Ecology’s Floodplain Management division notified the City of Tacoma that they would be performing a Community Assistance Contact (CAC) to discuss the implementation of the NFIP in our community. Washington’s Department of Ecology manages the floodplain program for our state, and develops a model floodplain ordinance that provides the codes and requirements communities adopt and enforce a compliant local floodplain ordinance in order for their citizens to be eligible for NFIP floodplain insurance. The City of Tacoma’s floodplain ordinance is in TMC Title 2 – Building Code and is updated on a regular basis to maintain compliance with NFIP. Planning and Development Services manages the adoption, implementation, and enforcement of the City’s floodplain regulations through the review and approval of permits for development.

Ecology’s CAC occurred in April 2020. The CAC is a form of technical assistance that allows Ecology, as the state coordinating agency working on behalf of FEMA, to meet with the City to review their floodplain management regulations and permitting procedures, current flood insurance rate maps, floodplain management violations within the city limits, and any needed training or areas of concern. Ecology’s review of the City of Tacoma’s floodplain development regulations found that the City’s floodplain development regulations are largely consistent with the Washington model flood damage prevention ordinance with only a few minor exceptions as follows:



- Model ordinance section 5.1-4(2): “Water wells shall be located on high ground that is not in the floodway.”
- Model ordinance section 5.4-2: “Construction or reconstruction of residential structures is prohibited within designated floodway.”

A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. The City has incorporated FEMA’s floodplain and floodway maps in its GIS maps and requires any development comply with TMC 2.02 floodplain regulations.

ISSUE:

Although the City’s critical area regulations would prevent any permanent impacts in the floodway and effectively comply with the State’s model ordinance, the City is required to update the floodplain management regulations within Title 2.02 Building Code to fully comply with the NFIP requirements. The code must restrict development within the city’s mapped floodways, and restrictions are proposed in two sections of TMC 2.02 for residential and commercial buildings and structures. The proposed changes to Title 2.02 have been reviewed by Ecology’s floodplain management representative who has stated that the City’s ordinance will be in compliance with the State’s model ordinance with the proposed changes. The 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.

ALTERNATIVES:

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.

FISCAL IMPACT:

There is no fiscal impact at this time. As stated in the Alternatives, 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.

RECOMMENDATION:

Planning and Development Services recommends adoption of the proposed amendments to the City’s floodplain codes in TMC 2.02, and requests the Infrastructure, Planning and Sustainability Committee vote to forward recommendations to the full City Council. These amendments incorporate required changes identified by the Department of 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.