

# FLOOD DAMAGE PREVENTION ORDINANCE



GREATER SALT LAKE  
**Municipal Services  
District**

Planning & Development Services

File # OAM2022-000667

## **Ordinance Amendment Adopting a Flood Damage Prevention Ordinance**

**Public Body:** Salt Lake County Council

**Property Address:** Countywide Applicability

**Request:** Consideration of an Ordinance Enacting Chapter 19.73 of the Salt Lake County Code Entitled Flood Damage Prevention and bring County floodplain regulations into consistency with updated FEMA Regulations.

**Date of Report:** October 6, 2022

**Planner:** Brian Tucker, Planning Manager

**Planning Staff Recommendation:** Approval

**Applicant:** Salt Lake County Engineering and the Greater Salt Lake Metropolitan Service District

# NATIONAL FLOOD INSURANCE ACT OF 1968

- Enacted by Congress to minimize both flood damage and the financial impacts of floods on individuals and federal, state, and local governments
- Established the National Flood Insurance Program (NFIP)
- Communities with flood-prone areas are mapped with a Flood Insurance Rate Map (FIRM) issued by FEMA
- Communities may then choose to participate in the NFIP
- Participation in the NFIP makes property owners in the community eligible to purchase federally backed flood insurance and receive other benefits not available in nonparticipating communities

# NATIONAL FLOOD INSURANCE PROGRAM

- The NFIP is a voluntary program administered by FEMA
- In return for insurance availability, communities must adopt and enforce minimum floodplain management requirements within the Special Flood Hazard Area of the community
- These requirements are designed to prevent new development from increasing the flood threat and to protect new and existing buildings from anticipated flooding
- Salt Lake County has elected to join the program, participate, and enforce a Flood Damage Prevention Ordinance, as well as the requirements and regulations of the NFIP

# PROBLEM

- In recent years FEMA has remapped much of Salt Lake County, using more accurate elevation and other data than was available when the previous FIRM maps were created in the 1980's
- In addition to the new maps, FEMA is evaluating the floodplain regulations adopted by the various jurisdictions for compliance with updated FEMA regulations
- FEMA has created a new model ordinance for communities to use as the basis for their floodplain regulations
- Zach Shaw from the DA's office has taken that model code and adapted it to Salt Lake County
- Mr. Shaw has distributed a number of drafts for comment to the MSD, Salt Lake County Engineering and Salt Lake County Flood Control
- Mr. Shaw then sent the modified draft to FEMA for an evaluation, and FEMA representatives support the draft

# MIGRATORY BIRD PRODUCTION AREAS

- Utah Code amended to allow the creation of migratory bird production areas
- One provision is that local jurisdictions can not enact a zoning regulation that applies to a migratory bird production area without written approval from all the landowners within the migratory bird production area
- For this reason, Staff propose that Chapter 19.74, Floodplain Hazard Regulations continue to apply to the migratory bird production area
- The proposed Chapter 19.73, Flood Damage Prevention Ordinance, would apply to the rest of the unincorporated county

## PROPOSED ACTION - TWO FLOODPLAIN ORDINANCES

- MSD, Salt Lake County Engineering and Flood Control, and the DA's Office request that the Planning Commission recommend approval of Chapter 19.73, the Flood Damage Prevention Ordinance
- Chapter 19.73 to special flood hazard areas within unincorporated Salt Lake County, except for established as migratory bird production areas
- Chapter 19.74, Floodplain Hazard Regulations, would be effectively unchanged and apply only to the designated migratory bird production areas

## ORDINANCE DIFFERENCES

- Proposed Chapter 19.73 differs from the existing 19.74 primarily in the amount of detail and specificity included in 19.73 as a result of FEMA's model ordinance
- Proposed Chapter 19.73 includes definitions that are lacking in 19.74, along with specific regulations for floodways, enclosures, crawlspaces, recreational vehicles, areas of shallow flooding and coastal areas
- Proposed Chapter 19.73 also includes more detailed regulation for subdivisions and manufactured homes within the special flood hazard areas

# PLANNING COMMISSION RECOMMENDATION

- Salt Lake County Planning Commission held a public hearing on October 12, 2022
- Planning District Planning Commission held a public hearing on October 6, 2022
- Both Planning Commissions recommended the Salt Lake County Council adopt the ordinance as presented



## STAFF RECOMMENDATION

- MSD, Salt Lake County Engineering and Flood Control, and the DA's Office request that the Planning Commission recommend approval of the proposed ordinance to the Salt Lake County Council