

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