



ISLAND COUNTY

PLANNING & COMMUNITY DEVELOPMENT

ISLAND COUNTY PLANNING COMMISSION

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~FINDINGS AND CONCLUSIONS~

TO: Board of Island County Commissioners

FROM: Island County Planning Commission

DATE: June 28, 2021

REGARDING: Recommendation to the Board of County Commissioners regarding transmittal of: draft proposed code amendments to Chapters 14.02A, 16.13, 16.19, and 17.03 of Island County Code (ICC), the Flood Damage Prevention Ordinance and related code sections.

SUMMARY

On August 22, 2005, Island County adopted Ordinance C-98-05 amending the Flood Damage Prevention ordinance in conjunction with the review and update of the Critical Area Regulations (RCW 36.70A.130) as it pertains to frequently flooded areas, consistent with the guidelines established by the Washington State Department of Ecology (Ecology) through Chapter 173-158 WAC.

In 2013, the Federal Emergency Management Agency (FEMA) completed a Community Assistance Visit (CAV). The CAV is an audit of Island County's compliance with FEMA regulations with respect to floodplain development. FEMA reviewed and found deficiencies in past building permits, floodplain development permits, floodplain development processes/procedures, floodplain elevation certificates for structures, and Island County's Flood Damage Prevention ordinance, Island County Code, ICC 14.02A. As a result of the CAV, FEMA specifically identified a need for Island County to update their processes and procedures, documentation management, and its Flood Damage Prevention Ordinance to conform with current federal regulation.

In 2020, Island County undertook a project and generated a compliance plan to conform to the FEMA CAV. The compliance plan included work to review and update permit applications, permit processes and procedures; improvements to the document retention process for all floodplain development permits, plans, and elevation certificates; and a review and update of the Flood Damage Prevention ordinance. The ordinance review and update focused on review of the FEMA model ordinance, staff and consultant-initiated revisions, changes to address amendments to state law, rules, and guidelines, and updates to related code sections. Island County has worked closely with the Washington State Department of Ecology and FEMA to discuss and review the proposed amendments to ICC 14.02A.

Pursuant to RCW 86.16.041, Island County must submit any newly adopted or amended Flood

Damage Prevention ordinances for review by both Ecology and FEMA. Ordinances or amendments shall take effect thirty (30) days from filing with the Department of Ecology, unless Ecology disapproves the ordinance or amendment.

FINDINGS

1. Flood damage prevention is a vital public health and safety concern for the citizens of Island County. Flood protection regulation seeks to protect the public health, safety and welfare of citizens residing in special flood hazard areas.
2. Island County participates in the National Flood Insurance Program (NFIP) administered by the federal government through the Department of Homeland Security's Federal Emergency Management Agency (FEMA).
3. The NFIP, created by the federal National Flood Insurance Act of 1968, provides subsidized flood insurance for structures and contents in communities that adopt and enforce regulations meeting minimum federal floodplain management standards.
4. The County's participation in the NFIP directly benefits County residents by providing an opportunity for owners of property with a high risk of flood damage to purchase subsidized flood insurance through the NFIP.
5. As a requirement of participation in the NFIP, the County is required to adopt and maintain floodplain management regulations that meet or exceed NFIP standards and regulations, as set forth in the Code of Federal Regulations (CFR) at 44 CFR § 60.3.
6. The County first adopted its Flood Damage Prevention Ordinance, Chapter 14.02A Island County Code (ICC), in 1991.
7. On August 22, 2005, Island County adopted Ordinance C-98-05, In the Matter of amending the Flood Damage Prevention ordinance, Chapter 14.02A ICC, in conjunction with the review and update of the Critical Area regulations as it pertains to frequently flood areas.
8. On September 10, 2013, the Federal Emergency Management Agency (FEMA) conducted a Community Assistance Visit (CAV), with a subsequent report provided to Island County on March 13, 2014, identifying program deficiencies and perceived violations within Island County's floodplain management program.
9. In September 2020, Island County was placed on probationary status with the NFIP due to the deficiencies from the 2013 CAV not being corrected.
10. FEMA has stated that it will remove the County from the NFIP once the year has expired in September 2021 if the county has not corrected the identified deficiencies, with the effect that homeowners in special flood hazard areas would no longer have access to federally-subsidized flood insurance.
11. The Island County Planning and Community Development Department has coordinated with FEMA to assess deficiencies in the floodplain management program, including necessary updates to county code.
12. In consultation with FEMA and Ecology, the Island County Planning and Community Development Department prepared proposed amendments to the Island County Flood Damage Prevention ordinance, consisting of amendments to Chapters 14.02A, 16.13, 16.19, and 17.05A ICC.
13. Island County Planning and Community Development issued a State Environmental Protection Act (SEPA) Environmental Checklist and SEPA Determination of Non-Significance, on June 30, 2021, with a 14-day public comment period. During the 14-day public comment period, ending on July 14, 2021, Island County received no written comments.
14. These amendments also include regulations referenced under the Growth Management Act ("GMA"), which requires "frequently flooded areas" as part of a critical areas regulation.
15. It is in the public interest for the County and its residents to reinstate and maintain active membership in the NFIP, adopt these regulations, and to be in good standing with FEMA and the hazard relief they provide.

CONCLUSION

The Island County Planning Commission has reviewed the proposed changes to the Island County Code, and hereby recommends that the Board of County Commissioners adopt an ordinance to update and amend Island County Code, ICC 14.02A, the Flood Damage Prevention Ordinance and related code sections, 16.13, 16.19, and 17.05A, to comply with the 2013 FEMA CAV.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2021 by,

Darin Hand
Chair, Island County Planning Commission

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