

## **FACTSHEET**

**TITLE:** **TEXT AMENDMENT NO. 13003**, requested by the Director of Public Works & Utilities, to amend Title 27 of the Lincoln Municipal Code (Zoning Ordinance) to adopt the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Lancaster County, Nebraska, and Incorporated Areas.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUEST:** Text Amendment No. 13004 (13-48)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/20/13  
Administrative Action: 03/20/13

**RECOMMENDATION:** Approval (6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent).

### **FINDINGS OF FACT:**

1. This proposed text amendment to the City zoning ordinance was heard by the Planning Commission in conjunction with Text Amendment No. 13004, an associated text amendment to the Land Subdivision Ordinance (13-48) and County Text Amendment No. 13005, an associated text amendment to the Lancaster County Zoning Resolution.
2. This proposed text amendment is to amend Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.52.010, 27.52.020, 27.53.010, and 27.53.020 to adopt the Flood Insurance Rate Map (FIRM) for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013, and the Flood Insurance Study (FIS) for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013, as required by the Federal Emergency Management Agency.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on 2-3, concluding that adoption of the revised study and maps is required to insure continued participation in the National Flood Insurance Program (NFIP) and its provisions. The staff presentation is found on p.4-5.
4. There was no testimony in opposition.
5. On March 20, 2013, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval. However, two of the Planning Commissioners noted that being mapped in the floodplain creates requirements to purchase flood insurance, and the newspaper advertisements of public meetings are not a very effective form of notification (See Minutes, p.4-5).
6. On March 20, 2013, the Planning Commission also voted 6-0 to recommend approval of the same amendments to Title 26, the Land Subdivision Ordinance (TX13004, Bill #13-48) and Article 11 of the Lancaster County Zoning Resolution (TX13005).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** March 25, 2013

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** March 25, 2013

**REFERENCE NUMBER:** FS\CC\2013\TX13003+

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

## for March 20, 2013 PLANNING COMMISSION MEETING

**PROJECT #:** Text Change No. 13003 and Text Change No. 13004  
to the Lincoln Subdivision Ordinance

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

**PROPOSAL:** An amendment to the City of Lincoln Zoning and Subdivision ordinances to update the referenced effective floodplain map dates.

**LOCATION:**

27.52 "Flood Regulations for Existing urban Area

27.53 "Flood Regulations for New Growth Areas

26.24 "Flood Regulations for Existing Urban Areas

26.25 "Flood Regulations for New Growth Areas

**CONCLUSION:** Adoption of the revised study and maps is required to insure continued participation in the National Flood Insurance Program (NFIP) and its provisions.

**RECOMMENDATION:**

Approval of the attached text

**ANALYSIS:**

1. This is a text amendment to Chapters 27.52 and 27.53 Flood Regulation of the Lincoln Zoning Ordinance and Chapter 26.24 and 26.25 of the Lincoln Subdivision Ordinance. These changes are an update of the referenced date of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS).
2. These revisions are due to new Federal Emergency Management Agency (FEMA) approved Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) that will become effective April 16, 2013
3. This will provide updates to the best available technical information for the City and County.
4. These text amendments to the Zoning Ordinance and Land Subdivision Ordinance effectively adopt the new Floodplain Maps.
5. The study and new map may be viewed on the County Commissioner's website at <http://lancaster.ne.gov/commiss/flood/index.htm>. The majority of changes to the map are to be found in the rural and small town areas. A few changes were made within Lincoln and the 3-mile extraterritorial jurisdiction. /The floodplain of Oak Creek north of Highway 34, between NW 40<sup>th</sup> and NW 27<sup>th</sup> streets, did change, and Little Salt Creek, which is the basin in which much of the Salt Creek Tiger Beetle habitat is located, was detailed as the result of a recent watershed master plan project in the basin. There were also small changes to the Haines Branch and the portion of the Salt Creek floodplain between Saltillo Road and

the Village of Roca. The areas that were changed are primarily zoned agricultural and are not developed.

For the most part rural floodplains are reduced from the previous map. Small town changes vary widely with some towns seeing reductions in their floodplains and others seeing increases, most notably east of Waverly, less so south of Roca.

Individual property owners will not be notified regarding changes to specific properties, it is up to the property owner to seek out information on their property and contact their insurer if necessary.

6. This new information has been developed in floodplain studies done with the cooperation of the City of Lincoln, the Lower Platte South NRD and Lancaster County. This information has been approved by FEMA.
7. FEMA requires the adoption of the map and associated language prior to April 16, 2013, to continue to participate in the National Flood Insurance Program (NFIP), which is the primary supplier of flood insurance for property owners in the US.

Prepared by:

Sara S. Hartzell  
402-441-6371 [shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov)

**DATE:** February 27, 2013

**APPLICANT:** Miki Esposito  
Director of Public Works and Utilities  
555 S. 10<sup>th</sup> ST.  
Lincoln, NE 68508  
402-441-7589

**CONTACT:** Ben Higgins  
Watershed Manager  
555 S. 10<sup>th</sup> ST.  
Lincoln, NE 68508  
402-441-7589

**TEXT AMENDMENT NO. 13003 (TITLE 27, LMC)**  
**TEXT AMENDMENT NO. 13004 (TITLE 26, LMC)**  
**and**  
**COUNTY TEXT AMENDMENT NO. 13005 (ARTICLE 11)**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 20, 2013

Members present: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius; Corr, Sunderman and Weber absent.

There were no ex parte communications disclosed.

Staff recommendation: Approval.

These applications were removed from the Consent Agenda at the request of Commissioner Hove.

Staff presentation: **Sara Hartzell of Planning staff** explained that these are two text amendments to the City code in the chapters dealing with floodplain and floodway and a text amendment to the County zoning resolution in the article referring to the floodplain district. The changes are to the dates in the language referring to the Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) that are done by FEMA periodically. Whenever the maps are updated we want to refer to them in the zoning codes so that we have the best available information. The map and study updates were done in cooperation with the NRD, Public Works (Watershed Management) and the County Engineer.

Hartzell reviewed the revised floodplain map which is online for the public to access. The map shows not only the new floodplain and floodway areas, but also the older ones. The maps depict the existing floodway and floodplain and the new floodway and floodplain.

There are changes in Waverly and in the Salt Creek area. There are places where the floodplain was drawn back and places where the floodplain grew, and Waverly is aware of the changes in their jurisdiction (See, Analysis #5 in the staff report).

Hove explained that he had asked that this be removed from the Consent Agenda because it does impact homeowners who will now be in the floodplain when they were not previously, so it is something we should talk about and at least let the public know that it is happening. Those homeowners will be forced to buy flood insurance in the event they have a loan on the property.

Hartzell explained that there is a public process that goes along with this and every effort is made to get the information out to the public; however, individual landowners were not contacted.

**Ben Higgins of Watershed Management** also explained that there is public notice published in the newspaper and no one has contacted Watershed Management.

Francis inquired how long this has been in process because the map she viewed on-line was dated August, 2011. Higgins agreed that to be very dated information, but it takes a couple of years for FEMA to go through the whole process.

Francis understands that property owners were not notified individually, and perhaps no one reads notices published in the newspaper. What recourse do the property owners have in order to protest this new map? Higgins indicated that the property owners do have a right to protest, and the best way is to send a protest to the city; however, the property owner needs to have engineering or other technical reasons why the map is wrong. Letters of map revisions can be done and Public Works has worked with people before to change them.

Francis inquired what information FEMA uses to determine the map changes. Higgins indicated that FEMA uses information based off of fly-over elevations done by the state. The state does two or three counties every year. Most of the work is based on LIDAR information.

Francis inquired as to the amount of land being added to the floodplain. Higgins did not have the information, but there are quite a few areas taken out that were in before.

Francis confirmed that the revised map will be on the County Assessor GIS. Higgins indicated they would get it updated on April 16<sup>th</sup>, or very soon thereafter.

Hove reiterated that homeowners who are in the floodplain are required to get flood insurance.

There was no testimony in opposition.

**TEXT AMENDMENT NO. 13003**

**ACTION BY PLANNING COMMISSION:**

March 20, 2013

Lust moved approval, seconded by Scheer.

Francis appreciated that Hove removed this from the Consent Agenda. Anytime floodplain is expanded, it should be discussed in the public forum. She wishes there was a better way of letting landowners affected know about it. She does not believe a lot of people look at the notices in the newspaper.

Hove agreed. People that find their properties are in the floodplain do have some avenues to get their property out of the floodplain, but it is quite an extensive process. They will have to get flood insurance.

Motion for approval carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.

**TEXT AMENDMENT NO. 13004**

**ACTION BY PLANNING COMMISSION:**

March 20, 2013

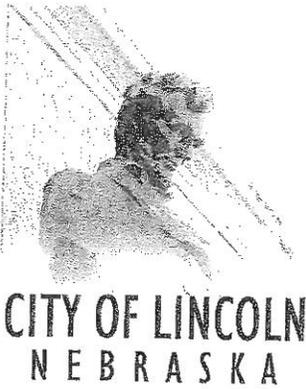
Lust moved approval, seconded by Francis and carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the City Council.

**COUNTY TEXT AMENDMENT NO. 13005**

**ACTION BY PLANNING COMMISSION:**

March 20, 2013

Lust move approval, seconded by Francis and carried 6-0: Lust, Scheer, Francis, Hove, Gaylor Baird and Cornelius voting 'yes'; Corr, Sunderman and Weber absent. This is a recommendation to the Lancaster County Board of Commissioners.



**CITY OF LINCOLN**  
**NEBRASKA**

**MAYOR CHRIS BEUTLER**  
lincoln.ne.gov

Public Works and Utilities Department  
Miki Esposito, Director  
555 South 10th Street  
Suite 208  
Lincoln, Nebraska 68508

February 13, 2013

Marvin Krout, Director  
Lincoln-Lancaster County planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Dear Marvin:

RE: Approval and Text Revisions to change the Floodplain Map effective date for the City of Lincoln and Lancaster County

Attached please find proposed text revisions to the City Zoning and Subdivision Ordinances and the County Zoning Regulations for providing new dates associated with the approval of the effective floodplains for the City and County effective floodplain map. Approval of the floodplains is planned for City Council and the County Board. Text revisions are proposed for:

- City ordinance 26.24 "Flood Regulations for Existing Urban Area"
- City ordinance 26.25 "Flood Regulations for New Growth Area"
- City ordinance 27.52 "Flood Regulations for Existing Urban Area"
- City ordinance 27.53 "Flood Regulations for New Growth Area"
- County Zoning Regulations Article 11 "Flood Plain District"

These revisions are a requirement of FEMA to remain a participant in the National Flood Insurance Program and are due to new FEMA approved Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) that are effective April 16, 2013 for all Zone A Salt Creek tributaries (mostly outside the city limits) within Lancaster County. It also includes changes to Little Salt Creek (updated to Zone AE).

These revisions will provide updated consistent floodplain maps to apply the best technical flood hazard information available through out the City and County, and therefore better protect and forewarn local homes and businesses in the future.

Please contact Ben Higgins with my staff at 441-7589 ([bhiggins@lincoln.ne.gov](mailto:bhiggins@lincoln.ne.gov)) with any questions or concerns.

Sincerely,

Miki Esposito  
Director of Public Works and Utilities

Attachment

cc: Sara Hartzell, Planning  
Terry Kathe, Building and Safety  
Doug Pillard, Lancaster County  
Bill Jones, NDNR  
Glenn Johnson, LPSNRD

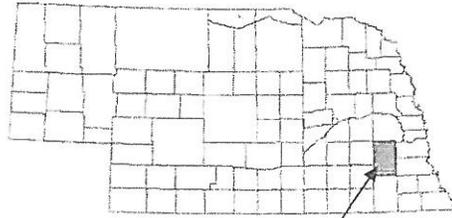
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# FLOOD INSURANCE STUDY

VOLUME 1 OF 3



## LANCASTER COUNTY, NEBRASKA AND INCORPORATED AREAS



Lancaster County

COMMUNITY NAME	COMMUNITY NUMBER
BENNET, VILLAGE OF	310251
CERESCO, VILLAGE OF	310197
DAVEY, VILLAGE OF	310497
DENTON, VILLAGE OF	310498
FIRTH, VILLAGE OF	310135
HALLAM, VILLAGE OF	310499
HICKMAN, CITY OF	310136
LANCASTER COUNTY, (UNINCORPORATED AREAS)	
LINCOLN, CITY OF	310134
MALCOLM, VILLAGE OF	315273
PANAMA, VILLAGE OF	310500
RAYMOND, VILLAGE OF	310501
ROCA, VILLAGE OF	310138
SPRAGUE, VILLAGE OF	310139
WAVERLY, CITY OF	310495
	310140

Revised: April 16, 2013



Federal Emergency Management Agency

Flood Insurance Study Number

31109CV001B

MAP INDEX

**FIRM**

**FLOOD INSURANCE RATE MAP  
LANCASTER COUNTY,  
NEBRASKA  
AND INCORPORATED AREAS  
(SEE LISTING OF COMMUNITIES TABLE)**

**MAP INDEX**

**PANELS PRINTED:** 0020, 0040, 0045,  
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0557, 0575, 0576, 0586, 0588, 0600, 0625



**MAP NUMBER  
31109CIND0B**

**MAP REVISED  
APRIL 16, 2013**

**Federal Emergency Management Agency**

