City Council Introduction: **Monday**, April 1, 2013
Public Hearing: **Monday**, April 8, 2013, at **5:30** p.m.

Bill No. 13-48

FACTSHEET

TITLE: **TEXT AMENDMENT NO. 13004,** requested by the Director of Public Works & Utilities, to amend Title 26 of the Lincoln Municipal Code (Land Subdivision 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. 13003 (13-47)

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 Land Subdivision Ordinance was heard by the Planning Commission in conjunction with Text Amendment No. 13003, an associated text amendment to the Zoning Ordinance (13-47) 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 26 of the Lincoln Municipal Code relating to Land Subdivision by amending Sections 26.24.010 and 26.25.010 to adopt the Flood Insurance Rate Map (FIRM) for Lancaster County, Nebraska and Incorporated Areas Revised April 16, 2013, and the Flood Insurance Study 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 27, the Zoning Ordinance (TX13003, Bill #13-47) 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\TX13004+

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 it's 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 40th and NW 27th 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 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

DATE: February 27, 2013

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

CONTACT: Ben Higgins
Watershed Manager
555 S. 10th 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 16th, 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 10th 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 Regualtions for Existing Urban Area"
- City ordinance 26.25 "Flood Regualtions for New Growth Area"
- City ordinance 27.52 "Flood Regualtions for Existing Urban Area"
- City ordinance 27.53 "Flood Regualtions 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) 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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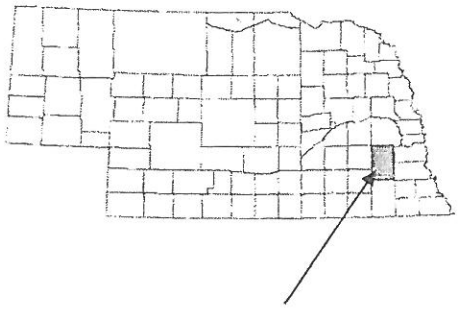
LINCOLN
The Community of Opportunity

FLOOD INSURANCE STUDY

VOLUME 1 OF 3

LANCASTER COUNTY, NEBRASKA AND INCORPORATED AREAS



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)	310134
LINCOLN, CITY OF	315273
MALCOLM, VILLAGE OF	310500
PANAMA, VILLAGE OF	310501
RAYMOND, VILLAGE OF	310138
ROCA, VILLAGE OF	310139
SPRAGUE, VILLAGE OF	310495
WAVERLY, CITY OF	310140

Revised: April 16, 2013

Federal Emergency Management Agency
Flood Insurance Study Number
31109CV001B

008

MAP INDEX

FIRM

FLOOD INSURANCE RATE MAP

LANCASTER COUNTY, NEBRASKA

AND INCORPORATED AREAS

(SEE LISTING OF COMMUNITIES TABLE)

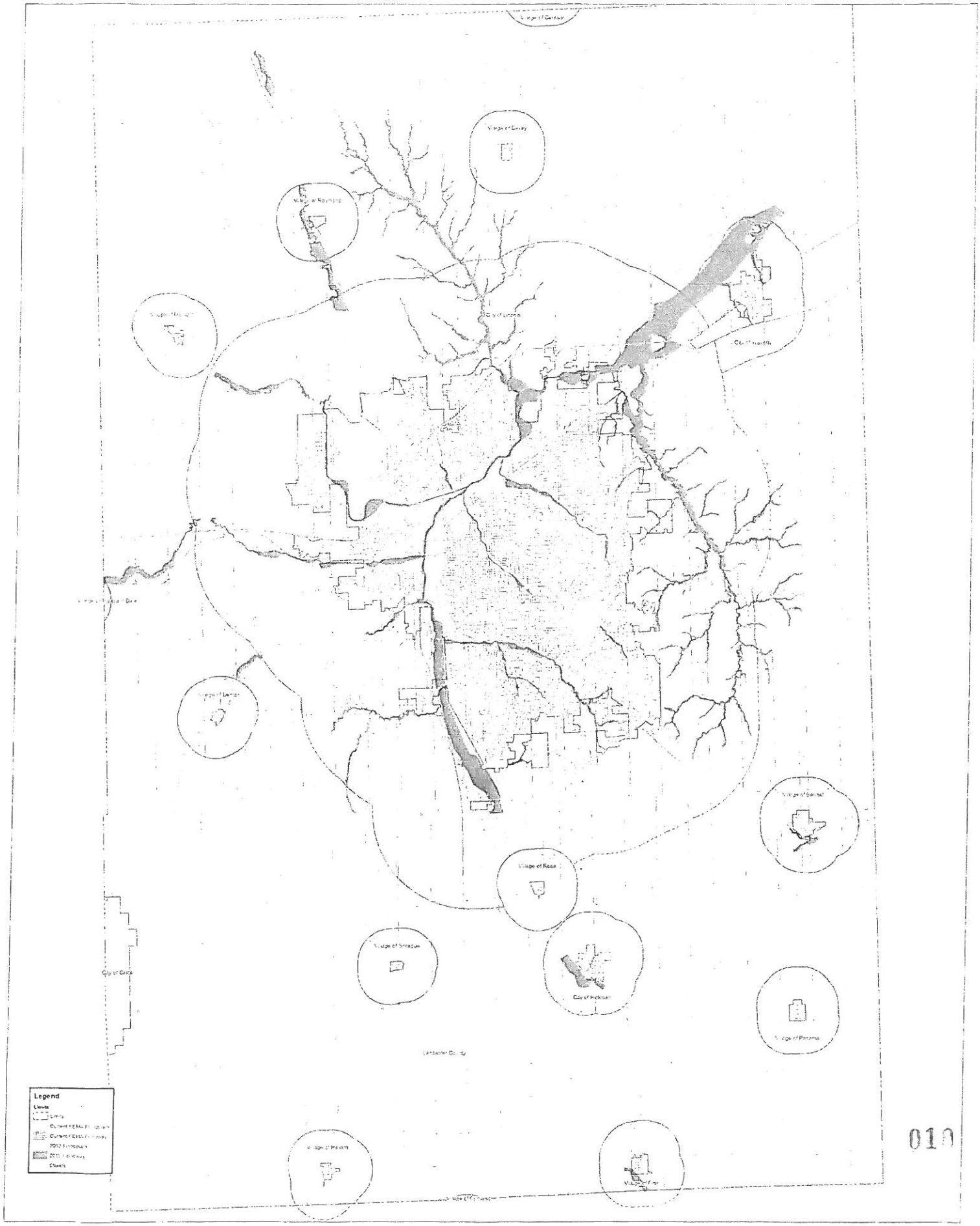
MAP INDEX

PANELS PRINTED: 0020, 0040, 0045, 0065, 0070, 0090, 0095, 0115, 0135, 0145, 0155, 0156, 0157, 0158, 0159, 0165, 0170, 0176, 0177, 0178, 0179, 0183, 0184, 0185, 0186, 0187, 0188, 0189, 0191, 0192, 0193, 0194, 0205, 0210, 0215, 0216, 0217, 0218, 0219, 0230, 0240, 0260, 0270, 0280, 0285, 0290, 0295, 0305, 0310, 0315, 0316, 0317, 0318, 0319, 0326, 0327, 0328, 0329, 0331, 0332, 0333, 0334, 0336, 0337, 0338, 0339, 0341, 0342, 0343, 0344, 0355, 0365, 0385, 0395, 0405, 0407, 0409, 0410, 0415, 0420, 0430, 0431, 0432, 0435, 0440, 0444, 0445, 0451, 0452, 0453, 0454, 0456, 0457, 0458, 0459, 0463, 0465, 0467, 0470, 0478, 0480, 0486, 0490, 0525, 0535, 0550, 0555, 0557, 0575, 0576, 0586, 0588, 0600, 0625

MAP NUMBER
31109CIND0B

MAP REVISED
APRIL 16, 2013

Federal Emergency Management Agency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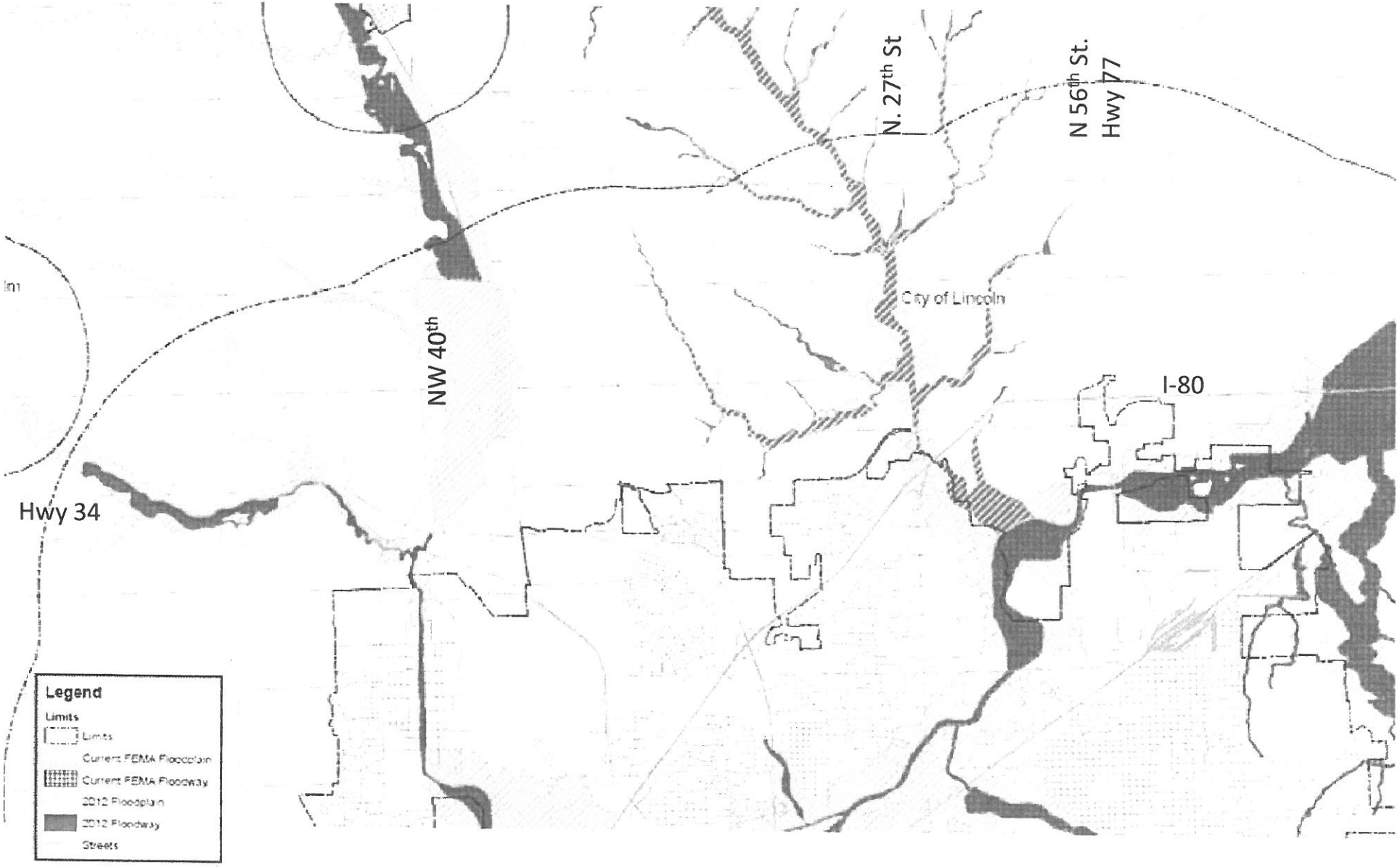
Lancaster County


N. 27th St
N 56th St.
Hwy 77
City of Lincoln
NW 40th
I-80
Hwy 34
Legend
Limits
Limits
Current FEMA Floodplain
Current FEMA Floodway
2012 Floodplain
2012 Floodway
Streets

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City of Waverly