

Lewis County – Code Amendment  
LLC Title 15.35 Flood Damage Prevention  
Planning Commission Staff Report

**ISSUE:**

FEMA Region X conducted a Community Assistance Visit on August 3, 2011. As part of that review FEMA staff recommended specific improvements to the current adopted Ordinance 15.35. The modifications and proposed changes to Title 15.35 have been identified by strike thru for deletions and underlining for additions or changes to the original text. The proposed update will make the ordinance compliant with the Washington State Model Ordinance as well as the Federal CFR 59.1. The update may also help the county improve its CRS rating.

**DISCUSSION:**

The main point of discussion and the most controversial change is the proposed increase of Flood Protection Elevation or Freeboard. Current adopted regulations require **one foot of freeboard** above the base flood elevation (BFE). The proposed modification is to require all new commercial and single family residential (SFR) structures or substantial improvement to a SFR be elevated to **three feet of freeboard** above base flood elevation.

**REASONS FOR INCREASE IN FREEBOARD:**

There are design and construction practices that can eliminate or minimize damage to buildings when flood levels exceed the BFE. The most common approach is to add freeboard to the design (i.e., to elevate the building higher than required by the Flood Insurance Rate Map (FIRM)).

This proposed increase will provide an extra margin of safety to prevent flooding from unforeseen events like wave action from boats or vehicles. There are other benefits of designing for flood levels above the BFE:

- reduced building damage and maintenance;
- longer building life;
- reduced flood insurance premiums;
- reduced displacement and dislocation of building occupants after floods (and need for temporary shelter and assistance);
- reduced job loss; and
- increased retention of tax base.

The cost of adding freeboard at the time of home construction is modest, and reduced flood insurance premiums will recover the freeboard cost in a few years' time.

**IMPACTS TO LANDOWNERS AND BUILDERS:**

The impacts of this proposal are two- fold: here will be a visual impact due to the increased height of the foundation and a monetary increase to the cost of the foundation. Cost estimates based on current labor and materials have determined the additional expenditure to be approximately \$2,000.00 for a 2,000 square foot home. The monetary impact also affects the insurance cost. Below are examples of projected cost provided by FEMA.

**Flood Insurance Premium Examples**  
**Effective: January 1, 2013**  
**Post-FIRM AE Zone Single Family Residence**

Single Family One Story, No Basement/Enclosure	\$250,000 Building Coverage Only	\$250,000 Building with \$100,000 in Contents
Lowest Floor Elevation Difference	Flood Insurance Premium	
3 feet of freeboard	\$376	\$561
2 feet of freeboard	\$448	\$633
1 foot of freeboard	\$660	\$845

**EXPLANATION OF PROPOSED CHANGES:**

As part of the Lewis County Development Code, Chapter 15.35 applies only to new development, and substantial improvements such as remodels, repairs or any other work that exceeds 50 percent of market value, requires a permit and compliance with flood regulations.

**THIS CODE DOES NOT APPLY TO EXISTING STRUCTURES**

**Table of Proposed Changes**

Code Section	Why is change proposed?
<b>15.35.025 Severability</b> <i>Added new section</i>	Compliance with National Flood Insurance Program Community Assistance Visit (NFIP CAV)
<b>15.35.040 Definitions</b> <i>Removed numbering</i>	Staff initiative, better for updating, numbering is unnecessary
<b>Basement</b>	Compliance with NFIP CAV
<b>Best available information</b>	Compliance with NFIP CAV
<b>Development</b>	Compliance with NFIP CAV
<b>Flood protection elevation</b>	Staff proposal on 3 feet freeboard, benefit is potentially higher CRS rating leading to a higher discount on insurance rates; current 1 foot freeboard is higher than required resulting in a higher CRS rating
<b>Freeboard</b>	Compliance with NFIP CAV
<b>Market Value</b>	Requested by planning commission
<b>Repetitive loss</b>	Compliance with NFIP CAV
<b>Start of construction</b>	Compliance with NFIP CAV
<b>Substantial improvement</b>	Compliance with NFIP CAV
<b>Substantial damage</b>	Compliance with NFIP CAV

LLC Title 15.35 Flood Damage Reduction Ordinance

Code Section	Why is change proposed?
<p><b>15.35.060 Basis for establishing the areas of special flood hazard</b>  <i>Clarified language stating that the 1981 Flood Insurance Study is the “official” basis for determining whether property is in the floodplain</i></p>	<p>Compliance with NFIP CAV</p>
<p><b>15.35.140 Development permits</b>  <b>(6) Clarified permit requirements</b></p>	<p>Compliance with NFIP CAV</p>
<p><b>15.35.150 Shoreline management permits</b>  <i>Clarified the procedure</i></p>	<p>Compliance with NFIP CAV</p>
<p><b>15.35.170 Variances</b>  <b>(5)(a) General restrictions</b>  <i>“historical structures”</i>  <b>(6) Notice</b>  <i>“result in an increase in premiums”</i></p>	<p>Compliance with NFIP CAV                       Compliance with NFIP CAV</p>
<p><b>15.35.190 General standards</b>  <b>(1) placement of fill</b>  <b>(2) deleted</b></p>	<p>Compliance with NFIP CAV                      Section expired in 2002</p>
<p><b>15.35.210 Construction materials and methods</b>  <b>(3) 1 foot of freeboard</b></p>	<p>Staff proposal for consistency with the Lewis County building code which already requires elevating service facilities to 1 foot of freeboard. The International Residential Code (IRC) Section R322.1.6 was adopted by reference in ordinance 1220 in 2009 (LCC 15.05.020(1)(b)) .</p>
<p><b>15.35.260 Flood protection elevation</b>  <i>3 feet of freeboard</i>  <b>15.35.270 Residential construction</b>  <b>(1) 3 feet of freeboard</b>  <b>15.35.280 Nonresidential construction</b>  <i>3 feet of freeboard</i>  <b>15.35.290 Manufactured homes</b>  <i>3 feet of freeboard</i></p>	<p>Staff proposal  <i>(see reasons for increase in freeboard above)</i></p>
<p><b>15.35.310 Floodways</b>  <b>(3) deleted “near streams”</b></p>	<p>Compliance with NFIP CAV</p>

## QUESTIONS AND RESPONSES

### April 23<sup>rd</sup> Planning Commission Public Hearing - Chehalis

**Question:** Master Builders Lewis County asked “will the proposal affect all of Lewis County?”

**Response:** No, the proposed change only would apply to unincorporated areas of the County. Incorporated jurisdictions must adopt their own standards under their governing authority.

**Question:** How long have the current regulations been in place?

**Response:** Lewis County entered the regular National Flood Insurance Program (NFIP) on December 15, 1981. Lewis County residents would not be eligible for any disaster funding, public or private, if the County was not a member of NFIP.

**Question:** What are the benefits of belonging to the National Flood Insurance Program Community Rating System (CRS) and what are the effects on the County and its residences now?

**Response:** Lewis County began participating in the CRS program in 1981 and currently carries a Class 7 rating which includes a 15% premium reduction. The CRS program is a voluntary incentive that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the following three goals of the CRS:

1. *Reduce flood damage to insurable property;*
2. *Strengthen and support the insurance aspects of the NFIP, and*
3. *Encourage a comprehensive approach to floodplain management.*

### How Flood Insurance Premium Discounts are Calculated

The CRS classes for local communities are based on 18 creditable activities, organized under four categories:

1. *Public Information,*
2. *Mapping and Regulations,*
3. *Flood Damage Reduction, and*
4. *Flood Preparedness.*

The table below shows the ten classifications and premium reductions given for communities in the NFIP CRS based how well they meet the criteria of the four categories.

Class	Premium Reduction	Class	Premium Reduction
1	45%	6	20%
2	40%	7	15%
3	35%	8	10%
4	30%	9	5%
5	25%	10	0%

## QUESTIONS AND RESPONSES

### May 14<sup>th</sup> Planning Commission Public Hearing - Randle

**Question:** If the County adopts the new freeboard standard is there a guarantee that Lewis County will get a better rating from FEMA?

**Response:** No. The County is currently going through an audit on the Community Rating System (CRS) and the hope is to obtain the best rating we can, but there are no guarantees that a reduction in our current rating will be the result.

**Question:** Who is requiring this increase in freeboard? Why?

**Response:** Staff proposed this increase as part of an ordinance update. We wanted to get people out of harm's way and reduce their risk from flood events. The rest of the update was generated by a Community Assistance Visit from FEMA Region X in October 2011; the review made specific recommendations for updates to the current ordinance to address some needed changes to stay compliant with the National Flood Insurance Program (NFIP) requirements.

**Question:** How can I find out if my property is in the floodplain?

**Response:** The Lewis County map website has the latest FEMA floodplain maps. The website can be accessed at <http://ims.lewiscountywa.gov/webmaps/fema/>. You may also call Lewis County Community Development if you'd like further assistance at 360-740-1146.

**Question:** Will banks provide a mortgage for an existing house that does not meet the three feet freeboard requirement?

**Response:** Any structure that meets the local adopted NFIP regulations is eligible for financing and insurance coverage.

**Question:** If my home is damaged by a tree falling on the home or is damaged by fire we would not be allowed to repair or rebuild it.

**Response:** The regulations mandate that any structure within the **floodway** that is substantially damaged by any means (51% or more) shall be condemned and may not be repaired. Structures located in a **floodplain** may be repaired if the structure is substantially damaged. Under the current regulations it would have to elevate to the one foot freeboard above the Base Flood Elevation (BFE) requirement. If the three feet freeboard standard is approved as a higher regulatory standard then the three feet freeboard requirement would apply.

**Question:** What does ICC mean? Are the funds guaranteed?

**Response:** ICC stands for Increased Cost of Compliance. The funding for ICC is provided by the Federal Government through FEMA under CFR 44. The funding is guaranteed and provides home owners with a standard flood insurance policy that have sustained a flood loss when the community official declares the structure to be substantially damaged. ICC will help pay up to

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a maximum of \$30,000 of the cost to assist in elevating, floodproofing, demolishing or relocating the structure.

**Question:** Will non-residential structures be required to elevate to the three feet freeboard standard?

**Response:** No. FEMA does not require accessory structures to be insured under the NFIP. Structures such as tool sheds, greenhouses and barns are not covered under the NFIP policies. Lending institutions may require insurance coverage if the accessory structure is part of the mortgage.

**Concern:** There is a concern about the cost to elevate to the three foot freeboard requirement.

**Response:** Staff met with the Master Builders President of the Lewis County Chapter, Mr. Eric Jensen. We requested that they check and provide an estimate for the additional 2 feet of foundation. The cost estimate for material and labor is estimated at \$2000 for an average 2,000 square foot home.

**Concern:** River Run Ranch moratorium and no build zone.

**Response:** The River Run Ranch falls within both **floodway** and **floodplain**. The lots within the **floodway** were never buildable and were approved for recreational use only. The development of any permanent structure is prohibited. The lots within the floodplain may be developed as long as they meet the minimum NFIP regulations.

**Question:** Will FEMA's rates for insurance coverage go up no matter what we do?

**Response:** Congress approved the Flood Insurance Reform Act of 2012 (Biggert-Watters Act). The program will mean rate increases for policyholders over time. The rates for most properties will accurately reflect the full risk and will increase 25% starting on October 1, 2013.

**Question:** Are we really looking at the big picture of what is causing the flooding?

**Response:** This proposal is about the update of the Flood Damage Prevention chapter of Lewis County Code (LCC) 15.35. FEMA would look at causes of flooding when conducting a new Flood Insurance Study if conditions warranted the research and mapping.

**Question:** Would the freeboard standard apply county wide?

**Response:** The three feet freeboard standard would be applied to unincorporated areas of Lewis County only. The incorporated cities adopt their own regulations.

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**Question:** Can the upper Cowlitz River be treated differently than the other areas of the county?

**Response:** All areas of unincorporated Lewis County are held to the same regulatory standard as adopted by LCC 15.35. All incorporated jurisdictions adopt their own regulatory standards.

**Question:** How do the Cities regulations for freeboard compare to this proposed update?

**Response:** The City of Centralia adopted regulations, CMC16.21, requires two feet of freeboard in all Special Flood Hazard Zones. Centralia requires three feet of freeboard in the Special Flood Overlay Zone. The City of Chehalis requires one foot of freeboard above BFE or flood of record, whichever is higher (CMC 17.22.170).

**Public Response:** To date there have been ten written responses in favor of leaving the freeboard standard at one foot. Two written responses have stated that they prefer two feet of freeboard and one response was in favor of the proposed three foot freeboard standard.

**Supplemental Information:** Additional information on mapping and FEMA may be accessed at the following web-links

[www.lewiscountywa.gov](http://www.lewiscountywa.gov)

<http://ims.lewiscountywa.gov/webmaps/fema/>

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