


**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council
From: Mark Lockaby, Building Official / Public Works Manager 
Date: May 1, 2013
Subject: Accept FEMA Revised Flood Insurance Rate Map Status Report

RECOMMENDATION

Accept status report.

BACKGROUND

The Federal Emergency Management Agency (FEMA) is responsible for the preparation of Flood Insurance Rate Maps for the National Flood Insurance Program. There is currently a FEMA study underway in the Ross Valley that will result in revised Flood Insurance Rate Maps for residents in the flood prone areas of Fairfax.

In summary, this is the status of the study: The Ross Valley riverine study is complete, the revised Flood Insurance Rate Maps have been issued by FEMA, and we are currently in FEMA's public appeal period for the maps, with the appeal period ending on May 28, 2013. It is anticipated that the Flood Insurance Rate Maps will be effective about March 2014.

DISCUSSION

On May 2, 2012, Council received a status report on the FEMA riverine study of the Ross Valley watershed presented by James Reilly, of Stetson Engineering. Mr. Reilly answered questions at the meeting, and the Independent Journal newspaper subsequently published an article on the subject. The topic was also agenzized and discussed at a Ross Valley watershed meeting in May 2012.

Fairfax staff worked collaboratively with FEMA and the other towns and unincorporated county areas in the respective watersheds to coordinate public outreach, and a joint community meeting was held on June 28th for the Ross Valley watershed. Prior to the meetings, letters were also sent directly to potentially affected property owners in Fairfax noticing and advising them of the respective meetings, and providing other sources of information, including a web site with the proposed Flood Insurance Rate Maps.

Fairfax staff also hired Stetson Engineers to assist in the detail and highly technical review of FEMA's studies, and we provided comment to FEMA and their consultants on the studies and map development.

FEMA has a very specific regulatory process to adopt revised Flood Insurance Rate Maps, and on February 20 and 27, 2013, notices were published in the Independent Journal advising the public that FEMA is proposing flood hazard determinations that may include additions or modifications of Base Flood Elevations and Special Flood Hazard Area boundaries. There is a 90 day period, ending on May 28, 2013, for the public to provide comment or technical information if they wish to appeal the determination.

Based on past technical review provided by our consultant, as well as staff's own review, and FEMA's responses to our comments, our conclusion is that the study is sound and that no appeal is warranted. Although the Town is under no requirement to provide additional public notice, staff has sent the attached letter on April 19, 2013 to potentially affected property owners to ensure that they're aware of the status.

The next steps include FEMA responding to any appeals after the close of the appeal period, followed by FEMA issuing a Letter of Final Determination, and then the revised Flood Insurance Rate Maps would become effective six months later. We expect that the subject letter would be issued this September, which would put the maps in effect in March, 2014. This means that property owners with federally backed loans that are currently not included in a Special Flood Hazard Area, but will be after the revised map effective date, will be required by their lender to obtain flood insurance.

For the areas in Fairfax, we estimate that approximately 300 properties will be added to a Special Flood Hazard Area, however it appears that only 20 structures will be affected. Any proposed increase in building footprint or filling of earth on the subject properties would result in additional regulatory review.

The County and cities are not involved in any way with the administration of flood insurance or flood insurance determinations by federally backed lending institutions. However, we note that in the past, as part of FEMA's authority to administer flood insurance, FEMA has subsidized or "grandfathered" lower insurance rates for property owners that obtained flood insurance policies prior to their property being added to a Special Flood Hazard Area. This is still the case, but this grandfathering is being phased out.

Last year, the Biggert-Waters Act was adopted by Congress to phase out flood insurance policy subsidies over the next few years. There are few details and any inquiries about this should be directed to FEMA or the property owner's insurance agent. Additional information on the above FEMA study can be found at the following web site: <http://www.r9map.org/Pages/default.aspx>

FISCAL IMPACT

None at this time, except for copying and mailing costs.