

**REQUEST FOR LEGISLATIVE ACTION**

Completed by County Counselor's Office:

~~RES~~/Ord No.: 4942

Sponsor(s): Tony Miller

Date: November 28, 2016

<p>SUBJECT</p>	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: UDC Amendment – FEMA Updates <u>LA-2006-035</u></p>											
<p>BUDGET INFORMATION  <i>To be completed                  By Requesting                  Department and                  Finance</i></p>	<table border="1" data-bbox="300 483 1177 798"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):                  Prior Year Actual Amount Spent (if applicable):</p>		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
Amount authorized by this legislation this fiscal year:	\$											
Amount previously authorized this fiscal year:	\$											
Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date):                  Prior resolutions and (date):</p>											
<p>CONTACT INFORMATION</p>	<p>RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>											
<p>REQUEST SUMMARY</p>	<p>Requesting sections 24004.14, 24004.15 and 24004.16 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate the 2017 Flood Insurance Study (FIS), the Flood Insurance Rate Maps (FIRM) and index panels 29095 CIND1B, 29095 CIND2B and CIND3B, published by the Federal Emergency Management Agency (FEMA), for the Unincorporated areas of Jackson County, Missouri, all such materials and maps have an effective date of January 20, 2017.</p> <p>The County is required, as a participating community of the National Flood Insurance Program (NFIP), per Code of Federal Regulations (CFR) to adopt or show evidence of adaption of floodplain management regulations by the effective date of the FIRM, which is January 20, 2017.</p> <p>The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>											
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>											
<p>ATTACHMENTS</p>	<p>See Attachment to RLA-2</p>											
<p>REVIEW</p>	<p>Department Director:                  Brian D. Gaddie, P.E. Director of Public Works  </p>	<p>Date:</p>										
	<p>Finance (Budget Approval):  <i>If applicable</i></p>	<p>Date:</p>										

Division Manager: <i>Maury Jones Burton</i>	Date: <i>11/22/16</i>
County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from November 17, 2016

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

RE: LA-2016-035

Randy Diehl gave the staff report:

RE: LA-2016-035

**Applicant:** Jackson County Public Works Department – Development Division  
FEMA Updates and Revisions

**Request:** Requesting sections 24004.14, 24004.15 and 24004.16 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate the 2017 Flood Insurance Study (FIS), the Flood Insurance Rate Maps (FIRM) and index panels 29095 CIND1B, 29095 CIND2B and CIND3B, published by the Federal Emergency Management Agency (FEMA), for the Unincorporated areas of Jackson County, Missouri, all such materials and maps have an effective date of January 20, 2017.

This is an update to the current FIRM panels, dated September 29, 2006, which the County utilizes to manage development within Special Flood Hazard Areas. FEMA recently completed a re-valuation of the flood hazard areas, of which the maps for Jackson County were revised.

The County is required, as a participating community of the National Flood Insurance Program (NFIP), per Code of Federal Regulations (CFR) to adopt or show evidence of adaption of floodplain management regulations by the effective date of the FIRM, which is January 20, 2017.

The Planning Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Short discussion about the old maps versus the newer maps regarding aerial photos and construction in the Special Flood Hazard Areas.

Mrs. Mershon moved to approve LA-2016-035. Mr. Haley seconded.

Motion to approve.

Mr. Tarpley	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Crawford	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Chairman Antey	Approve

Motion Carried 7 – 0.

**STAFF REPORT**

**PLAN COMMISSION**  
**November 17, 2015**

**RE: LA-2016-035**

**Applicant: Jackson County Public Works Department – Development Division  
FEMA Updates and Revisions**

**Request:** Requesting sections 24004.14, 24004.15 and 24004.16 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate the 2017 Flood Insurance Study (FIS), the Flood Insurance Rate Maps (FIRM) and index panels 29095 CIND1B, 29095 CIND2B and CIND3B, published by the Federal Emergency Management Agency (FEMA), for the Unincorporated areas of Jackson County, Missouri, all such materials and maps have an effective date of January 20, 2017.

This is an update to the current FIRM panels, dated September 29, 2006, which the County utilizes to manage development within Special Flood Hazard Areas. FEMA recently completed a re-valuation of the flood hazard areas, of which the maps for Jackson County were revised.

The County is required, as a participating community of the National Flood Insurance Program (NFIP), per Code of Federal Regulations (CFR) to adopt or show evidence of adaption of floodplain management regulations by the effective date of the FIRM, which is January 20, 2017.

The Planning Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

LA-2016-035

## ATTACHMENT TO RLA 1:

## 14 FLOODPLAIN OVERLAY DISTRICTS

a. **Findings of Fact.**

Flood losses resulting from periodic inundation. The flood hazard areas of the County are subject to inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. **General Causes of Flood Losses.**

Flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise protected from flood damages.

c. **Methods Used to Analyze Flood Hazards.**

The Flood Insurance Study (FIS) that is the basis of this section uses standard engineering methods of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a regulatory flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administration's Flood Insurance Study (FIS), and illustrative Flood Insurance Rate Maps (FIRM) of Jackson County, Missouri, dated [September 29, 2006] January 20, 2017, as amended, and any future revisions thereto.
2. Calculation of water surface profiles based upon hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

#### 24004.15 FLOODWAY OVERLAY DISTRICT (FW)

- a. **Purpose.** The areas designated in the Floodway Overlay District (FW) consist of land in drainageway channels where the construction of buildings would create obstructions to drainage or hazard to life or property. The FW District includes land in the floodway as defined by FEMA. It is intended that areas located in the FW District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. **Permitted Uses.** In District FW, any use allowed in the underlying zoning district is permitted if none of these uses, when acting alone or in combination with other uses, will increase the regulatory flood elevation or in any way affect the free flow of floodwater. This effect of any allowed use must be documented by appropriate engineering studies if required by the Director.
- c. **Identification of Boundaries.** The boundary limits of the FW District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated [September 29, 2006; index panels 29095 CIND1A and 29095 CIND2A dated September 29, 2006.] January 20, 2017; and index panels 29095 CIND1B, 29095 CIND2B and CIND3B dated January 20, 2017.
- d. **Minimum Standards.** No filling or dumping shall be allowed which will increase flood hazard heights beyond existing limits or adversely affect the hydraulic efficiency or capacity of the floodway unless that filling or dumping is compensated by excavation in, or contiguous to, the filled area and does not adversely affect the hydraulic characteristics of the floodway. The term filling as used in this section shall mean the placement of structures, whether temporary or permanent, materials or other matter in which would obstruct the floodway or decrease its capacity.

**24004.16 FLOODWAY FRINGE OVERLAY DISTRICT (FF)**

- a. **Purpose.** The areas designated in the Floodway Fringe Overlay District (FF) consist of land outside the floodway but located where there is a one percent or greater chance of inundation in any given year. It is intended that areas located in the FF District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. **Permitted Uses.** In the FF District, any use allowed in the underlying zoning district is permitted if none of these uses will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- c. **Identification of Boundaries.** The boundary limits of FF District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the unincorporated area of Jackson County, Missouri published by the Federal Emergency Management Agency dated [September 29, 2006; index panels 29095 CIND1A and 29095 CIND2A dated September 29, 2006.] January 20, 2017; and index panels 29095 CIND1B, 29095 CIND2B and CIND3B dated January 20, 2017.
- d. **Minimum Standards.**
  1. **Construction of Structures.** All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are one (1) foot above the regulatory flood protection elevation.
  2. **Fill.** The fill shall at no point be lower than one foot (1') above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least fifteen feet (15') beyond the limits of any structure erected on the fill.
  3. **Certification of Elevation.** When elevation is used as a measure of flood protection, Certification as to the elevation of the lowest floor of a structure after its completion shall be provided to the Director by a qualified individual as defined by FEMA.
  4. **Nonresidential Structures.** Nonresidential structures may be floodproofed to or above the regulatory flood elevation. When floodproofing is utilized for nonresidential structures, the Director shall be presented certification of the floodproofing measures from a qualified individual as defined by FEMA.

5. **Residences.** All residences permitted in the FF District, whether site built or manufactured, shall be permanently anchored to permanent foundation.
6. **Utility and Sanitary Facilities.** All utility and sanitary facilities shall be elevated or floodproofed up to regulatory flood protection elevation so that those facilities below the regulatory flood protection elevation are water tight with walls substantially impermeable to water.
7. **Structural Components.** The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.
8. **Certification.** Utilities and pipelines will be permitted on submission to the Director a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of floodwater.
9. **Changes in Topography.** No changes in topography, such as by filling or excavation, will be allowed if these changes will result in a concentration of the natural flow of water so as to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
10. **Water Supply Systems.** All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
11. **On-Site Waste Disposal Systems.** All on-site waste disposal systems must be located or designed so as to eliminate contamination during or subsequent to flooding.