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MEMORANDUM

DATE: July 9, 2019
TO: City of Yachats City Council
FROM: Sophie McGinley, Community and Economic Development Planner
RE: **FEMA Update Process**

The purpose of this memorandum is to explain the need for the City of Yachats to update and adopt flood hazard regulations that reference the finalized Flood Insurance Rate Map and Study on a specific schedule to meet the Federal Emergency Management Agency (FEMA) deadline.

Background

As flood hazards change over time, accompanying flood insurance maps and studies also change. The maps that show the flood hazards are officially called Flood Insurance Rate Maps (FIRMs). FIRMs are used for floodplain management, flood insurance rating, and flood insurance requirements. FIRMs generally show a community's flood zones, Base Flood Elevations (BFEs), and floodplain boundaries; together they show the risk of flooding. A Flood Insurance Study (FIS) is a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the National Flood Insurance Program (NFIP), the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.

The City of Yachats recently finalized the community's FIRM and FIS. The community was notified by receiving a Letter of Final Determination (LFD) that new FIRM and FIS were finalized and will take effect October 12, 2019. The City of Yachats must comply before the October deadline to avoid ramifications.

Required Actions

1. The City of Yachats must adopt flood hazard regulations (i.e. flood ordinance) that references the new FIRM and FIS and is compliant with the minimum NFIP and state standards, in time for it to take effect before October 18, 2019.
2. Oregon Cascades West Council of Governments (OCWCOG) has sent language to DLCD and FEMA for review and will have comments July 26, 2019.
3. The community will review through Planning Commission and City Council and send the updated language to the state on the PAPA portal.
4. The State, through DLCD, will then complete a final review and send the finalized language to FEMA.
5. The City of Yachats will then adopt the revised floodplain regulations through Planning Commission and City Council and submit notice of adoption.

If the City of Yachats does not comply, then the community will be suspended.

Ramifications

The suspension would have the following ramifications:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

Deadlines

The adoption process outlined above meets the State of Oregon's planning process requirements for a community to provide proposed comprehensive plan amendments to DLCD 35 days in advance of the first evidentiary hearing. The City of Yachats City Council and Planning Commission meetings before the language adoption deadlines are*:

- City Council Work Session August 7, 2019
- Planning Commission August 20, 2019
- City Council August 21, 2019
- City Council Work Session September 4, 2019
- Planning Commission September 17, 2019
- City Council September 18, 2019
- City Council Work Session October 2, 2019

The dates listed above do not require City Council or Planning Commission to discuss the updated FEMA language, however they indicate opportunities for the Council and Commission to discuss the update language and process before the October adoption hearings listed below.

The Planning Commission and City Council **must** adopt the language and submit notice of adoption by the following dates:

- **Planning Commission October 15, 2019**
- **City Council October 16, 2019**