

POLICY COMMITTEE MEETING

July 16, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Mr. John Wright

Mr. Tim O'Connor

Mr. Heath Richardson

Mr. Rich Krapf

Absent

Ms. Robin Bledsoe

Staff Present

Mr. Paul Holt

Ms. Christy Parrish

Ms. Savannah Pietrowski

Mr. Darryl Cook

Mr. Tom Coghill

Mr. Scott Thomas

Mr. Alex Baruch

Others Present

Mr. John Wright called the meeting to order at 4:00 p.m.

2.) Minutes

a. April 16, 2015

Ms. Tim O'Connor moved to approve the April 16, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted (3-0, Mr. Richardson late, Ms. Bledsoe absent).

3.) Old Business

There was no old business to discuss.

4.) New Business

a. ZO-0001-2015, Article VI, Division 3 –Floodplain Area Regulations

Ms. Christy Parrish, Deputy Zoning Administrator, asked the other staff members present to introduce themselves and give a synopsis of their participation in the ordinance update.

Ms. Savannah Pietrowski, Planner, stated that she has helped with the ordinance review process and is responsible for updating the Floodplain website.

Mr. Darryl Cook, Stormwater Engineer, stated that he is the Community Ratings System Administrator. This program recognizes communities that go above and beyond the requirements of the National Flood Insurance Program (NFIP) to gain insurance premium discounts for citizens.

Mr. Tom Coghill, Director of the Building Safety and Permits Division, stated that he is a certified Floodplain Manager through the Association of State Floodplain Managers (ASFPM). Mr. Coghill

stated that part of his job is to ensure new construction complies with the Building Code and Zoning Ordinance for flood resistant construction.

Mr. Scott Thomas, Director of Engineering and Resource Protection Division, stated that Mr. Cook is also certified as a Floodplain Manager. Mr. Thomas stated that his role includes the review of development plans and the review of hydraulic related issues.

Ms. Parrish summarized the different aspects of the ordinance update which included changes to the Flood Insurance Rate Maps (FIRM), required changes to the ordinance, and options to consider for additional requirements regarding Coastal AE and Limit of Moderate Wave Action (LiMWA) Line.

Ms. Parrish stated that James City County did an extensive community outreach in 2014. Over 2,500 property owner notifications were mailed regarding the proposed map changes and public open house with Federal Emergency Management Agency (FEMA) representatives on August 13, 2014. FEMA published a 90 day appeal period allowing property owners to appeal the change using scientific data. Ms. Parrish stated that there were no appeals submitted.

Ms. Parrish stated that the County received a letter of final determination from FEMA stating the new maps will become effective on December 16, 2015. Ms. Parrish stated that James City County must update the ordinance to reflect the new maps to ensure compliance with the National Flood Insurance Program by that date.

Mr. John Wright asked if the County missed that deadline at any point would the homeowners of the County have to become self-insured.

Ms. Parrish stated that is correct.

Ms. Parrish stated that James City County participates in the Community Rating System which rewards communities that carry out floodplain management activities.

Ms. Parrish discussed the current zoning requirements. She stated that the special flood hazard areas include Zones A and AE which are areas subject to inundation by the one percent (1%) annual chance flood event. Ms. Parrish stated that new construction and substantial improvements in these areas require the lowest floor, including basement or cellar, be at least two feet above the one (1%) annual chance flood and all utilities and sanitary facilities including mechanical, plumbing and electrical systems and gas lines must be flood proofed up to the level of two feet above the one (1%) annual chance flood.

Ms. Parrish stated that the required changes to the ordinance included additional definitions, terminology (i.e. 100 year floodplain to one (1%) percent annual chance flood), effective date of map and study (December 16, 2015), require studies to be submitted to FEMA when available (such as the WEG study), replace County Engineer to Development Manager or his designee, and ensure all federal and state permits be obtained when applicable.

Ms. Parrish stated first new flood zone designation added to the map was zone AO, AO zones are areas subject to inundation by one (1%) percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Ms. Parrish stated

that there is only one area in the County with this designation. This area is near the Jamestown Ferry and is owned by the Commonwealth of Virginia.

Mr. Heath Richardson inquired where the AO area was near Jamestown Ferry property.

Ms. Parrish stated that it is right before you get to the Ferry on the left.

Mr. O'Connor asked if it is anticipated that there will be more AO properties in the future.

Ms. Parrish stated that she was unsure if there would be but if a natural event takes place which changes the topography it is possible more properties could be changed.

Ms. Parrish stated that the new coastal zones will be the main topic of discussion moving forward. The proposed zones include the V zones, the coastal AE zone, and the LiMWA line.

Ms. Parrish stated that V zones are areas subject to inundation by the one percent (1%) annual chance flood event with additional hazards due to storm-induced velocity wave action of three feet or greater. Ms. Parrish stated that the areas with V zones are located along the shorelines of the York and James Rivers. The base flood elevations are derived from detailed hydraulic analyses and staff has identified 213 parcels, including four (4) residential dwellings that have portions of this designation.

Mr. Heath Richardson inquired if the elevation was three feet above the wave action from a storm?

Ms. Parrish stated that it is three feet above the 100-year stillwater elevation. Ms. Parrish stated that the blue line on the diagram simulates the waves.

Mr. Coghill stated that the base flood elevation is not a horizontal plain, it varies in elevation depending on where you are.

Ms. Parrish stated that when building in a VE zone, the building would have to be elevated on pilings or columns so the bottom of the lowest horizontal structural member of the lowest floor is elevated at least two feet above the base flood level. In addition, new construction shall be landward of reach of mean high tide and fill for the structural support and alteration of sand dunes are prohibited.

Mr. Coghill stated that garages are allowed to be below the base flood elevation however flood vents would be required, Storage and access to higher floors are also allowed below the base flood elevation.

Mr. O'Connor stated that all of the electrical, and plumbing would have to be above the base flood elevation or flood proofed.

Mr. Coghill confirmed Mr. O'Connor's statement.

Ms. Parrish stated that AO and VE zones are mandatory and must be added in to the ordinance. However, FEMA has also added a Limit of Moderate Wave Action Line to the maps which is non regulatory.

Ms. Parrish stated that LiMWA line indicates the potential for moderate waves that may cause damage to structures (wave heights between 1.5 feet and 3 feet). Ms. Parrish stated that areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet and identified on the Flood Insurance Rate Map (FIRM) as AE areas that are seaward of the LiMWA Line also known as Coastal A zone. Ms. Parrish stated that staff has identified 284 parcels, including four (4) residential dwellings and three (3) nonresidential structures that have this designation or a portion of this designation on the property. Ms. Parrish stated that Department of Conservation and Recreation (DRC) and FEMA recommends localities adopt Coastal A zone as a higher standard in the zoning ordinance.

Mr. Richardson inquired how the non-regulatory nature of the LiMWA line translate to the zoning ordinance/local policy.

Ms. Parrish stated that the County has the option to adopt the Coastal A zone as a high standard. However, if the County chose not to, the area seaward of the LiMWA line will be treated the same as the AE flood zone.

Mr. Coghill stated that local floodplain regulations are one thing that is not under the Dillon rule so localities can adopt their own floodplain regulations.

Mr. Holt stated that this is a decision point coming up later in the conversation.

Mr. Rich Krapf inquired whether adopting the LiMWA line would give the County additional CRS credits.

Mr. Cook stated that from a CRS standpoint it is very helpful and could reduce the premiums going forward.

Ms. Parrish showed a few slides depicting the LiMWA line and Coastal A zone.

Ms. Parrish discussed the options to consider regarding the Coastal AE and LiMWA line:

1. All new construction and substantial improvements in zones V, VE and Coastal A shall meet the following requirements
 - (a) Elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least two feet above the base flood level. The pile of column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to effects of wind and water loads acting simultaneously on all building components. A registered design professional engineer or architect shall develop and seal the structural design, specifications and plans for the construction, and shall certify the design and methods of construction.
 - (b) New construction shall be landward of reach of mean high tide.

- (c) Fill for structural support and alterations of sand dunes are prohibited
2. Coastal Floodplain zones identified as "Coastal AE" zone on the FIRM that is subject to wave heights between 1.5 feet and 3 feet, and which is identified on the FIRM as being within the LiMWA, buildings and or structures shall have the lowest floor elevated to provide at least one (1) additional foot of freeboard (i.e. 3 feet).
 3. Provide the two options above in the ordinance as alternatives to provide flexibility to the property owner.
 4. Do not recommend adopting higher standards for the "Coastal AE" zone.

Mr. Krapf inquired what the pros and cons are for giving citizens the choice to choose which option they would like to use as opposed to the most stringent option.

Ms. Parrish stated the options were provided to promote flexibility for the owner. However, the most stringent option would promote safer construction in this areas.

Mr. Krapf stated that the higher the standard would lower the insurance premium and if something does happen less damage to buildings will have occurred.

Mr. Wright stated that he would rather make the rules more stringent so the homeowner and future homeowners will not have to think about the safety of the house because it is already taken care of.

Ms. Parrish discussed different localities and how they have adopted different aspects of the Coastal A. Ms. Parrish stated that they could ask if the additional foot of freeboard would help with CRS points.

Mr. Thomas stated that the studies that were done for the V zone and Coastal AE do not include sea level rise as a variable, just storm surge.

Mr. Holt stated that this is based off what we know now and the variables that are on the ground today.

Mr. Richardson asked if a property owner wanted to do construction on their house and they are in the Coastal A zone, would they have to bring it up to the new standard.

Ms. Parrish stated that new additions and alteration must meet current requirements. However, should the construction valuation exceed 50% (substantial improvements) the entire structure must be brought into conformation with the current requirements.

Mr. Wright stated that he thinks we should adopt the higher standards.

Mr. Richardson and Mr. Krapf agreed with Mr. Wright.

Mr. O'Connor inquired if CRS would still give the County additional points if the two options were adopted in the ordinance.

Mr. Cook stated he did not think so but would look into it.

Ms. Parrish stated that she would send the proposed ordinance to the Department of Conservation and Recreation (DCR) and FEMA to ensure everything is in compliance before bringing it to the Planning Commission.

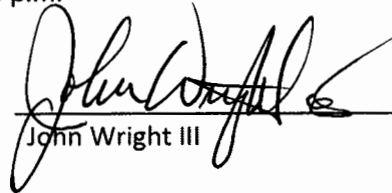
Mr. Krapf moved to go forward with the mandatory portion of the ordinance and wait to hear back from staff regarding CRS points before making a decision on the Coastal A.

The motion passed (4-0) with the discussion of the LiMWA line and Coastal A deferred to the next Policy Committee Meeting on August 13.

4.) Adjournment

Mr. Krapf moved to adjourn (4-0).

The meeting was adjourned at approximately 5:08 p.m.


John Wright III