

**INFORMATION PAGE
ORANGE COUNTY
FLOODPLAIN MANAGEMENT PROGRAM:**

BACKGROUND:

In 1968 Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves from the possible damage of structures resulting from flood events. The program is intended to supplement typical homeowner insurance policies, which do not cover damage to structures resulting from a flood. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates, specifically through the adoption and enforcement of regulations designed to mitigate/reduce flood risk, in the program.

Orange County has been a member of the NFIP since approximately 1976.

Part of the 'regulations' at our disposal are Flood Insurance Rate Maps (FIRM) denoting those areas of the County that are susceptible to flooding. The County utilizes these maps to verify the anticipated 'elevation' of flood waters during a storm event and works with property owners to ensure structures are not located in areas where flooding is a possibility. Through the enforcement of our flood damage prevention regulations, the County requires incorporation of design standards (i.e. elevation of structures and utilities, installation of flood vents, prohibition of specific activities, etc.) all in an effort to reduce the risk of loss during a flood.

COUNTY FIRM DATA:

Our original FIRM became effective on March 16, 1981, with the latest becoming effective on February 2, 2007. On advice received from the County's Attorney office in 2007, staff incorporated FIRM data onto the County Zoning Atlas creating the Special Flood Hazard Area (SFHA) overlay district. This Overlay District mirrors FIRM data delineating special flood hazard areas on the County's official atlas. At the time it was considered desirable to duplicate this information on the County Zoning Atlas in order to ensure proper identification of flood prone areas throughout the County.

COUNTY FLOOD MANGEMENT REGULATIONS:

In accordance with our responsibilities as a member of the NFIP, Orange County adopted its own flood regulations, currently embodied within the Orange County Unified Development Ordinance (UDO). These regulations, now part of the Special Flood Hazard Overlay District are located within Section(s) 4.3 Special Flood Hazard Area (SFHA) and 6.6.1 Additional Standards for Overlay Districts – SFHA of the UDO. This

document can be found utilizing the following link:
<http://orangecountync.gov/planning/Ordinances.asp>.

CURRENT PROJECT – ADOPTION OF NEW FIRMs AND TEXT AMENDMENTS:

The County is in the process of adopting a new Flood Insurance Study (FIS) FIS and FIRM for use in enforcing established flood management standards. This is after the County received notification from Federal Emergency Management Agency (FEMA) staff the maps had been finalized and were ready for adoption and implementation.

In consultation with current representatives of the County Attorney's office, it has been determined it would be prudent to eliminate the SFHA overlay district and adopt the FIRM maps by reference in the UDO. As there are changes in flood mapping data, staff would still be required complete a UDO text amendment incorporating the new FIRM maps but would not have to complete an atlas amendment. It should be noted this is how the majority of surrounding communities handle references/changes to FIRM data. Flood data will still be displayed on County GIS system(s) which can be viewed at: <https://gis.orangecountync.gov:8443/orangeNCGIS/default.htm>.

Please note as part of our floodplain management program, the Planning Department engages in a public awareness campaign keeping local property owners informed of flood issues as well as the various services offered by the County. The elimination of the SFHA overlay district will not impact or alter existing outreach efforts conducted by the Department to keep property owners aware of flood issues and the various services offered to address compliance with flood regulations.

Copies of the pending flood map data are available at the County Planning office or by visiting the North Carolina Flood Risk Information System (FRIS) webpage at: <http://fris.nc.gov/fris/Home.aspx?ST=NC>.

WHAT THIS MEANS:

The County has initiated amendments to the Zoning Atlas and UDO to accomplish the following:

1. Adopt a new FIS and FIRM data,
2. Amend the Zoning Atlas to eliminate the Special Flood Hazard Area Overlay District, and
3. Update existing regulations in the UDO to:
 - a. Eliminate references to the Special Flood Hazard Area Overlay District,
 - b. Update existing regulations to ensure consistency with FEMA's model flood ordinance,

- c. Revising existing regulations as follows:
 - i. Eliminate existing procedures allowing the Board of County Commissioners to issue 'waivers' allowing for solid waste facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities to locate in flood areas,
 - ii. Update existing standards to reference compliance with State law concerning the enforcement of floodplain management standards for bona-fide farms located within the extraterritorial jurisdictional boundary (ETJ) of local municipalities.
 - iii. Update existing regulations and definitions to ensure consistency with FEMA's revised minimum flood damage prevention ordinance.

MAILING OF INFORMATION:

Staff has sent out 2 types of mailings associated with this project, specifically:

- a. A certified letter to those property owners whose property will be impacted by the adoption of the new FIRMs. This impact can be any of the following:
 - i. An increase in identified floodplain area on the property,
 - ii. A decrease in identified floodplain area on the property, or
 - iii. No change.

Map(s) were included with the letter to provide additional assistance/guidance on the impact of the new FIRMs.

This letter was sent consistent with County regulation(s) as embodied in Section 2.8 of the UDO.

OR

- b. A postcard to those property owners who live within 1,000 ft. of the proposed zoning atlas amendments. In this case the elimination of the Special Flood Hazard Area Overlay District.

Property owners who received a postcard, and no other correspondence, are not directly impacted by the proposed amendment. You are receiving notice of the project consistent with County regulation(s) as embodied in Section 2.8 of the UDO.

Staff has completed the required mailing for the October 4, 2017 Planning Board meeting. Additional notification will be sent for the public hearing before the Board of County Commissioners, which will occur in November of 2017.

It should be noted the County is required to adopt the new FIRMs and revise existing flood regulations accordingly by November 17, 2017 in order to continue to be eligible to participate in the NFIP. If we do not accomplish this task, and are suspended from the NFIP, local property owners will be unable to procure flood insurance for their properties.

The remaining information is designed to address basic questions about this project:

Why is the County doing this?

As indicated above we are required to adopt the new FIRMs in order to remain eligible for participation in the NFIP. This enables local property owners purchase flood insurance and be eligible for disaster relief aid/grants to address damage from a storm event.

Will I have to purchase flood insurance?

While there is no County regulation compelling the purchase of flood insurance, the Flood Disaster Act of 1973 and the National Flood Insurance Reform Act of 1994 mandates the purchase of flood insurance for all federal or federally related financial assistance for the acquisition and/or construction of buildings within a floodplain.

The mandatory purchase requirement also applies to secured loans from such financial institutions as commercial lenders, savings and loan associations, savings banks, and credit unions that are regulated, supervised, or insured by federal agencies such as the Federal Reserve.

Depending on your mortgage status, there may be a need to purchase flood insurance based on a parcels location within an identified floodplain.

Can the County modify the FIRM to take my property out of a Special Flood Hazard Area?

Unfortunately we are unable to provide this service. In order to amend a FIRM, a property owner would have to initiate the process with FEMA.

If a property owner thinks their property has been inadvertently mapped in a Special Flood Hazard Area, they may submit a request to FEMA for a Letter of Map Change (LOMC). As a reminder a SFHA is defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. A LOMC reflects an official revision/amendment to an effective FIRM.

If the LOMC request is granted, property owners may be eligible for lower flood insurance premiums or the option to not purchase flood insurance. Applicants can now use the Online LOMC, an internet-based tool, to easily request a Letter of Map

Amendment (LOMA). A LOMA is a letter from FEMA stating that an existing structure or parcel of land - that is on naturally high ground and has not been elevated by fill - would not be inundated by the base flood. This new tool is a convenient way for applicants to upload all information and supporting documentation and check the status of their application online.

For more information please utilize the following link: <https://www.fema.gov/change-flood-zone-designation-online-letter-map-change>

What is a Flood Insurance Study (FIS)?

A Flood Insurance Survey (FIS) is a compilation, analysis, and presentation of flood risks for water features (i.e. streams, rivers, lakes, etc.) within a given community. The completed study contains detailed flood elevation data for use by local communities in development of floodplain management standards as well as serving as a central information source in the creation of a Flood Insurance Rate Map (FIRM).

What 'data' is utilized in preparing a FIS?

In preparing a FIS there is a multitude of data collected and reviewed. This includes, but is not limited to:

1. Rainfall data.
2. Hydrologic Analyses – including the identification of water surface elevations on water features as well as studies outlining the amount of water flowing in a given water feature during storm and flood events.
3. Discharge rates of water features – the identification of the water flow or carrying capacity of a given water feature. This would include review of existing topographical maps/data in and around a water feature, review of rain gage data, and soil information to ascertain water infiltration rates.
4. Existing stormwater infrastructure (i.e. culverts, drainage ditches, etc.) in a given area.
5. Review of the composition, including the height, width, depth, and slope, of a water feature.
6. Historical flood events.

Who prepares a FIS?

Typically, a FIS is prepared by the Federal Emergency Management Agency (FEMA). In this instance the new FIS for Orange County was produced through a unique cooperative partnership between the State of North Carolina and FEMA. The State and FEMA have entered into a Cooperating Technical State (CTS) agreement to produce and maintain the FIS report as well as accompanying digital copies of the Flood Insurance Rate Map (FIRM) for North Carolina.

What exactly is a Flood Insurance Rate Map (FIRM)?

A FIRM is an official map of a community displaying the floodplains, more explicitly special hazard areas and risk premium zones, as delineated by FEMA. The FIRM is the basis for floodplain management, mitigation, and insurance activities in the National Flood Insurance Program (NFIP).

FIRMs are constantly being updated due to changes in geography, construction, mitigation activities, and meteorological events. As a result it is beneficial for individuals to reach out to the County floodplain manager to verify the current 'status' of a given property with respect to an accurate determination on compliance with floodplain regulations.

What do FIRMs display?

A FIRM will generally show:

1. Roads and map land marks,
2. A community's base flood elevations,
3. Flood zones,
4. Floodplain boundaries – areas having a 1-percent (1%) annual chance of flooding (commonly referred to as the 100-year flood) and areas having a 0.2-percent (0.2%) annual chance of flooding (commonly referred to as the 500-year flood).

As a general note, areas that fall within the 1% (i.e. 100-year flood) boundary are called special flood hazard areas (SFHAs) and they are further divided into insurance risk zones.

So if property is shown on a FIRM as being located within an area having a 1-percent (1%) annual chance of flooding does that mean it will only flood 1 in 100 years?

Unfortunately, no. This is a common misconception. This area has a 1% chance of flooding to identified levels depicted on the FIRM in any given year. It is not meant to indicate that a flood will reach identified levels once every 100 years.

How are FIRMs used?

They are used in planning, in the insurance industry, and by individuals to avoid moving into a home at risk of flooding or to develop a better understanding of the steps that they can take to protect their property from damage during flood events.

FIRMs are also used to set rates of insurance against risk of flood and whether buildings are insurable at all against flood. It is similar to a topographic map, but is designed to show floodplains.

Will the proposed amendments impact farm operations?

The County has always had the authority to enforce floodplain management standards on properties classified as a farm operation with respect to development within the floodplain (i.e. we can prevent the erection of structures within flood hazard areas). The proposed amendments, however, will not impact grazing or crop production within identified floodplain. Further the County cannot enforce the floodplain buffer as detailed in Section 6.13 of the Unified Development Ordinance (UDO) on a bona fide farm.

Will the elimination of the Special Flood Hazard Area Overlay District negatively impact the County's flood management program?

There should be no impact. Flood data will still be displayed on County GIS system(s) which can be viewed at: <https://gis.orangecountync.gov:8443/orangeNCGIS/default.htm>.

Will these amendment(s) alter the County's floodplain management outreach program?

No. Staff will continue to send annual letters to local property owners outlining the services we offer as part of our floodplain program.

Staff can provide assistance:

Please note being located in or near identified floodplain does not inherently mean you cannot develop your property. There are steps you can take to mitigate your risk and, at the same time, ensure compliance with applicable flood regulations.

If you are thinking about engaging in land disturbing activity on your property for any reason (i.e. building a new structure, grading, removing trees, etc.) you should first consult the Planning Department to understand what issues, if any, the project may create.

Staff will be more than happy to schedule a formal meeting with you, on site, to discuss specific flood issues associated with your property and identify opportunities to correct or prevent flood damage. A breakdown of the services we offer, with respect to understanding and identifying flood issues on your property, can be accessed at: http://www.orangecountync.gov/departments/planning_and_inspections/floodplain_management.php.