



**Date:** September 24, 2018

**To:** Wendell Davis, County Manager

**Through:** Jay Gibson, General Manager

**From:** Patrick O. Young, AICP, Planning Director

**Subject:** *Unified Development Ordinance* Text Amendment, FEMA FIRM Updates (TC1800003)

**Summary.** Text amendment TC1800003 is a technical update to adopt revised Flood Insurance Rate Map (FIRM) panels issued by the Federal Emergency Management Agency (FEMA) by October 19, 2018, as required by FEMA and state law.

**Recommendation.** That the Board of Commissioners approve the attached Ordinance to amend Article 8, Environmental Protection, of the *Unified Development Ordinance*; and approve a consistency statement declaring the request consistent with the Durham *Comprehensive Plan* and that the request is reasonable and in the public interest. Information supporting these recommendations is found within this memo, attached documents, and any information provided through the public hearing.

**Background.** FEMA has updated its flood hazard information for the City of Durham and unincorporated areas of Durham County. These maps identify Special Flood Hazard Areas and Future Conditions Flood Hazard Areas, which are defined as follows:

**Special Flood Hazard Area:** The land in the floodplain subject to a one percent or greater chance of being flooded in any given year based on current conditions hydrology.

**Future Conditions Flood Hazard Area:** The land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology as determined in paragraph 8.4.2, Applicability, of this ordinance.

The revised FIRM panels are effective October 19, 2018 and must be adopted by that date in order to maintain Durham's participation in the National Flood Insurance Program (NFIP).

The Joint City-County Planning Committee reviewed the text amendment and had no concerns. The Planning Commission recommended approval, 12-0, of the text amendment on July 10, 2018. The Planning Commission determined that the Ordinance request is consistent with the adopted *Comprehensive Plan* and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report. The Durham City Council will consider this amendment at its September 4, 2018, meeting.

**Issues.** The NFIP requires local communities, as a condition of future federal financial assistance and federally-backed property flood insurance, to participate in the flood insurance program, and to adopt floodplain ordinances consistent with federal standards to reduce or avoid future flood losses. FEMA implements the NFIP, and the North Carolina Division of Emergency Management serves as state coordinator. State law provides that once FEMA approves a floodplain map for the NFIP, each local government affected by the floodplain must incorporate the revised map into its floodplain ordinance. No new flood insurance coverage can be provided until that occurs. This proposed text amendment would adopt the FIRM updates containing Durham County, which are revised effective October 19, 2018, by that effective date as required\*.

Based upon 2015 State data on insurable buildings in the City and County (the date when the preliminary map panels were released by FEMA), base flood elevations, and building elevations, the following estimates are provided:

1. Total number of City and County insurable buildings within Special Flood Hazard Areas: 1,793
2. Number of buildings added to Special Flood Hazard Areas: 146
3. Number of buildings removed from Special Flood Hazard Areas: 271

**Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest.** The proposed changes are technical requirements mandated by FEMA and state law in order to maintain participation in the National Flood Insurance Program (NFIP). This is reasonable and within the public interest. Although not specifically addressed within the *Comprehensive Plan*, the proposed amendments do not conflict with any policies, goals, or objectives of the plan.

**Contact.** Michael Stock, AICP, Senior Planner, 919-560-4137 ext. 28227; [Michael.Stock@DurhamNC.gov](mailto:Michael.Stock@DurhamNC.gov).

**Attachments:**

**Attachment A:** Statement of Consistency Pursuant to NCGS § 153A-341

**Attachment B:** An Ordinance to Amend the *Unified Development Ordinance* Regarding Flood Insurance Rate Map (FIRM) Updates (TC1800003)

**Attachment C:** Planning Commission Comments

**Attachment D:** FIRM Index Map

**Attachment E:** Durham Floodplain Map

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\* The Emergency Management Division of the state Department of Public Safety determined, in consultation with the Attorney General's Office, that North Carolina is not an auto-adoption state. Therefore, jurisdictions are required to update applicable ordinances as each FIRM panel is updated. A bill to re-organize and consolidate all of the planning and zoning enabling legislation is under consideration with the state legislature. The proposed bill, at this time, would allow for auto-adoption of such maps.