



MEMORANDUM

TO: Mayor and Council

FROM: Victoria J. Li, P.E., Director
Watershed Protection Department

DATE: February 25, 2015

SUBJECT: Floodplain Variance Process Summary

A public hearing to consider a floodplain variance request for a proposed residential development at 5613 Joe Sayers Avenue is on the February 26, 2015, Council agenda. This will be the first floodplain variance request to be considered by this Council. The purpose of this memo is to provide information Council may find helpful in hearing and making a decision regarding this and future floodplain variance requests.

Floodplain Variance Process

When an applicant proposes development in a floodplain, the Floodplain Office reviews the application to determine whether it complies with the floodplain regulations. Development may include new buildings, parking areas, additions to buildings, interior remodeling, or grading (moving dirt) within the floodplain. If the development cannot or the applicant chooses not to comply with the floodplain regulations, the applicant may request a variance from the regulations. City Code authorizes the Watershed Protection Department Director to grant an administrative variance to floodplain regulations under certain circumstances, and provides for certain exceptions to the regulations. If the proposed development does not qualify for an administrative variance or exception, FEMA requires that the governing body of the community hear and decide the floodplain variance request.

City Code requires a public hearing. The floodplain variance item is placed on two separate Council agendas, first to set the date, time, and place for the public hearing and second to conduct the public hearing and consider the floodplain variance ordinance. There is no public notification required for the hearing, other than the agenda posting itself. After conducting and closing the public hearing, Council deliberates and acts. If Council decides to approve the variance, it does so by ordinance, which will be provided in the back-up material for the agenda item.

Floodplain Regulations in Austin

From large dam failures along the Colorado River in the early 1900s to the 2013 Halloween Flood, floods have impacted our city and destroyed millions of dollars in private property and public infrastructure. In response to this, and after initiating local drainage rules in 1974, the City began participating in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) in September 1981.

FEMA requires communities participating in the NFIP to adopt and enforce a minimum set of floodplain regulations known as the *minimum standards*. Similar to many communities in the country, Austin's floodplain regulations go above and beyond the minimum standards. The City's floodplain regulations are found in Chapter 25-7 (*Drainage*) of the City Code and Chapter 25-12, Article 1 of the Technical Codes. Considerations and conditions that Council should determine upon reviewing floodplain variance requests are listed in City Code Chapter 25-12-3 Appendix G, Sections G105.6 and G105.7.

Participation in the NFIP benefits Austin residents by providing the option of purchasing flood insurance from the federal government at a greatly reduced rate compared to private flood insurance. The average annual flood insurance premium in Austin is \$727. There are approximately 5,700 flood insurance policies currently in force in Austin covering \$1.25 billion of buildings and contents. Participation in the NFIP also qualifies Austin for federal disaster money through presidentially-declared disasters and other grant funding through the State of Texas. Most recently, Austin received disaster funding following the 2013 Halloween Flood.

In 1990, FEMA introduced the Community Rating System (**CRS**) as a voluntary program for recognizing and encouraging community floodplain management activities exceeding the minimum standards. Austin has participated in the CRS program since 1991. CRS evaluates activities such as flood warning, floodplain mapping, higher regulatory standards, outreach programs and the preservation of open space and natural features. Currently, Austin residents receive up to a 20% discount on flood insurance premiums due to our CRS rating. This equates to a savings of approximately \$740,000 in annual insurance premium savings.

Implications of Floodplain Variance Decisions

The life and safety consequences to the public and first responders make the floodplain variance decision a weighty one. In addition, the City's participation in the NFIP and CRS are dependent on the enforcement of the minimum standards and higher standards, respectively. Therefore, our participation in these programs could be placed in jeopardy if variances are granted without justification. If FEMA were to find the granting of variances from the minimum standards unjustified, it has the authority to place the City on probation until the issues with the program are rectified, with the possibility of suspension from the NFIP. Similar to FEMA's findings, the CRS program reviews our participation in the program. If this review were to find the granting of variances from our higher standards unjustified, we may lose CRS credit that we receive by having these higher standards. This could reduce the flood insurance premium savings that our community currently receives.

Conclusion

Whether looking far into our City's past as we near the centennial mark this year of floods that devastated the Shoal and Waller watersheds or searching our recent memory for scenes of devastation from the 2013 Halloween Flood, the importance of flood safety in Austin cannot be overstated. The floodplain regulations adopted by the City are intended to protect the public; to qualify the City and the public to benefits under a federal program; and to build a safer more resilient community.

Please feel free to contact me at (512) 974-9195 or via e-mail at Victoria.Li@austintexas.gov, should you have any questions or concerns.

Cc: Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager