



Staff Report

File #: 21-32

Version: 1

Date: 2/8/2021

Item #: 6.a.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Notice of proposed administrative rulemaking to establish interim flood hazard areas.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

ISSUE:

Notice of proposed administrative rulemaking to establish interim flood hazard areas pursuant to *Salem Revised Code* (SRC) Chapter 20J.040(a)(3).

RECOMMENDATION:

Information only.

SUMMARY:

Administrative Rule 109-020 is being amended in order to improve Salem's rating within the Federal Emergency Management Agency's (FEMA's) Community Rating System (CRS) program. Based on CRS credit points awarded to a community, there is a discount on flood insurance premiums ranging from five percent to 45 percent. CRS classifications range from Class 9 to Class 1, with Class 1 being best. Salem's current rating is Class 5, which results in a 25 percent reduction to all flood insurance premiums within Salem when compared to an undiscounted rate. FEMA requires certain minimum prerequisites to be met in order for Salem to improve to Class 4 rating. Salem is eligible for a Class 4 rating once it has met the mandatory prerequisites. A Class 4 level would reduce flood insurance premiums 30 percent when compared to an undiscounted rate.

Amendments to Administrative Rule 109-020 are needed to meet the mandatory prerequisites for a

Class 4 CRS rating. Specifically, FEMA's Flood Insurance Rate Maps (flood maps) for Salem include a number of special flood hazard areas (SFHAs) in flood zones A and AO. FEMA's flood maps designate flood zones A or AO when the base flood elevation has not yet been established. In order to meet Class 4 CRS prerequisites, all SFHAs must include a base flood elevation. Amendments to Administrative Rule 109-020 establish base flood elevations for all A and AO flood zones in Salem.

FACTS AND FINDINGS:

The authority to promulgate administrative rules is granted under SRC 20J.030. SRC 20J.040 outlines the procedure for adopting an administrative rule. This procedure requires providing notice of the proposed rulemaking to the City Council along with other methods of public notice. Adopting the administrative rule allows interested persons to be included in the rulemaking process and is in the public interest.

City Council has the authority to review a proposed administrative rule. City Council's review authority is limited to determining whether the proposed rule is within the scope of the Code authority, whether the rule is duplicative, or conflicts with, another rule or law, or if the proposed rule is outside of the City Manager's administrative rulemaking authority.

The public notice for the proposed administrative rule change was mailed to affected parties and posted on January 22, 2021. All public comments were due by February 8, at 5:00 p.m. (Because the 15-day notice period ended on February 6, a Saturday, the period was extended to Monday, February 8.) The administrative rule will become effective on February 12, 2021.

Administrative Rule 109-020 is also being modified to reflect recent updates to SRC Chapter 601 (Floodplain Overlay Zones). Three interim flood hazard areas from the original Administrative Rule 109-020 remain unchanged. The specific special flood hazard areas being added to Administrative Rule 109-020 are as follows:

- 1) Northeast corner of the I-5 and Hwy 22 intersection;
- 2) South of Battle Creek Elementary between Waln and Powell Creeks;
- 3) Waln Creek upstream of Waln Drive SE;
- 4) East Side of I-5 Quarry Ponds;
- 5) Salem Municipal Airport;
- 6) McGilchrist Street SE west of 25th Avenue SE;
- 7) South side of Mill Creek between 23rd Street SE and 25th Street SE;
- 8) Mill Race between 14th Street SE and Church Street SE;
- 9) West Fork Pringle Creek upstream of Middle Fork Pringle Creek to Ewald Avenue SE;
- 10) East Fork Pringle Creek South of Turner Road I-5 overpass;
- 11) Lake Labish Ditch near Chemawa Road NE; and
- 12) Unnamed Tributary to Little Pudding River south of Hazelgreen Road NE.

BACKGROUND:

Administrative Rule 109-020 is being amended in order to improve Salem's rating within the FEMA's CRS program. Based on CRS credit points awarded to a community, there is a discount on flood insurance premiums ranging from five percent to 45 percent. CRS classifications range from Class 9 to Class 1, with Class 1 being best. Currently, the best rating statewide is Class 5; a rating that Salem shares with two other communities. A Class 5 CRS rating results in a 25 percent reduction to all flood insurance premiums within Salem when compared to an undiscounted rate. FEMA requires certain minimum prerequisites to be met in order for Salem to improve to Class 4 rating. Salem is eligible for a Class 4 rating once it has met the mandatory prerequisites at the Class 4 level. A Class 4 level would reduce flood insurance premiums 30 percent when compared to an undiscounted rate.

Approximately 20,000 communities nationwide participate in the National Flood Insurance Program, of which 1722 are participating in the CRS program as of October 2020. Of those 1722 communities, 179 have achieved a CRS rating of Class 5 or better and only 20 have achieved a CRS rating of Class 4 or better. As of October 2020, 35 cities in Oregon participate in the CRS program, four of which are rated at Class 5 (Albany, Corvallis, Portland, Salem). No city in Oregon has yet to be rated by FEMA at Class 4. Salem's CRS rating is currently under review by FEMA and is tentatively projected to achieve a Class 4 rating once all prerequisites are met.

Robert D. Chandler, PhD, PE
Assistant Public Works Director

Attachments:

1. Proposed Administrative Rulemaking 109-020
2. Proposed Administrative Rule Text