

# LANCASTER COUNTY PLANNING COMMISSION

## Minutes

**September 18, 2014**

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the Board meeting room of the Lancaster County Administration Building, Lancaster, Virginia.

Present were David Jones, Chair, Robert Smart, David Chupp, Glenn Pinn and Steve Sorensen. Tara Booth and Ty Brent were absent.

Also present were William Lee, Board of Supervisors' representative, Don Gill, Planning/Land Use Director, Steve Daum, Building Official and Charlie and Anne Costello.

Mr. Jones asked if there were any corrections or additions to the minutes of the August 21, 2014 meeting.

Mr. Jones moved to approve the August 21, 2014 minutes as submitted. **VOTE: 5-0.**

### **PUBLIC HEARING #1**

#### **REVISIONS TO THE ZONING ORDINANCE ARTICLE 23 – FLOODPLAIN OVERLAY DISTRICT**

Mr. Jones asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was to revise the Zoning Ordinance Article 23 – Floodplain Overlay District as mandated by FEMA's recent modifications to the Flood Insurance Rate Maps and Flood Insurance Study for Lancaster County.

Mr. Gill stated that on September 27, 2013, the Federal Emergency Management Agency (FEMA) completed its proposed modifications to the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Lancaster County. He stated that FEMA then conducted a 90-day statutory appeal period that ended on January 10, 2014 and issued its Letter of Final Determination on April 2, 2014. He stated that the new FIRMs and FIS become effective on October 2, 2014. He stated that, prior to that date, Lancaster County is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt a revised ordinance that complies with the new FIRMs and FIS.

Mr. Gill stated that the Virginia NFIP Office has reviewed our ordinance and suggested revisions to comply with current floodplain management regulations and that all suggested revisions are based on the minimum requirements of the NFIP regulations unless our current requirements exceeded the minimums. He stated that any modification by the Planning Commission cannot be less stringent than the minimum requirements. He stated that the Planning Commission could suggest more stringent modifications, but practicality and economic feasibility must be considered. He added that adoption of a revised ordinance which complies with the new FIRMs and FIS as modified by FEMA is basically a housekeeping issue.

Mr. Gill stated that Steve Daum, the Lancaster County Building Official, was present at the meeting and had some suggestions for the ordinance. He stated that Mr. Daum had attended a FEMA training in July.

Mr. Gill stated that a FEMA meeting for the community was held on September 11 and was attended by only 7 people.

Mr. Gill stated that at last month's Planning Commission meeting, there were some questions about how much savings citizens could realize on their flood insurance premiums based on the additional amount of elevation of their homes. He stated that he has found out that the most savings are gained at two feet above the base flood elevation. He stated that the County is currently at one and a half feet and FEMA rounds up, so at the present requirement, the County is already at the level where the most insurance savings are realized.

Mr. Gill stated that Mr. Daum would discuss changing the definition of freeboard and changing the point from where it is measured. He stated that the current definition of freeboard says that it is measured from the top of the first finished floor and most localities measure from the bottom of the lowest structural horizontal member.

Mr. Gill referred to the new Coastal A zone and stated that the 2015 International Building Code will require that zone to have VE zone regulations.

Mr. Gill showed a depiction of the zones and explained that the VE zone is closest to the water and has waves greater than three feet tall and behind that is the AE zone, which goes from no waves up to three feet waves. He stated that there is a new zone with this ordinance revision, the Coastal A zone, which has waves from one and a half to three feet and the one and a half feet wave line was depicted by the limit of moderate wave action (LiMWA) line.

Mr. Gill stated that this ordinance revision has been advertised as required by law and that to date, other than the discussion at the August Planning Commission and Board of Supervisors' meetings, there has been no public input.

Mr. Gill stated that this would have to be acted upon by the Planning Commission and then the Board of Supervisors before October 2, 2014.

Mr. Jones opened the public hearing.

Mr. Jones asked if the Coastal A zone was delineated by FEMA.

Mr. Gill replied yes and the limit of moderate wave action lines are delineated on the new flood maps. He stated that the new flood maps are on the County's website as well.

Mr. Jones asked what the differences in requirements were between the zones.

Mr. Daum replied that in the VE zone, any wall below the main house has to have breakaway construction and in the AE zone, there are regular foundation walls with flood vents.

Mr. Gill added that it was up to the County to decide whether to require the new Coastal A zone to adhere to VE or AE zone requirements.

Mr. Jones stated that the Coastal A lines are arbitrary and asked how they were delineated.

Mr. Gill stated that FEMA determined where the one and a half feet waves would be.

Mr. Jones asked who determined the delineations.

Mr. Gill replied FEMA contracted surveyors and engineers.

Mr. Jones had more questions about the delineations and Mr. Gill brought the new flood maps into the meeting room for the Planning Commission to review.

Mr. Smart referred to how the zones were established and stated that NOAA keeps tidal records and FEMA can take that information that involves fetch and wind velocity to determine how high waves could be during a storm.

Mr. Jones stated that the 100-foot Resource Protection Area (RPA) line is easy to determine, and this Coastal A zone would be better if there was a reference point to work from.

Mr. Gill stated that the Coastal A zone would probably fall within the 100-foot RPA area in most cases, which already prohibits new construction with few exceptions.

Mr. Daum stated that he wanted to change the definition of freeboard in the ordinance.

Mr. Jones asked him to explain freeboard to the Commission.

Mr. Daum stated that freeboard is currently a factor of safety usually expressed in feet above a flood level for purposes of floodplain management measured from the top of the first finished floor. He stated that freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. He stated that the change he wanted to make was to strike the words “measured from the top of the first finished floor.” He stated that it would make the County’s definition consistent with the definition of freeboard that the National Flood Insurance Program recognizes.

Mr. Smart stated that he thought it was important for the terminology to be standardized.

Mr. Jones explained floor systems to the Commission. He stated from the top of the first finished floor to the bottom of the lowest horizontal beam is approximately two feet in distance, so by simply changing the point from where freeboard is measured, you increase the elevation by that two feet.

Mr. Daum stated that the reason freeboard went to one and a half feet was to allow duct work to be placed under the house and the building code requires that all equipment, including duct work, be at or above the base flood elevation.

Mr. Jones stated that currently our ordinance says that freeboard starts at the top of the first finished floor and the County added the 18-inch requirement. He stated that he wanted the Commission to understand that with the proposed definition change, every house will have to be two feet taller than FEMA says it has to be. He stated that he agreed with changing the definition, but not keeping the current 18-inches of freeboard since approximately two feet will be gained by simply changing the point from where freeboard is measured.

Mr. Chupp asked about reducing the 18-inch requirement.

Mr. Daum stated that ductwork would not be able to fit under a house with reduced requirements.

Mr. Jones suggested changing the definition to read either lowest structural member or duct work.

Mr. Daum stated that he thought that would be an enforcement nightmare.

Mr. Jones stated that a lot of homes have ductwork located in the attic, so the 18 additional inches are not an issue.

Mr. Daum stated that citizens could realize a substantial insurance savings by elevating the additional 18 inches.

Mr. Jones stated that was a property owner's option and the County should not determine insurance premiums for its citizens. He stated that if it was a safety issue, that would be another matter, but it is not.

Mr. Lee stated that he thought the insurance premiums should be left out of the equation. He stated that he was not sure what the advantage was to go beyond FEMA's recommendations.

Mr. Daum stated that it would increase safety.

Mr. Jones stated that he thought that decision should be the homeowner's choice. He stated that he thought the additional 18 inches put an undue burden on homeowners.

Mr. Smart stated that anything above the federal requirements should be the homeowner's choice, in his opinion.

Mr. Chupp asked what other areas are doing with this issue.

Mr. Gill stated that, to his knowledge, Lancaster County was one of the only localities that measure from the top of the first finished floor.

Mr. Jones stated that different localities have different requirements and they have to be checked with on an individual basis.

Mr. Gill stated that the Commission members have the revised ordinance that included the state office's recommended changes highlighted in gray and the suggested changes from Mr. Daum highlighted in yellow. He stated that a recommendation would need to be forwarded to the Board of Supervisors.

Mr. Jones stated, that to make it simple, he thought the motion's language should be that the definition of freeboard includes the words from the lowest horizontal structural member or the lowest part of the ductwork.

Mr. Daum suggested leaving out the ductwork part of the motion.

Mr. Jones closed the public hearing.

Mr. Smart suggested that measuring from the lowest horizontal structural member or the lowest ductwork, the building must be elevated as such that it complies with the state building code and the requirements for the owner to obtain federal flood insurance.

Mr. Jones stated that the County should not have anything to do with the insurance. He stated that if there is no loan involved, there is no insurance requirement.

Mr. Jones made a motion that the state office's revision be forwarded, but change the freeboard definition to " the lowest horizontal structural member or duct work" and strike the words " one and one half feet above" and add "elevated at or above the base flood elevation" for the AE and Coastal A zones. **VOTE: 5-0.**

Mr. Gill stated that the Board of Supervisors would get the same revisions as well as the Planning Commission's recommendation at their regular meeting next week.

### **ADJOURNMENT**

The September 18, 2014 regular meeting of the Lancaster County Planning Commission was adjourned at 8:30 p.m.