

**To the Mayor and Members of the City Council****June 23, 2020**

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SUBJECT: UPDATE ON NON-FEMA FLOOD RISK AREA POLICY INITIATIVE

This Informal Report provides an update on the initiative to develop a policy regarding the communication and regulation of development in highly flood prone areas of Fort Worth that are not reflected on floodplain maps produced by the Federal Emergency Management Agency (FEMA). Staff has recently provided individual briefings to City Council members on the draft policy recommendations, which have been developed and endorsed by the stakeholder groups described below. Staff is moving forward to develop the ordinance changes needed to implement the recommendations and will bring them to the City Council for approval this fall. Staff will also start refining the mapping in preparation for website updates and begin communicating the upcoming changes to the broader community.

Background

On November 13, 2018, the City Council received a briefing about non-FEMA floodplains, the benefits and concerns of making non-FEMA mapping readily available to the public, stakeholder engagement, and draft policy recommendations. The policy initiative is due to increasing instances in the past 10 years of property owners outside of the FEMA floodplain being surprised by flood events impacting their properties. In many cases these impacts could have been minimized and/or prevented had communications and regulations regarding flood risks in these areas been consistent with the means of communication and regulation in FEMA floodplains. The significant, and often undefined and uncommunicated, risk of flooding outside of FEMA floodplains is a nationwide issue that has been the topic of several recent national reports.

Stakeholder Engagement

Stormwater Management staff recently completed an extensive stakeholder engagement effort to identify and work through questions and concerns associated with this initiative. This was the culmination of nearly five years of discussions with various community groups including the Floodplain Management Plan, Stormwater Master Plan, and Stormwater Program stakeholder groups in addition to two public meetings near the end of 2018. The goals of the stakeholder engagement effort were:

1. To ensure full understanding of the pros and cons of adopting such a policy;
2. To clarify regulatory standards and processes;
3. To determine the process that would be necessary to administer and communicate the policy; and
4. To gather stakeholder feedback to shape policy recommendations and minimize unintended consequences.

Over the course of 2019, eleven meetings and countless individual discussions were held with two groups of community professionals. The Real Estate Guidance Group (REGG) was comprised of local representatives from the professions involved in both residential and commercial real estate transactions. This included lenders, appraisers, title lawyers, insurance agents, surveyors, developers, and builders. Real estate professionals on this working group represented the following entities: the Real Estate Council of Greater Fort Worth, the Greater Fort Worth Association of Realtors, the Fort Worth Builders Association, the City's Development Advisory Committee, and the Tarrant Appraisal District. The second stakeholder group was comprised of engineers who work for developers to design their projects. City staff worked with the leadership of the local chapter of the American Council of Engineering Companies (ACEC) to establish this group.

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The work with these two groups was completed in a joint meeting held on January 30, 2020. Thirteen stakeholders filled out surveys regarding policy recommendations. This revealed that 92% of the respondents supported the policy recommendations and felt the flood risk information would be helpful in their business decision making.

Staff also received some very important community input relative to this initiative via a survey the Real Estate Council of Greater Fort Worth independently issued in March 2019. The survey was conducted among a statistically valid sample of registered Fort Worth voters and covered a variety of topics. Responses to two questions within the survey also indicated community support for communicating flood risk information:

- 75% of respondents favored publicly listing areas that have recently flooded
- 66% of respondents favored having their own property or neighborhood publicly listed as flood prone if flooding were to occur

In June 2020, the Real Estate Council of Greater Fort Worth and the Development Advisory Committee (DAC) both endorsed the policy recommendations. DAC's position on the policy included: acknowledgment of the potential of unintended consequences, encouragement to staff to continue the ongoing dialogue with the Greater Fort Worth Association of Realtors relative to insurance implications, and a request to review proposed ordinance revisions before they are presented to City Council.

Recommendations

Communications and regulations regarding Non-FEMA Flood Risk Areas will be broken into two categories:

- **City Flood Risk Areas (CFRAs)**
 - High level of engineering detail, drainage basin specific flood risk mapping for regulatory purposes
- **Potential High Water Areas (PHWAs)**
 - Low level of engineering detail, citywide flood risk mapping for advisory purposes

Communications:

Ongoing:

- Educate key stakeholder groups and community on the information below.

By the end of 2020:

- Update One Address flood risk information to include both CFRAs and PHWAs.
- Show existing CFRA mapping on the Zoning Website.

2021 and beyond:

- Inform developers of projects under 1 acre in PHWAs of the flood risk.
- Add new CFRA mapping to Zoning Website as adequate engineering is completed.
- Add PHWA mapping to Zoning Website as mapping level of accuracy is refined.
- Update CFRA and PHWA mapping as appropriate.

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By the end of 2020:

- Update subdivision and floodplain ordinances to require Certificate of Compliance with existing standards for development projects under 1 acre in CFRAs (no engineering submission or review required), to be effective January 1, 2021.

NOTE: Developments over 1 acre must already comply with existing standards

Future:

- Require engineering submission and review of drainage plans for developments under 1 acre in CFRAs, if staff capacity allows.

Timeline

- January 14, 2020: City Council Infrastructure and Transportation Committee briefing
- January 30, 2020: Joint briefing of two primary stakeholder groups (REGG and ACEC)
- March 4, 2020: Zoning Commission briefing
- March 27, 2020: Informal Report to City Council
- April 2020: Follow up with key City departments on implementation plan
- May 13, 2020: City Plan Commission briefing
- May 2020: Development and distribution of Council District specific CFRA information to Council members
- May/June 2020: Briefings of individual Council members as desired
- June - September 2020: Develop revisions to Floodplain Provisions Ordinance and Subdivision Ordinance
- June - December 2020: Finalize a communication plan and implementation guidance regarding the regulatory process for site development projects under 1 acre in the CFRAs
- August/September 2020: Presentation to Council on ordinance revisions
- October 2020: City Council votes on ordinance revisions
- By the end of 2020: Update to One Address and Zoning Website mapping
- January 1, 2021: Ordinance updates take effect. Require Certificate of Compliance for projects under 1 acre in CFRAs

Questions about this Informal Report can be directed to Jennifer Dyke, Stormwater Program Manager, TPW Stormwater Management at 817-392-2714.

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