

1 By: Bryce J. Ward, Mayor
2 Referred to Planning
3 Commission: 06/27/2019
4 Introduced: 08/08/2019
5 Advanced: 08/08/2019
6 Adopted: 08/22/2019
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8 FAIRBANKS NORTH STAR BOROUGH
9

10 ORDINANCE NO. 2019 - 30
11

12 AN ORDINANCE AMENDING CHAPTER 15.04 FNSBC REGARDING SPECIAL FLOOD
13 HAZARD AREAS AND ADOPTION OF LETTER OF MAP REVISIONS AND LETTER OF MAP
14 REVISIONS BASED ON FILL
15

16 WHEREAS, Portions of the Fairbanks North Star Borough (Borough)
17 contain designated Special Flood Hazard Areas (SFHA); and
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19 WHEREAS, Regulating the floodplain protects people and property,
20 ensures that Federal flood insurance and disaster assistance are available when needed,
21 preserves the tax base, and reduces future flood losses; and
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23 WHEREAS, It is in the best interest of the Borough to ensure that local
24 ordinances are consistent with the Federal criteria for floodplain management
25 regulations; and
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27 WHEREAS, The Code of Federal Regulations and/or the associated Federal
28 Emergency Management Agency (FEMA) guidelines require a community to timely
29 adopt letters of map revision and floodplain management regulations in order to
30 participate in the National Flood Insurance Program (NFIP); and
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32 WHEREAS, A Letter of Map Revision (LOMR) and Letter of Map Revision
33 based on Fill (LOMR-F) are letters issued by FEMA that change the designation of
34 property in a flood zone by officially revising the SFHA shown on an effective Flood
35 Insurance Rate Map (FIRM); and
36

37 WHEREAS, A LOMR and LOMR-F including the FIRM and Flood Insurance
38 Study (FIS) annotated maps, profiles and tables officially revises the effective NFIP map
39 and is a public record that the community must maintain; and
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41 WHEREAS, Community-initiated flood hazard map revisions pursuant to 44
42 CFR 65 of the NFIP Regulations must present current and accurate flood risk

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

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Text to be *deleted* is [BRACKETED, CAPITALIZED]

43 information to ensure that floodplain maps provide a sound basis for floodplain
44 management and flood insurance rating; and

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46 WHEREAS, FNSBC 15.04.040 currently does not provide an efficient
47 means for the required adoption of LOMRs and LOMRs-F; and

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49 WHEREAS, Pursuant to FNSBC 15.04.040 the Assembly individually adopts
50 each LOMR or LOMR-F by ordinance; and

51
52 WHEREAS, Adoption of each LOMR or LOMR-F through a separate
53 ordinance consumes public resources and delays adoption; and

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55 WHEREAS, Under the proposed code change, the Borough retains local
56 input into revisions by LOMR or LOMR-F; and

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58 WHEREAS, For any proposed LOMR that modifies base flood elevations or
59 depths, FEMA must provide legal notice of the proposed revision, and the Borough and
60 affected property owners have the opportunity to comment or oppose the revision
61 during a 90-day appeal process; and

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63 WHEREAS, FEMA will not issue a LOMR-F without a Community
64 Acknowledgement Form signed by the Borough's Flood Plain Administrator that
65 confirms Borough floodplain requirements have been met, and that any structures or
66 properties to be removed from the SFHA will be reasonably safe from flooding; and,

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68 WHEREAS, Approval by the Borough assembly will continue to be required
69 for any physical map revision to the FIRM and/or the FIS; and

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71 WHEREAS, It is in the best interest of the Borough and its residents to
72 adopt these changes to ensure the community's continued participation in the National
73 Flood Insurance Program.

74
75 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
76 North Star Borough:

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78 Section 1. This ordinance is of a general and permanent nature and shall
79 be codified.

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81 Section 2. FNSBC 15.04.010, Definitions, is amended to add the following
82 definitions: [the clerk shall add and amend the definitions in alphabetical order as
83 necessary]

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84 “Letter of Map Revision (LOMR)” means a letter from the Federal Emergency
85 Management Agency officially modifying the effective Flood Insurance Rate Map.

86 “Letter of Map Revision based on Fill (LOMR-F)” means a letter from the Federal
87 Emergency Management Agency modifying the Special Flood Hazard Area shown on the
88 effective Flood Insurance Rate Map based on the placement of fill outside the existing
89 regulatory floodway.

90 “Physical Map Revision (PMR)” means an action whereby one or more map
91 panels of an effective Flood Insurance Rate Map are physically revised and republished.

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93 Section 3. FNSBC 15.04.040, Special flood hazard areas, is hereby
94 amended as follows:

95 15.04.040 Special flood hazard areas.

96 A. This chapter shall apply to all areas of special flood hazards within the
97 jurisdiction of the Fairbanks North Star Borough.

98 B. A special flood hazard area is established as including those lands and properties
99 within the Fairbanks North Star Borough which are designated as any “A” Flood Zone
100 including but not limited to Flood Zone A, AE, AH and AO identified by the Federal
101 Insurance Administrator in a scientific engineering report entitled “Flood Insurance
102 Study for the Fairbanks North Star Borough” dated March 17, 2014, and with
103 accompanying Flood Insurance Rate Maps dated March 17, 2014.

104 C. [AMENDMENTS TO DESIGNATED FLOOD HAZARD MAPS MAY BE
105 RECOMMENDED TO THE COMMISSION AND APPROVED BY THE BOROUGH ASSEMBLY
106 AFTER RECEIVING APPROVAL OF THE FEDERAL INSURANCE ADMINISTRATOR].

107 A revision to designated Flood Insurance Rate Map panels and/or a Flood Insurance
108 Study prepared by the Federal Insurance and Mitigation Administration by a Letter of
109 Map Revision (LOMR) or Letter of Map Revision based on Fill (LOMR-F) shall be
110 effective 30 days after the Federal Emergency Management Agency’s effective date.
111 Upon approval by the Federal Insurance Administrator, any other revisions to the
112 effective Flood Insurance Rate Map panels and the Flood Insurance Study through a
113 Physical Map Revision shall be presented to the commission for its recommendation and
114 approved by the borough assembly.

115 D. Precise location of flood hazard areas may be difficult to determine because of
116 the scale of the Flood Insurance Rate Maps. In disputed cases, the director shall
117 determine whether a particular parcel is located in a flood hazard area.

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119 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.
120 of the first Borough business day following its adoption.


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PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2019.



Matt Cooper
Presiding Officer

ATTEST:



April Trickey, CMC
Borough Clerk

Yeses: Wildridge, Lyke, Lojewski, Williams, Quist, Sanford, O’Neill, Tacke, Cooper
Noes: None

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