

**Albemarle County Planning Commission**  
**April 26, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, April 26, 2016, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Karen Firehock, Vice Chair; Mac Lafferty, Jennie More, Daphne Spain, Pam Riley, Bruce Dotson and Tim Keller, Chair. Bill Palmer, UVA representative, was present.

Other officials present were Mandy Burbage, Senior Planner; Megan Yaniglos, Principal Planner; Rebecca Ragsdale, Senior Planner; Elaine Echols, Acting Chief of Planning; John Anderson, Civil Engineer; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

**The Planning Commission recessed at 7:25 p.m. and the meeting reconvened at 7:33 p.m.**

**ZTA-2016-00004 Flood Hazard Overlay District**

The Planning Commission will hold a public hearing to receive comments on its intent to recommend adoption of an ordinance amending Sec. 18-30.3.2, Flood Insurance Rate Map and Flood Insurance Study, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 18-30.3.2 to refer to and incorporate the flood insurance rate maps and flood insurance study effective on and after May 16, 2016. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Mandy Burbage)

Ms. Burbage presented a PowerPoint presentation to summarize the executive summary for ZTA 2016-04 Flood Hazard Overlay District (FHOD).

As background, the Flood Hazard Overlay District is a zoning overlay district that:

- Restricts buildings, development and uses within the 100-year floodplain to prevent the loss of life and property in the event of a 100-year flood. (more restrictive than FEMA minimums)
- Boundary based on FEMA Flood Insurance Rate Maps (FIRMs)
- Albemarle County's Flood Hazard Overlay District was created and adopted in 1980 with the original Zoning Ordinance and was last updated April 2, 2014 to maintain our compliance with the National Flood Insurance Program standards.
- Adoption of these standards is mandatory for our participation in the FEMA Flood Insurance Program
- The County was last required to update its FHOD regulations in 2014 to ensure compliance with National Flood Insurance Program Standards. Albemarle County exceeds these standards and is regarded as having a model floodplain ordinance in Virginia.
- Floodplain boundaries are not changed by this amendment and simply incorporates a new effective date for the Flood Insurance Rate Map (FIRM) and Flood Insurance Study.

- Current Zoning Text Amendment (ZTA) incorporates new effective date for Flood Insurance Study and FIRM panels (May 16, 2016)

The map detail as shown is the source of the change and the new effective date is the result of the Scottsville levee going from provisionally accredited to accepted effective May 16, 2016. This changes the effective date of the FIRM panel and the Flood Insurance Study. FEMA requires that the County ordinance refer explicitly to this date. The language in Section 30.3.2 talks about subsequent changes being accepted. However, after speaking with FEMA over the phone and DCR they assured us that a change in a map effective date was not covered by that general language. The new effective date is May 16, 2016. In order to maintain our participation in the Flood Insurance Program we have to amend our ordinance by May 16, 2016. Failure to revise the ordinance by the effective date will result in the County being dropped from the Flood Insurance Program. Therefore, we are on an expedited schedule.

### **Schedule**

- Planning Commission resolution of intent adopted on **April 19, 2016**.
- Planning Commission public hearing on **April 26, 2016**.
- Board of Supervisors hearing on **May 4, 2016** to meet that deadline.
- Mandatory adoption by **May 16, 2016**.

The expedited schedule is to ensure adoption by May 16.

### **Staff Recommendation:**

- Following the public hearing, staff recommends that the Planning Commission recommend approval of the proposed ordinance (Executive Summary Attachment A dated 4.11.16).

Ms. Burbage pointed out that John Anderson, Albemarle County Flood Plain Manager, was present to assist with technical questions. Also, Greg Kamptner could questions.

Mr. Kamptner explained that FEMA did tell us about the language in our ordinance that refers to the map date and including all subsequent revisions and amendments said that would apply to the letters of map revisions and letter of map amendments that are usually done on a case by case basis by an applicant based on an engineering study; however, this language would not apply to a change in the effective date. What they said was a new effective date had to be expressly stated in the ordinance per federal regulation.

Mr. Keller asked when the change comes in for the Woolen Mills area, which he thinks they are waiting for, if there would not be a date problem on that.

Ms. Burbage replied no, she believes that is a letter of map revision.

Mr. Kamptner said it will either be eventually a letter of map revision or a letter of map amendment. If FEMA were to amend the map panel, then that would require us to update the reference in this section.

Mr. Keller asked if it would be the same process again, and Mr. Kamptner replied yes.

Mr. Keller thanked Mr. Kamptner for the clarification.

There being no further questions for staff, Mr. Keller opened the public hearing and invited public comment.

Neil Williamson, with the Free Enterprise Forum, said flood insurance is critically important and it is admirable that the county move swiftly to make this happen. He noted that we are able to do this type of swift action and you had three years and did not do the proffer amendment that you should have done for the 2013 law. However, that is water under the bridge so to speak and he encourages the Commission to approve this amendment.

There being no further public comment, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

**Motion:** Ms. Riley moved and Mr. Lafferty seconded to recommend approval of the proposed ordinance for ZTA-2016-00004 Flood Overlay District.

The motion carried by a vote of 7:0.

Mr. Keller noted that a recommendation for adoption of the proposed ordinance for ZTA-2016-00004 Flood Overlay District will be forwarded to the Board of Supervisors.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)