

# Floodplain and Shoreland Management

# Notes

## Model Ordinance Updated

After three years of negotiation, discussion and occasional disagreement with FEMA, the department has concluded its long-awaited update to the state Model Floodplain Zoning Ordinance.

Effective January 1, 2012, the new Model clarifies some outdated sections, provides further guidance on how to treat non-conforming structures, adds additional technical standards for conducting engineering studies, strengthens the ties between local ordinance amendment processes and the requirements for Letters of Map Revision, and adds a number of new definitions.

The new Model, both standard and flood storage versions, is available on the DNR website, <http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm>. Because documents on the web can only be in pdf format, please contact either Gary Heinrichs, [gary.heinrichs@wi.gov](mailto:gary.heinrichs@wi.gov), or Miriam Anderson, [miriam.anderson@wi.gov](mailto:miriam.anderson@wi.gov), if you need a copy in Word format.

One important change is that the department now supports the federal “zero rise” standard for all new development. This means that any development which may obstruct flood flows (floodway development) must demonstrate, through a detailed engineering study, that the development will cause zero rise (0.00 feet). In floodfringe areas, where by definition there are no flows, this standard is not in effect and a study is not required.

In the General Floodplain District, the new model adds AO and AH zones, which are generally areas of ponding or sheet flow, with flood depths typically less than three feet. There are specific federal standards for development in these areas, which are

listed in the new model. While most communities do not have these zones, please check your FIRMs carefully.

In the Nonconforming section [6.1(2)(h)], we replaced the reference to 44 CFR with specific federal standards for rebuilding non-flood damaged structures. We also beefed up the historic structure language and added cross-references to the floodproofing section for replacement wells and septic systems.

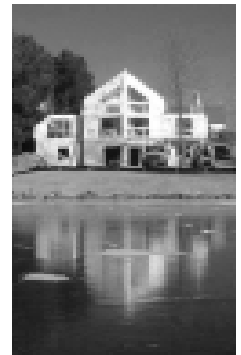
Another significant change is in section 7.1(2)(c), where we included complete engineering standards for required studies under the ordinance. For the first time, we distinguish between Zone A and AE floodplains in this section. For section 7.5, Floodproofing Standards, specific requirements for wet floodproofing are now included. This would apply only to legal nonconforming structures since state standards for new structures in the floodplain require that the fill be at least one foot above Regional Flood Elevation.

In section 8.0, Amendments, specific standards for A and AE zones are outlined. Throughout the ordinance we attempted to link this section to other relevant sections when possible. The purpose is to underscore the connection between local ordinance amendments and the requirements for Letters of Map Revision in mapped floodplains. Finally, a number of new definitions were added to the ordinance.

For all communities revising their ordinance after January 1, 2012, the department encourages the community to make the necessary revisions using the new model to be fully compliant. If you have questions, please contact us.



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## Flood Safety Awareness Week March 12 – 16, 2012

March 12 – 16th is Flood Safety Awareness Week. Are you ready for the potential of flooding in 2012? If not, ReadyWisconsin has some great tips on how to protect yourself and your family against the danger of flooding. Check out their website: <http://readywisconsin.wi.gov>. Throughout the month of March you can play ReadyWisconsin's Trivia Challenge for a chance to win great prizes like an insulated tote bag. And when you sign up for ReadyWisconsin on Twitter or Facebook you'll get instant alerts on any flooding dangers across the state. ReadyWisconsin is an initiative of Wisconsin Emergency Management to educate the people of Wisconsin to prepare for and respond to emergencies.

Another site for information on preparing for flooding is [www.floodsafety.noaa.gov](http://www.floodsafety.noaa.gov). Information on river and flood forecasts, ice jams and other flooding related disasters as well as links to FEMA and the Red Cross are on the site.



- MATC parking lot Madison, Wisconsin 2009

## Municipal Flood Control Grants

The DNR is pleased to announce that we will have funding available for the Municipal Flood Control Grant Program in 2012. The Department has \$3.12 million in grant funds available for 2012. There will be a maximum grant per municipality of \$625,000 possible, but it is a reimbursement program only. Application materials need to be completed, including appraisals for any land acquisitions and postmarked by March 15, 2012. Grant awards will be announced this summer.

Grant availability information was sent last October to every city, village and town in Wisconsin by post card and all application materials are readily available on the web site at <http://dnr.wi.gov/org/caer/cfa/ef/flood/grants.html>. Email updates are also available when you sign up for GovDelivery on the website. Most of the grant dollars will be reserved for funding the program's highest priority - acquisition and removal of structures for permanent open space or flood water storage - although there may be funding for structural floodproofing, vacant land acquisition or easements to provide flood storage.

The program, which was signed into law in 1999, provides 70% cost-sharing grants to acquire and remove flood-prone structures, to floodproof structures, to restore riparian areas for flood control and conservation purposes, to purchase land and easements to provide flood storage areas, to construct flood control projects, and to map flood hazard areas. Grants cannot be awarded for projects that increase runoff or raise flood elevations upstream or downstream, that channelize a waterbody, or that do not provide ad-

equate public access. All acquired land is owned by the eligible applicant but has a strict no building deed restriction placed on it that is designed to allow water to flow over and infiltrate into the ground.

If you do not have web access, please contact the appropriate person listed below:

- South Central Region, Sandy Chancellor, (608) 275-7760
- Southeast Region, Jim Ritchie, (414) 263-8610
- Northeast Region, Chris Halbur, (920) 662-5121
- Northern Region, Jane Malischke, (715) 635-4062
- West Central Region, Bruce Neeb, (715) 839-3713
- Central Office Grant Manager, Jeff Soellner, (608) 267-7152
- Central Office Program Coordinator, Gary Heinrichs, (608) 266-3093

## Some Thoughts on Flood Insurance

Since it's been less than two years since the Milwaukee area was devastated by record flooding and much of West Central Wisconsin experienced extreme rainfalls and flood flows, it's an opportune time to consider the advantages of flood insurance and examine what industry professionals and local officials can do to promote awareness of flood risk and how flood insurance can lessen the burden for folks who have suffered from flooding.

When reviewing the history of flooding and flood recovery in this country, two important conclusions stand out from the rest:

- Flooding doesn't just happen in floodplains.
- Disaster assistance will never make you whole after a flood.

We know a lot more about flooding than we did when the NFIP program was first authorized in 1968. One of the most revealing statistics is that FEMA has not mapped all floodplains and probably never will. Yet these unmapped areas continue to flood, the residents struggle to recover and flood insurance continues to be an afterthought for many of those who would benefit the most from it.

For every four structures damaged by a flood, one or more are outside the mapped floodplain. It is the responsibility of community officials to inform these folks of their flood risk, provide information on simple steps they can take to mitigate the flood risk and make sure that residents, insurance agents, lenders and real estate agents are aware that low-cost flood insurance is available in these areas and can be purchased from the same agent who insures their home and car.

Most flood events never receive a federal disaster declaration. No declaration, no disaster assistance. No disaster assistance, no grants, loans, buyouts, temporary housing, no federal assistance period. Even if there is a declaration, most folks only qualify for small grants for unmet needs and loans. While the interest rate is generally lower, it is still a loan and it imposes further financial hardship on people who are struggling to recover.

The simple truth is that people with adequate flood insurance rebuild and recover faster and return to normal faster than people without. People without the needed financial resources may not be able to make full repairs to their home and may move back into an

unsafe or unsanitary structure. Neighborhoods deteriorate over time if homes are not brought up to standard, resulting in social problems and reductions in the tax base.

Businesses with the proper coverage can repair, reopen, and put their employees back to work faster, generating much-needed revenue and providing a sense of “normalcy” in the heart of the community which can be difficult to restore after a devastating flood.

The cost of flood insurance, while sharing similarities with other insurance products, is dependent on some unique factors, including the elevation of the building in relation to the base flood elevation, building design, basement or crawl space features, and number of floors. While local officials may not consider it their responsibility to promote the sale of flood insurance, there are some compelling reasons to get involved:

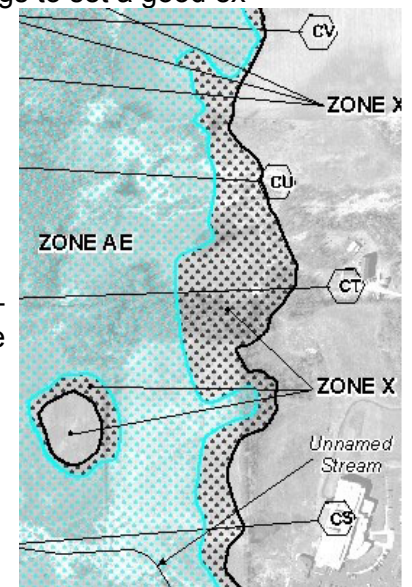
- More flood insurance coverage is good for the community. Reliance on scarce local or state resources or unpredictable federal assistance is too risky. Businesses and residents need the certainty that flood insurance provides. Remember, legitimate claims for a covered event will be paid – no exceptions.
- Most federal disaster aid is loans that have to be paid back with interest. Grant money is typically reserved for low-income citizens and the maximum grant amount will never cover the costs to repair a significantly damaged home. Well less than half of all flood disasters get a presidential disaster declaration.

These reasons point to the benefits to communities to get more people covered. There are ways they can do this, including:

- Telling people of the advantages of flood insurance in newsletter articles, public service announcements, and other outreach projects;
- Helping insurance agents with map interpretation;
- Providing insurance agents and residents with Elevation Certificates that are kept with building permit files;
- Advising permit applicants for projects in the floodplain about the advantages of flood insurance; and
- Buying flood insurance for community-owned buildings to set a good example and to be prepared for the next flood, when disaster assistance will be reduced by the amount of insurance the community should have.

For communities the lesson is clear: preparing for flooding and pursuing flood mitigation strategies are important, however it is equally critical to prepare for the financial burdens which will be placed on the community and its residents and businesses when the next flood occurs. Don't count on federal disaster assistance to make your community whole again. Self-reliant communities know that flood insurance is the only guaranteed vehicle to assure a smooth and complete recovery for everyone affected.

For more information about flood insurance talk to your insurance agent or go to [www.floodsmart.gov](http://www.floodsmart.gov).



# Mitigation in Action: Relocating Gays Mills

Mitigation can be small actions such as elevating an air conditioning unit or an electrical meter. Or it can be very large actions such as relocating a community. After the floods of 2007 and 2008, the Village of Gays Mills decided that only a large scale mitigation action would resolve its flooding problems.

Gays Mills is a village of just over 600 people located along the Kickapoo River in southwestern Wisconsin. The Village has experienced flooding eleven times over the past 100 years. The worst flooding occurred in 1912, 1935, 1951, 1978, 2007 and 2008. The 2008 flood event, which was preceded by a smaller flood in 2007, was for many residents the last straw.

The June 2008 flood affected over 90 percent of the downtown. Nearly 60 homes were substantially damaged along with nearly all of the businesses along Main Street. The widespread damage in 2008 along with the region's long history of flooding convinced the residents to follow the example of Soldiers Grove and relocate out of the floodplain.

Since 2008, Gays Mills has acquired and demolished over 15 flood damaged structures in the floodplain, elevated structures for those not wishing to relocate, acquired land for the relocated village and built new residences, commercial structures and public buildings as well as the necessary infrastructure. The acquired land is located about a mile north of the original downtown.

The new Village now consists of 8 single family homes, a Community Commerce Center which includes the library, Village offices, a community room and a community kitchen, two new buildings for the ambulance service and the Department of Public Works and a 15,000 square foot Mercantile Center which is designed to hold a variety of businesses. Several more residential and commercial structures are planned.



- Gays Mills, Wisconsin

## DNR Website for Mapping Status

The Department of Natural Resources has developed a website to provide communities and others with information regarding the Risk Map Program in Wisconsin. The website contains information on project status, the public open house schedule, the comment and appeal process, post preliminary map process and other mapping related issues.

Links to FEMA's website are included. The FEMA sites are for information on Letters of Map Change and the Map Service Center.

For further information regarding the Risk

Map Program contact:

Amanda Schwoegler - Process Issues  
amanda.schwoegler@wisconsin.gov

Katie McMahan - GIS Issues  
katie.mcmahan@wisconsin.gov

Christopher Olds - Technical Issues  
christopher.olds@wisconsin.gov

Lee Traeger - FEMA  
lee.traeger@dhs.gov

The website is located at: <http://dnr.wi.gov/org/water/wm/dsfm/flood/mapping.htm>.

## Current Letters of Final Determination

Letters of Final Determination (LFD) have been issued for several counties. Once an LFD has been issued, all communities in the county participating in the NFIP have six (6) months to amend the local floodplain ordinance to include the new FIRMs and Flood Insurance Study. Communities which do not adopt by the effective date of the maps will be immediately suspended from the NFIP. Communities which do not currently participate in the NFIP have one (1) year to join the NFIP and adopt the new maps.

All ordinance amendments must be reviewed and approved by the DNR and FEMA before the effective date. For further information on ordinance amendments and adoption go to <http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm> and download the appropriate DNR Model Floodplain Ordinance and Checklist and the Ordinance Approval Procedures. You may also contact your DNR Regional Engineer.

LFDs have been issued for the following counties and all the incorporated communities within the county:

County	Effective Date
Racine County	May 2, 2012
Kenosha County	June 19, 2012

For further information and updates on mapping issues go to <http://dnr.wi.gov/org/water/wm/dsfm/flood/mapping.htm>.

## Updating Your Floodplain Ordinance

Interested in updating your local floodplain ordinance? Download the latest Model Floodplain Ordinance at <http://dnr.wi.gov/org/water/wm/dsfm/flood/communities.htm> or contact Gary G. Heinrichs (gary.heinrichs@wisconsin.gov) or Miriam G. Anderson (miriam.anderson@wisconsin.gov) for further information.

# Zoning Challenge

The photo below shows a corn maze located within a Zone A. Is the local floodplain administrator required to issue a floodplain development permit for the maze?

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No. The corn maze does not meet the definition of development. However, any structures, roads or fill placed within the Zone A would need to meet the requirements of the local floodplain ordinance.



## 2012 Conference

The Association of State Floodplain Managers will convene its 36th annual gathering the week of May 20 - 25, 2012, in San Antonio, Texas. You are invited to share your experiences with local, state, and federal officials, industry leaders, consultants, and other interested parties by presenting a paper relevant to the conference theme, "Mission Mitigation".

Throughout the week, 200 of the industry's experts will conduct plenary and concurrent sessions and share the state-of-the-art in techniques, programs, and resources to accomplish flood mitigation, watershed management, and other community goals. A three-day comprehensive exposition features the materials, equipment, accessories, and services vital to get the job done. Supplementary technical field tours and training workshops provide in-depth training. Numerous networking activities offer additional opportunities to learn from each other.

Information on registration, accommodations and workshops can be found on the ASFPM website [www.floods.org/](http://www.floods.org/).

## WISCONSIN ASSOCIATION FOR FLOODPLAIN, STORMWATER AND COASTAL MANAGEMENT (WAFSCM)

Membership Application/Renewal Form For January 2011 – December 2011

Membership Fee: \$20.00

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Would you like to receive occasional announcements, newsletters and/or notices via E-mail: Yes \_\_\_ No \_\_\_

Other Affiliations: \_\_\_\_\_

Primary Interest: \_\_\_ Floodplain \_\_\_ Stormwater \_\_\_ Coastal

Specific Interest: \_\_\_\_\_

Please send a check for the annual Membership Fee of \$20.00 made payable to WAFSCM in care of:

Carrie Bristol-Groll, PE, CFM  
WAFSCM  
c/o Stormwater Solutions Engineering, LLC  
100 East Sumner Street  
Hartford, WI 53027

If you have questions, contact Carrie Bristol-Groll at either (262) 673-9697 or [cbg@stormwater-solutions-engineering.com](mailto:cbg@stormwater-solutions-engineering.com).

"Floodplain and Shoreland Management Notes" is published by the WDNR, Bureau of Watershed Management. Its purpose is to inform local zoning officials and others concerned about state and federal floodplain management, flood insurance, shoreland and wetland management, and dam safety issues. Comments or contributions are welcome.

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- Miriam G. Anderson, 608-266-5228  
[miriam.anderson@wisconsin.gov](mailto:miriam.anderson@wisconsin.gov)

### Shoreland Contacts:

- Water Management Specialist  
<http://dnr.wi.gov/org/water/wm/dsfm/shorecounty.htm>

### Dam Safety Contacts:

- Bill Sturtevant, 608-266-8033  
[william.sturtevant@wisconsin.gov](mailto:william.sturtevant@wisconsin.gov)
- Meg Galloway, 608-266-7014  
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