

Legislation Text

File #: 21-768, **Version:** 2

PRESENTER:

Melissa Reynolds, First Assistant City Engineer

SUBJECT:

Public hearing and first reading of an ordinance amending Chapter 58, Floods, Article II. - Flood Damage Prevention.

DEPARTMENT: Public Works

COUNCIL DISTRICTS IMPACTED: Citywide

BACKGROUND INFORMATION:

City staff is proposing amendments to the Drainage and Erosion Control Design Manual and the Code of Ordinances, Chapter 58 - Floods. The proposed amendments are based on recommendations from the Drainage Area Master Plan (DAMP) development and the Community Rating System (CRS) Improvement Report. These items were previously presented in fall of 2020 and have been posted on the Engineering webpage for comment since late 2020. Staff has received minor comments and questions primarily regarding one element, to which more detail is presented below.

The DAMP, initiated in 2019, is currently finalizing Phase 1 which includes updates to regulations to align with State standards. These updates are important for Phase 2 - remapping of floodplains based on new hydrology. Phase 1 also provided recommendations for improvements to the floodplain ordinance to improve CRS rating enhancements. This DAMP is intended to function as a comprehensive and holistic watershed program that is sustainable.

The CRS is the National Flood Insurance Program's (NFIP) voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The CRS Improvement Report was intended to investigate the City's potential to achieve improved CRS rating, creating better benefits for residents.

Code of Ordinances, Chapter 58 - Floods

The following amendments are proposed to the City of New Braunfels Code of Ordinances, Chapter 58, Floods:

Sec. 58-27 - *Definitions* is proposed to be revised to include new terms and clarification for existing terms.

Sec. 58-28.2 - *General Provisions* for establishment of the one percent annual chance ultimate development with Atlas 14 as the regulatory floodplain, which is critical to ensure accurate analysis prior to actual map revisions are adopted.

Sec. 58-29 - *Administration* include designating the floodplain administrator as the City Engineer, updates to

reference the current Fee Schedule, and updating the variance procedures to remove the Construction Board of Appeals and insert City Council.

Sec. 58-30 - *Provisions for flood hazard reduction* is proposed to be amended to include language not permitting recreational vehicles in the floodway. Further updates include a new section, *58-30.5 Floodplain* to include the detailed requirements for development in the floodplain and reference to new hydrology requirements. Additionally, clarifications and reference updates were provided for *Sec. 58-30.7 - "No-rise/no-impact certification"* in order to clarify the modelling needs for review analysis.

Review Process

This item was initially presented to the Watershed Advisory Committee, Planning Commission, and City Council for information and feedback in fall of 2020. The changes have been posted online for stakeholder and public input since December 2020. Engineering hosted 2 virtual stakeholder presentations on April 1, 2021 along with an engineering workshop on April 8, 2021.

Based on feedback from the Planning Commission, Watershed Advisory Committee, and stakeholders, along with staff research, Engineering has adjusted the recommended changes to remove the previously presented "Stream Buffers" from this update. Staff recognized additional effort is needed and this will follow in a later update after appropriate supporting information is developed. In addition, the proposal to require floodplains be platted as drainage easements has also been removed.

The feedback received at the virtual meetings and proposed text was discussed at a follow-up meeting for the Watershed Advisory Committee on April 22, 2021. The Committee recommended approval of the update. All feedback received was presented to the Planning Commission on May 4, 2021 for discussion and action was taken the following meeting on June 1, 2021 receiving approval with recommendation to not require the floodplain to be platted as a drainage easement, which has been incorporated in this recommendation.

ISSUE:

Envision New Braunfels (2018):

ACTION 4.28 [PROGRAM] Acquire and set aside as much land as possible along the Comal and Guadalupe Rivers and their tributaries within the floodplain for greenspace and/or additional river access.

ACTION 5.2 [POLICY] Discourage development in Edwards Aquifer Recharge and contributing zones, stream zones, flood-prone areas, steep slopes, or other ecologically constrained areas. Where development in these areas must occur, require that it be environmentally sound using tools such as but not limited to low impact development (LID).

ACTION 5.6 [POLICY] Implement measures to achieve and maintain a high National Flood Insurance Program CRS rating to ensure the safety of all residents and to reduce property owner flood insurance rates.

ACTION 5.15 [POLICY] Ensure that developers adequately address drainage in their projects and developments.

Municipal Separate Storm Sewer System (MS4) Stormwater Management Program: Minimum Control Measure 4: Post-Construction stormwater management in new development and re-development. Encouraging low impact development designs and establishing riparian zones and vegetative areas.

Stormwater Management Strategy Report (2013):

Open Space Conservation - Set aside lands and preserve open space that have high infiltration rates which would contribute to reduced peak flow levels and increased infiltration.

Floodway Hazard Mitigation - to Further limit or restrict new construction in the 100-year floodplain and floodway beyond existing ordinance.

Stream Bank Setback - Establish setbacks from streams for new development.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of this ordinance amendment to Chapter 58, Article II - Flood Damage Prevention. This Ordinance shall become adopted and effective upon its second reading and filing with the City Secretary's Office.