

Overview of the Proposed Floodplain Management Ordinance

Background

The Town's current Floodplain Management Ordinance (FMO) consists of two-parts, the ordinance text which sets out the requirements, standards, and procedures for obtaining a flood hazard development permit for properties in the designated Flood Hazard Area, and the flood maps called Flood Insurance Rate Maps (FIRMs) that delineate the geographic area within the Flood Hazard Area (or 100-year floodplain) that is subject to the requirements and standards of the ordinance.

The ordinance text has been updated periodically, most recently in 2017 to keep it current with the requirements of the Federal Emergency Management Agency (FEMA) which operates the federal flood insurance program (see below).

The FIRMs have not been revised for decades. The maps delineate the area that is within the Flood Hazard Area, the elevation of possible flooding, and the type of floodplain. The current maps need to be updated for better accuracy and ease of use for both staff and the public. In many cases, it is impossible to determine if a property (or a portion thereof) is within the Flood Hazard Area and thus subject to the standards of the ordinance. There is an "appeal" process by which a property owner can request the FIRM be revised by FEMA with respect to his/her property. The process requires the property owner to hire a surveyor to determine the boundary of the Flood Hazard Area. Since 1994, over 250 property owners have gone through this process at their expense to correct the FIRMs.

Federal Flood Insurance Program

FEMA operates the federal flood insurance program. This program makes subsidized flood insurance available to property owners. If a property owner has a property located within a Flood Hazard Area designated on a community's FIRMs, any mortgage on that property that is held within the federal banking system must include flood insurance. To be eligible to purchase federal flood insurance, the community in which the property is located must be a participant in the federal flood insurance program by having flood management provisions that meet FEMA's requirements. The Town of Harpswell currently has a floodplain management program that meets FEMA's requirements and is a participant in the federal flood insurance program thereby making property owners eligible to purchase subsidized flood insurance. Adoption of the proposed FMO and

related maps will meet the requirements for Harpswell to continue to participate in the federal flood insurance program.

Updated Flood Insurance Rate Maps (FIRMs)

FEMA has been aware that the maps currently in use need to be updated. FEMA started the process to update the FIRMs for Harpswell as part of a Cumberland County update about a decade ago. This process has been tedious with draft maps and reviews. In 2017 FEMA published proposed FIRMs for Harpswell. The Town (along with other coastal towns) hired a consultant (Ransom) to review the proposed maps. Ransom determined that the draft FEMA maps were still inaccurate and proposed changes to the FEMA FIRMs. While FEMA ultimately agreed with the proposed revisions, those changes were not included in the new FIRMs that have been published. Therefore the Ransom changes will be addressed through an after-the-fact map amendment.

The proposed FIRMs, even with the Ransom amendments, make substantial changes to the area included within the designated Flood Hazard Area, the elevation to which inundation could occur during a storm event, and the impact of wave action on potential flooding (so-called Velocity Zones). Adoption of the proposed Floodplain Management Ordinance will include adoption of the new FIRMs with the following Ransom amendments. The new FIRMs and Ransom amendments are available on the Town's website or can be reviewed in the Code Enforcement Office.

New Floodplain Management Ordinance

Adoption of the proposed Floodplain Management Ordinance will repeal the current ordinance and FIRMs and replace them with a new ordinance and the new FEMA FIRMs as amended. The new ordinance closely mirrors the current ordinance with a few exceptions. During the review of the draft by the Planning Board, a number of concerns were raised primarily by the fishing community. Town staff worked with the State Floodplain Management Office and FEMA to try to make changes to the draft. FEMA and the state agreed to some of the changes, but not others. There is a handout that compares the issues raised by the community and the outcome of discussions about those changes.