

FEMA can be flexible

EDITOR'S NOTE: Mount Vernon is presently considering whether to join the regular flood insurance program with Federal Emergency Management Agency, a move that will impose stricter construction regulations than those presently in force. During deliberations, local residents have questioned FEMA's flexibility in enforcing these regulations and making them applicable to the Skagit Valley.

By KRISTIN HENSLEY
Staff Writer

MOUNT VERNON — How flexible can FEMA be?

According to at least two communities who have joined the regular flood insurance program with the Federal Emergency Management Agency (FEMA), the agency isn't as hard-nosed as it appears.

And while there seems to be a lot of federal interest in Mount Vernon recently, it's because FEMA has accelerated the normal process to get the city to convert to the regular program soon, FEMA representative Chuck Steele said.

The City of Richland, which is located in a delta like Mount Vernon, joined the regular program last year. According to City Planner Bill Davis, city officials worked with FEMA for four or five years and finally came up with an ordinance tailored specifically for that community.

"Some of (FEMA's) regulations are interpretive, and that was the key for us," Davis said. "Interpretation can occur at the local level and FEMA is concerned and will talk."

In fact, working with FEMA has been a blessing for Richland, which was getting sued frequently before entering the regular program by property owners who received flooding damage. Richland now has an ordinance which enforces the "density floodway method" of flood control measures, a compromise on the equal conveyance method.

Under the equal conveyance method, areas of special flood hazard are split into the floodway, where residential development is strictly regulated, and the floodway fringe, where it is allowed. With the density floodway method, the floodway and floodway fringe are combined with a 50 percent density requirement, allowing development closer to the river, Davis said. Richland's ordinance requires all residential construction to occur one foot above the 100-year flood level, and all non-residential construction to be flood-proofed.

There were no models to follow in developing the density floodway method, so FEMA was very flexible in working with the city, Davis said. Richland was the first community in the state, and possibly the nation, to use the density floodway method, he added.

Closer to home, Hamilton passed an ordinance in August, 1980 and joined the regular program in December, 1981. Town planner Steve Ladd said that the community wrote its own ordinance with no help at all from FEMA, other than the basic guidelines set forth in the Federal Insurance

Administration's model ordinance.

"At first FEMA never had too much time for us. They wouldn't tell us what was acceptable and what was not," Ladd said. "So we drew up our own (ordinance) and sent it to them. They never responded so we adopted it. We felt it was implicitly accepted and we finally entered the regular program in 1981."

Despite what appeared to be benign neglect in Hamilton's experience with FEMA, Ladd says the agency is really "making it as easy to live with as possible."

"They have to satisfy the Congress of the United States and are doing it with as much flexibility as possible while still fulfilling the intent of the law. It's a general truth that if you want the benefits of the federal government, they don't come free. You have to modify your behavior."

Both Richland and Hamilton are in different situations than Mount Vernon, though. Less than one percent of the population in Richland live in the floodplain area, and there is not a large commercial district located in it, Davis said. Almost the entire town of Hamilton is located in the designated floodway and the town has a history of flooding.

There is a limit to how flexible FEMA will be, however. The basic guidelines outlined in the model ordinance are not negotiable on a downward scale because the whole insurance program is structured around the

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100-year flood, Steele said. Most communities end up enforcing regulations which are much stricter than those FEMA requires anyway, he added.

"The only reason for the model ordinance is to show how to trace the federal regulations. A lot of communities don't follow the model at all. They tailor to their own needs and desires," Steele said.

The "modest standards" included in the model ordinance are that all new construction and substantial improvements must be anchored and constructed with flood damage resistant materials at or above the base (100-year) flood level. New and replace-

ment utilities must be designed to minimize or eliminate flood damage potential and non-residential construction must either be elevated or flood-proofed.

FEMA has already "bent" the regulations by giving up the floodway idea in the lower Skagit Valley, Steele said.

"It's only a requirement if it's technically possible to do it. The delta and the levees make it very difficult there," he said. "For the time being we've abandoned the idea of a floodway. We are not pursuing it."

Instead, FEMA is considering a proposal by Skagit County to establish density criteria which will regulate development on a 75-25 percent ratio,

allowing elevated development in 75 percent of the property in the floodplain. The other 25 percent will remain at current elevations to allow the passage of water during a flood. The criteria will affect all the cities in the lower valley and has already received approval from city officials.

If FEMA approves the density criteria in lieu of a floodway, the county and cities will be able to join the regular flood insurance program if their flood control ordinances meet federal requirements.

Mount Vernon will hold a public hearing on whether to join the regular flood insurance program at a date to be announced.

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