

Draft 3, Environmental Commission Resolution Regarding Construction in Open Spaces that Exist in Flood Fringe Areas of Ann Arbor

For discussion at Environmental Commission, 10/22/2020

Whereas, FEMA encourages communities to limit development in flood fringe areas to the degree possible,

Whereas, The State of Michigan Law, Natural Resources and Environmental Protection Act (Act 451 of 1994, Part 31) regulates and prohibits human habitation (residential structures) in floodway areas that are greater than two square miles in area,

Whereas, the City of Ann Arbor is responsible for the regulation of buildings in floodway and floodfringe areas that are less than 2 square miles of area,

Whereas, The City of Ann Arbor has the authority to use Higher Regulatory Standards on structures built or proposed in at risk floodplain areas within its jurisdiction,

Whereas, The responsibilities of the Environmental Commission include advising and making recommendations to the City Council and City Administrator on environmental policy, environmental issues and environmental implications of all City programs and proposals on the air, water, land and public health,

Whereas, the City of Ann Arbor has developed a proposed Floodplain Management Overlay District and Regulations and revised the Unified Development Code to reflect requirements of the building code that apply to floodway areas that prohibit new structures from being built in floodway areas,

Whereas, Flood fringe areas represent important opportunities for storm water management to allow absorption and slowing of water flow after storm events,

Whereas, Non-elevated or floodproofed structures located in flood fringe areas present risk to health and safety that would not be allowed by today's building standards,

Whereas, Climate change is presenting the city with challenges including more frequent and intense rain events,

Whereas, Open space properties without structures in flood fringe areas can assist with mitigation of flood risk by providing spaces for stormwater slowing and resorption,

Whereas, Open space preservation is recognized as the highest and best use of land for flood management and supports improved flood insurance ratings,

Whereas the Federal Department of Housing and Urban Development (HUD) prohibits use of funds for building in flood fringe areas because of the risk to health and safety,

Whereas, Avoiding new construction in flood fringe areas can support and improve safety and storm water management in areas that are currently at risk, by providing permeable surfaces for floodwater absorption and to temporarily collect flood rise,

Resolved, The Environmental Commission supports the proposed Floodplain Management Overlay District and Regulations and revised the Unified Development Code,

Resolved, The Environmental Commission recommends that City Council request staff to revise the proposed Floodplain Management Overlay Zoning District and Regulations ordinance to strengthen the overlay district to prohibit new construction on properties in the flood fringe areas where no structures exist as of this date in order to protect the health and safety of the people of Ann Arbor.