

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2019-32

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 20  
“ENVIRONMENTALLY CRITICAL AREAS” OF THE SITKA GENERAL CODE BY  
UPDATING CHAPTER 20.04 “FLOODPLAIN MANAGEMENT” AND ADOPTING  
UPDATED REGULATIONS**

**1. CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

**2. SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

**3. PURPOSE.** The purpose of this ordinance is to maintain Sitka’s 37 year participation in the National Floodplain Insurance Program (NFIP). FEMA will adopt an updated Flood Insurance Rate Map on August 1, 2019 and to remain compliant with the program Sitka must adopt an updated ordinance and associated regulations prior to that date. Participation in the NFIP provides citizens of Sitka the availability of federally backed loans, grants, and disaster assistance along with making flood insurance available to all property owners in Sitka.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 20 “Environmentally Critical Areas”, be amended by updating chapter 20.04, entitled “Floodplain Management” to read as follows (deleted language stricken, new language underlined):

**Title 20  
ENVIRONMENTALLY CRITICAL AREAS**

**Chapters:**

**20.01 Landslide Area Management  
20.04 Floodplain Management  
20.05 Coastal Management**

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**Chapter 20.04  
FLOODPLAIN MANAGEMENT**

**Sections:**

20.04.005 Statutory Authorization.  
20.04.010 Purpose.  
20.04.020 Definitions.  
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20.04.060 Regulations.

**20.04.005 Statutory Authorization.**

In Alaska Statute Title 26, the Alaska State Legislature has delegated the responsibility to each community to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry, therefore, the assembly of the city and borough of Sitka does ordain as follows:

**20.04.010 Purpose.**

A. Flood hazard areas within the city and borough of Sitka are subject to periodic floodwater inundation which may result in a loss of life and property, pose health and safety hazards, commerce and governmental services disruption, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of these consequences adversely affect the public health, safety, and general welfare. It is the purpose of this chapter to minimize loss due to flooding conditions by:

1. Restricting or prohibiting structures and uses that are dangerous to health, safety, or property when flooding occurs, or which increase erosion, flood heights or flow velocities;
2. Requiring structures vulnerable to floods to be consistent with flood protection or floodproofing, including public facilities;
3. Controlling fill, grading, dredging, and other development which may increase flood damage;
4. Reducing the financial burdens imposed on the community, government, and individuals by rescue and relief efforts associated with flooding by providing sound development of areas of special flood hazard;
5. Ensuring potential buyers of real property are notified if property is in a special flood hazard area; and
6. Ensuring those who occupy the areas of special flood hazards assume responsibilities for their actions.

B. Areas within the city and borough of Sitka have been found to be potentially flood prone, as defined by Section 201 of the Federal Flood Disaster Protection Act of 1973. Therefore, the municipality chooses to join the National Flood Insurance Program to make flood insurance and federal and federally regulated financial assistance available to the residents within the flood hazard areas. To do so, the municipality must meet the requirements for participation in the National Flood Insurance Program.

**20.04.020 Definitions.**

A. "Area of special flood hazard" means the land in the floodplain within the jurisdiction of the city and borough of Sitka subject to a one percent or greater chance of flooding in any given year. Such an area is designated on the Flood Insurance Rate Map for the city and borough of Sitka (FIRM) as including the letter "A" or "V." The term "special flood hazard" for the purposes of this chapter is synonymous with the phrase "area of special flood hazard."

B. "Coastal high hazard area" means the area subject to high velocity waters due to wind, tidal action, storm, seismic, tsunami or any similar force, acting singly or in any combination resulting in a wave or series of waves of sufficient magnitude, velocity or frequency to endanger property and lives. These areas are designated on the FIRM by including the letter "V".

C. "Flood hazard area" includes all the area within the city and borough of Sitka subject to a one percent or greater chance of flooding in any given year, ~~hundred-year flood~~ as delineated on the FIRM. "Flood hazard area" includes the coastal high hazard area, where applicable. The municipality makes no guarantee that structures located outside the flood hazard area will not be subjected to flooding.

D. "Flood Insurance Rate Map" or FIRM means the official map of the Federal Insurance Administration that has delineated both the areas of special flood hazards and the risk premium zones applicable to the city and borough of Sitka.

E. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

F. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The term is also referred to as the "regulatory floodway."

G. "NAVD 88" means the North American Vertical Datum of 1988, the vertical control datum established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-United States leveling observations.

~~G. "One hundred year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Statistical analysis of available streamflow or coastal storm records, or analysis of rainfall and runoff characteristics of the watershed, or coastal topography and storm characteristics are used to determine the extent and depth of the one hundred year flood.~~

H. "Structure" for floodplain management purposes means a walled and roofed building, and includes mobile homes, manufactured homes, and gas and liquid storage tanks or containers that are principally above ground.

I. "Substantially improved" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either: (1) as such value exists before the improvement is started, or (2) as such value existed before the damage occurred.

#### **20.04.030 Reference to other codes.**

Applicants requesting permits subject to this chapter are cautioned to refer to Chapter 6.12, Mobile and Manufactured Homes and Mobile and Manufactured Home Parks; Title 19, Building

and Construction; and Title 21, Subdivisions; in the Sitka General Code for other specific applicable provisions and regulations.

**20.04.035 Interpretation—Disclaimer of liability.**

A. In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of enforcement and considered minimum requirements.

B. In the interpretation and application of this chapter, all provisions shall be deemed as not limiting nor repealing any other powers granted under municipal, state or federal laws.

C. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, if the provisions of this chapter and another provision of the Sitka General Code, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city and borough of Sitka or FIMA officials or employees, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under its provisions.

**20.04.040 Implementation.**

A. The building official or designee shall administer and implement the provisions of this chapter, and shall be responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information shall include, but not be limited to:

1. Actual elevations, in relation to NAVD 88 mean sea level, of the lowest floor, including basement, of all new or substantially improved structures located in the flood hazard area, and whether or not such structures have basements;
2. Actual elevations, in relation to NAVD 88 mean sea level, of all new and substantially improved floodproofed structures and the required floodproofing certifications;
3. Flood insurance studies;
4. Flood Insurance Rate Maps;
5. Any reports or studies on flood hazards in the community, such as written by the Corps of Engineers, U.S. Geological Survey or private firms;
6. A file of all permit and variance applications, supporting documentation and any related city and borough assembly action.

B. Other duties and responsibilities of the building official shall be:

1. Review all permit applications for development in the flood hazard area for compliance with the provisions of this chapter, and to determine that all necessary permits have been obtained from local, state or federal governmental agencies.

2. Interpret the exact locations of boundaries of the areas of special flood hazard and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the Building Official shall determine and interpret the documents. A person contesting the interpretation shall be given a reasonable opportunity to appeal the interpretation, as provided for in the Sitka floodplain regulations. When base flood elevation data has not been provided, the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, municipal, or any other source in order to administer the provisions of this chapter.

**20.04.050 Flood hazard district.**

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report titled "Flood Insurance Study (FIS), City And Borough Of Sitka, Alaska" dated, August 1, 2019, with accompanying Flood Insurance Rate Maps (FIRMs) dated, August 1, 2019, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at city hall, 100 Lincoln Street, Sitka, Alaska, in the building department office. A flood hazard district is created for the city and borough of Sitka, and shall be defined in its territorial extent by the following reports and maps:

~~1. Flood Insurance Study (FIS), Number 02220CV000B 02220CV000A, effective date August 1, 2019 September 29, 2010, prepared for the city and borough of Sitka by the Federal Insurance and Mitigation Administration (FIMA) and Federal Emergency Management Agency (FEMA).~~

~~2. Flood Insurance Rate Map (FIRM) Number 02220CIND1B 02220CIND0A, effective date August 1, 2019 September 29, 2010, prepared for the city and borough of Sitka by the FIMA and FEMA.~~

B. Current editions of each of the maps and reports listed above are made a part of this chapter, incorporated by reference. Subsequent maps and reports prepared by the FIMA or the city and borough of Sitka delineating the flood hazard district, floodway and floodplain areas within the city and borough of Sitka shall become part of this chapter upon publication. A copy of the maps and reports cited in this subsection are available at the public works department.

C. Sitka floodplain regulations, adopted under Section 20.04.060, shall govern construction and development within the areas of special flood hazard, and are incorporated by reference under this chapter.

D. In case any structure is constructed or substantially improved in violation of this chapter, the city and borough of Sitka, in addition to other remedies, may institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.

E. The municipal administrator of the city and borough of Sitka is authorized to enter into contracts and agreements with other government entities for the purpose of implementing the provisions of this chapter.

F. The municipality must notify the state coordinating agency and FIMA prior to altering or relocating any watercourse. Any such alteration or relocation must maintain the flood-carrying capacity of the watercourse.

G. Nothing in this chapter shall be construed as applying to any structure existing prior to the effective date of the ordinance codified in this chapter, unless they are substantially improved after the effective date.

**20.04.060 Regulations.**

Sitka floodplain regulations shall be adopted by the assembly to implement the provisions of this chapter, and shall be incorporated by reference under this chapter. A copy of these regulations shall be available at the public works department, and shall be posted on the city and borough of sitka public works department webpage under the building department official section.

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**5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 23<sup>rd</sup> day of July, 2019.

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Gary L. Paxton, Mayor

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading 7/9/19

2<sup>nd</sup> and final reading 7/23/19