

**PLANNING & DEVELOPMENT**

500 West Fourth Street

Davenport, Iowa 52801-1106

E-mail: [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com)

Office: (563) 326-8643

Fax: (563) 326-8257

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Timothy Huey  
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: January 11, 2011

**Re: Discussion of public hearing on adoption of Digital Flood Insurance Rate Maps (DFIRM).**

Nearly two years ago representatives from the Kansas City FEMA office and the State DNR Floodplain section delivered the new Flood Study and Floodplain maps for all of Scott County. In April of 2009 a public hearing was held in the Scott County Board room to allow review of the maps, answer questions and take comments on the maps. That public hearing was the initial first step in the adoption of the maps. There was a one year review period for anyone to submit request changes or modifications to the maps to FEMA. On August 18, 2010 FEMA notified Scott County that FEMA had determined that there were no significant changes to the flood hazard data on the Preliminary FIRMs and informed Scott County that adoption of the maps is required by February 18, 2011.

The Iowa DNR also reviewed our existing Floodplain Regulations that were adopted in 1978 accordance with Federal requirements for local jurisdictions to participate in the National Flood Insurance Program. The Iowa DNR recommended some text amendments to bring Scott County's Floodplain regulations in full compliance with current Federal requirements. The Floodplain regulations are contained within the Scott County Zoning Ordinance and the Floodplain maps are a layer in our Zoning Map. Adoption of these amendments is completed in the same manner and procedures as a Zoning Map and text amendments is approved. The County Attorney's office has also reviewed these proposed ordinance amendments and determined they were in an acceptable format. Documentation of adoption of the maps and text amendments must be submitted to the Iowa DNR and FEMA to that they can approve the adoption prior to the February 18, 2011 effective date of the maps.

The Planning Commission held a hearing on January 4, 2011. Notice of Public Hearing was published in all three County newspapers and additionally staff sent out about 175 notices of the P & Z's public hearing to individual property owners in Pleasant Valley along Spencer Creek where some of the more significant changes to the floodplain were occurring. There was no one in attendance at the Planning Commission meeting that commented on the new maps or text amendments. The recommendation to approve from the Planning Commission was unanimous (7-0).

**RECOMMENDATION:** The Planning Commission recommends that proposed text amendments to the Floodplain Development Regulations and the adoption of the Flood Insurance Raters Maps effective February 18, 2011 be approved

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Timothy Huey  
Director

**NOTICE OF BOARD OF SUPERVISORS**  
**PUBLIC HEARING FOR ADOPTION OF NEW FLOOD INSURANCE RATE MAPS**  
**AND AMENDED LANGUAGE TO THE FLOODPLAIN ORDINANCE FOR**  
**UNINCORPORATED SCOTT COUNTY**

Public Notice is hereby given that the Scott County Board of Supervisors will hold a public hearing for adoption of new Flood Insurance Rate Maps (FIRM) provided to Scott County by FEMA. On April 9, 2009 a public hearing was held to allow public review and comment on these Preliminary FIRMs and the Flood Insurance Study the maps are based on. On August 18, 2010 FEMA determined that there were no significant changes to the flood hazard data or the Preliminary FIRMs. However there are instances where the effect of the new maps on individual properties is significant over the previous adopted maps. The public hearing is also to consider some amended language to address the use of Recreational Vehicles in a flood hazard area and abrogation and greater restrictions established by the ordinance. The Planning Commission held a public hearing to review the maps and text amendments on January 4, 2011 and unanimously recommended approval. If a community does not adopt floodplain management regulations, including the new FIRMs or amend its existing regulations prior to the effective date of the flood map, the community will be suspended from the National Flood Insurance program through the Department of Homeland Security's Federal Emergency Management Agency (FEMA). The public hearing will be held on January 20, 2011 at 5:30 PM in the 1st Floor Board Room of the Administrative Center, 600 West Fourth Street, Davenport Iowa

A copy of the new Floodplain Insurance Rate Maps (FIRM) and text amendments are available for review at the Planning and Development Department. If you have any questions or comments regarding the public hearing, please call or write the Planning and Development Department, 500 West Fourth Street, Davenport Iowa 52801, 563-326-8643, or attend the hearing.

Timothy Huey  
Planning Director

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Timothy Huey  
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: December 30, 2010

**Re: Required adoption of new Flood Insurance Rate Maps to continue Scott County's participation in the National Flood Insurance Program.**

Since 1978 Scott County has adopted Flood Insurance Rate Maps and participated in the National Flood Insurance Program. The NFIP requires local jurisdictions adopt and enforce floodplain development regulations in compliance with Federal requirements. The Federal Emergency Management Agency has prepared a new Flood Insurance Study and prepared new FIRMs as a result of that study. On April 9, 2009 a public hearing was held by Scott County to allow public review and comment on the Preliminary FIRMs and the Flood Insurance Study the maps are based on. On August 18, 2010 FEMA determined that there were no significant changes to the flood hazard data on the Preliminary FIRMs and notified Scott County that adoption of the maps is required by February 18, 2011.

Even though, in whole, there are not significant changes to the floodplain delineations along the Wapsipinicon, its tributaries, and the Mississippi River and its tributaries there are some changes to the floodplain designations along Spencer Creek in Pleasant Valley that have significant impact on certain individual properties. As a result in addition to publishing the Notice of Public Hearing in the three official County newspapers, staff has also mailed individual notice to just over 175 property owners in Pleasant Valley that may or may not be affected by these changes. Staff has received three phone calls from property owners receiving that notice.

The Iowa Department of Natural Resources has reviewed Scott County's Floodplain regulations and has recommended several text amendments to bring Scott County's regulations into compliance with Federal requirements. Staff has attached the draft of the ordinance amendment adopting the new maps and the proposed text amendments.

Staff will review the new flood maps as compared to the current maps with a PowerPoint presentation at the Planning Commission meeting.

SCOTT COUNTY ORDINANCE NO. 11-\_\_\_\_\_

AN ORDINANCE TO ADOPT NEW FLOOD INSURANCE RATES MAPS IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM AND AMEND CERTAIN PROVISIONS AND SECTIONS OF SCOTT COUNTY CODE CHAPTER 6, ZONING FOR UNINCORPORATED AREAS RELATED TO FLOODPLAIN REGULATIONS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

**Section 1** Amend Section 6-6 ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES 6-6 (D) to read:

The boundaries of the flood plain overlay districts shall be the same as shown on the Flood Boundary and Floodway Insurance Rate Maps, which were issued by the Federal Insurance Administration, dated June 1, 1977 (Revised January 6, 1993) and adopted by the Board of Supervisors Federal Emergency Management Agency. The Flood Insurance Rate Maps (FIRM) for Scott County and Incorporated Areas, dated February 18, 2011, which were prepared as part of the Scott County Flood Insurance Study, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map for unincorporated Scott County. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

**Section 2** Amend Section 6-18 GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, AND GENERAL FLOODPLAIN OVERLAY DISTRICTS by adding :

(D) Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**Section 3** Amend Section 6-20 FLOODWAY FRINGE OVERLAY DISTRICT 6-20 (6) by adding:

- a. Recreational vehicles are exempt from the requirements of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  2. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of this Ordinance regarding anchoring and elevation of factory-built homes.

**Section 4** The County Auditor is directed to record this ordinance in the County Recorder's office.

**Section 5** Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

**Section 6** Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7** Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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Tom Sunderbruch, Chairman  
Scott County Board of Supervisors

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Roxanna Moritz, County Auditor



**FEMA**

**JAN 04 2011**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Chris Gallin  
Chairperson, Board of Supervisors  
Scott County  
600 West Fourth Street  
Davenport, Iowa 52801

Dear Ms. Gallin:

I am writing this letter as an official reminder that Scott County, Iowa, has until February 18, 2011, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

Scott County must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by February 18, 2011, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in SFHAs. This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist Scott County to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if Scott County is encountering difficulties in enacting its measures.

Chris Gallin

**JAN 04 2011**

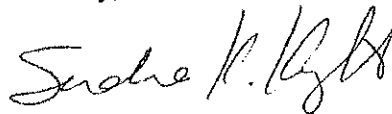
Page 2

I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Iowa Department of Natural Resources. Bill Cappuccio, the NFIP State Coordinator, is accessible by telephone at (515) 281-8942, in writing at 502 East Ninth Street, Des Moines, Iowa 50319, or by electronic mail at [bill.cappuccio@dnr.iowa.gov](mailto:bill.cappuccio@dnr.iowa.gov).

The FEMA Regional staff in Kansas City, Missouri, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (816) 283-7002 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region VII, at 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114-3372.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Sandra K. Knight, PhD, PE  
Deputy Federal Insurance and  
Mitigation Administrator, Mitigation

Enclosure

cc: Beth Freeman, Regional Administrator, FEMA Region VII  
Bill Cappuccio, NFIP State Coordinator, Iowa Department of Natural Resources  
Timothy Huey, Floodplain Administrator/Planning Director, Scott County

COPY

NOV 05 2010



**FEMA**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Chris Gallin  
Chairperson, Board of Supervisors  
Scott County  
600 West Fourth Street  
Davenport, Iowa 52801

Dear Ms. Gallin:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for Scott County, Iowa, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on February 18, 2011; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated August 18, 2010, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Scott County. Therefore, Scott County should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for Scott County will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Iowa Department of Natural Resources. You may contact Bill Cappuccio, the NFIP State Coordinator, by telephone at (515) 281-8942, in writing at 502 East Ninth Street, Des Moines, Iowa 50319, or by electronic mail at [bill.cappuccio@dnr.state.ia.gov](mailto:bill.cappuccio@dnr.state.ia.gov).

The FEMA Regional staff in Kansas City, Missouri, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for Scott County and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (816) 283-7002 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region VII, at 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114-3372.



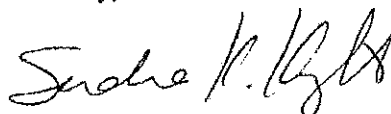
Chris Gallin  
NOV 05 2010

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until February 18, 2011, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by February 18, 2011. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Sandra K. Knight, PhD, PE  
Deputy Federal Insurance and  
Mitigation Administrator, Mitigation

Enclosure

cc: Beth Freeman, Regional Administrator, FEMA Region VII  
Bill Cappuccio, NFIP State Coordinator, Iowa Department of Natural Resources  
Timothy Huey, Floodplain Administrator/Planning Director, Scott County



## STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

August 27, 2010

Timothy Huey  
Planning Director, Scott County  
500 West Fourth Street  
Davenport, Iowa 52801

Dear Mr. Van Waus:

On August 18, 2010, the Federal Emergency Management Agency (FEMA) sent a letter informing the county that the new county-wide Digital Flood Insurance Rate Maps (DFIRM) for Scott County are final and that these maps will become effective on February 18, 2011.

In order to remain in good standing with the National Flood Insurance Program, FEMA requires participating communities to update their flood plain management ordinance to reference the effective date of the new DFIRMs. The county's ordinance must be updated prior to the effective date of February 18, 2011. Failure to do so will result in the county being suspended from the National Flood Insurance Program.

FEMA requires the county to provide two copies of the updated ordinance containing original signatures and the county's community stamp to the Iowa Department of Natural Resources Flood Plain Management section. Iowa DNR staff will review the ordinance for compliance against state and federal flood plain management regulations. Once it is approved by the Department, the DNR will forward one copy of the ordinance to FEMA for final approval. The other copy will remain on file at the Iowa DNR. It is recommended that the county provide a draft copy of the updated ordinance to DNR staff prior to action by the Council to ensure a compliant ordinance is adopted.

The updated ordinance should be mailed to the Iowa DNR Flood Plain Management Section, Wallace State Office Building at 502 E. 9<sup>th</sup> Street, Des Moines, IA 50319 prior February 18, 2011.

Please feel free to contact me at (515) 281-4333 or [Jason.Conn@dnr.iowa.gov](mailto:Jason.Conn@dnr.iowa.gov) if you have any questions regarding the update of the county's flood plain management ordinance.

Sincerely,

A handwritten signature in cursive script that reads "Jason Conn".

Jason Conn, Program Planner  
Flood Plain Management Local Programs



# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
19P

8/18/2010

Chris Gallin  
Chairperson, Board of Supervisors  
Scott County  
600 West 4th Street  
Davenport, Iowa 52801

Community: Scott County, Iowa  
Unincorporated Areas  
Community No.: 190239  
Map Panels Affected: See FIRM Index

Dear Ms. Gallin:

This is to formally notify you of the final flood elevation determination for Scott County, Iowa Unincorporated Areas in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On January 6, 1993, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On March 31, 2009, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Quad City Times* on January 22, 2010 and January 29, 2010, and in the *Federal Register*, at Part 67, Volume 74, Page 61627, on November 25, 2009.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on March 31, 2009. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to March 31, 2009, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Kansas City, Missouri, at (816) 283-7002 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Kevin C. Long, Acting Chief  
Engineering Management Branch  
Mitigation Directorate

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository  
Timothy Huey, Floodplain Administrator/Planning Director, Scott County