11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us
Office of the City Clerk
Taped & Televised

COMMITTEE OF THE WHOLE
Tuesday, March 12, 2024
6:30 PM
Christine Nuernberg Hall

Agenda

1. Call to Order, Roll Call
2. Approval of Meeting Minutes
   a. February 13, 2024
3. Discussion
   a. Overview and Discussion Regarding Proposed Updates to the Floodplain Maps for the Milwaukee River Watershed and a Model Ordinance Regulating Activity within the City's Floodplains
4. Adjourn

Dated: March 12, 2024 *\/s/ Andrew Nerbun, Mayor*

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM.

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COMMITTEE OF THE WHOLE
Tuesday, February 13, 2024
6:45 PM
Christine Nuernberg Hall

Minutes

1. Call to Order, Roll Call

   Mayor Nerbun called the meeting to order at 6:31 PM

   Present:
   Mayor Andrew Nerbun
   Alderman Robert Strzelczyk
   Alderman Kelly Tolocko
   Alderman Dale Mayr
   Alderman Jeffrey Hansher
   Alderman Gregg Bach
   Alderman Brian Parrish
   Alderman Kathleen Schneider
   Alderman William Gebhardt

   Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Director of Community Development Tollefson, press and interested public.

2. Approval of Meeting Minutes

   a. January 9, 2024

   RESULT: **Approved by Voice Acclamation [Unanimous]**
   MOVED BY: Alderman Strzelczyk
   SECONDED BY: Alderman Gebhardt

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

3. Discussion

   a. Consideration of Conceptual Land Uses and Zoning Classifications for the Land South of Donges Bay Road, West of Baehr Road, North of County Line Road and South and East of Enterprise Drive

Director Tollefson provided an overview of the Economic Development Board's recommended uses for the industrial land in the Southwest including sewer analysis and consultation. She also gave a brief history of the Baehr Road area including proposals for residential and light industrial uses being considered.

Totaling approximately 230 acres, City staff suggests zoning changes, SSA (Sewer Service Area) Expansion, and landowner consultations prior to advancing to the Planning Commission and eventually to the Common Council. Utility infrastructure could be challenging in relation to the Milwaukee Water Contract and connectivity requiring a private lift station. The property is desirable for light industrial and residential uses due to its environmental features and neighborhood amenities.

Committee discussion embarked touching on concerns for City population and economic growth related to industrial development opportunities, access to public water and sewer supply, 25 years of inaction on the vacant industrial land, and public input. The City has approximately 185 acres of vacant industrial zoned land; 100acres of which is within a portion of the subject study area which is over 200 acres. The current industrial park is very successful and limited in available space.

Discussion continued relating to impacts on schools, preserving rural character, and movement to rezone. The Committee has variable views on future uses and timelines but agree that the rezoning consideration for the subject study should be surveyed as part of the upcoming community-wide survey before any further action takes place.

Tom Janson, the owner of the Baehr Road property, spoke on his behalf and the inability to sell the land since 1990 because of the industrial zoning label. The property has been well marketed and he encourages the Committee to consider allowing multifamily and single-family housing.

The final consensus from the Committee is to establish more data such as the amount of environmentally sensitive acreage within the study area, industrial broker interviews, alternative options, economic viability and tax values, and density. The Committee requests that this topic be included in the upcoming 2025 community survey for public input.

4. Informational Items
   a. Committee of the Whole Planning Calendar
5. Adjourn

   Motion to Adjourn at 8:20 PM

RESULT:	**Approved by Voice Acclamation [Unanimous]**
MOVED BY:	Alderman Gebhardt
SECONDED BY:	Alderman Mayr

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Respectfully Submitted,

Janet Meyer
Deputy Clerk

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Community Development**

TO: **Committee of the Whole**
FROM: **Kim Tollefson, Director of Community Development**
DATE: **March 12, 2024**
SUBJECT: **Overview and Discussion Regarding Proposed Updates to the Floodplain Maps for the Milwaukee River Watershed and a Model Ordinance Regulating Activity within the City's Floodplains**

Background

The Federal Emergency Management Agency (FEMA) mission is helping people before, during and after disasters. Floodplain management is one aspect of federal assistance provided by FEMA. Other program assistance includes coordinating recovery efforts in the wake of severe storms, hurricanes, wildfires and earthquakes, as well as managing other aspects related to hazard response. Recently, FEMA released updated draft floodplain maps for the Milwaukee River Watershed and Flood Insurance Study. In addition, the Wisconsin Department of Natural Resources is requiring the City to adopt the updated model floodplain ordinance and flood storage district maps as part of this process. The maps were last updated in December of 2007.

Analysis

The City has begun its evaluation of the new boundaries and the model ordinance. Over the course of the next several months, staff will consider modifications to the model ordinance for applicability to local conditions and current, local regulations and present findings to the Planning Commission and Common Council. While not specifically a focus of this Committee of the Whole discussion (the focus being broader concepts as opposed to specific details), those who wish to review the model ordinance can find it here:

https://dnr.wisconsin.gov/sites/default/files/topic/Floodplains/2022_Floodplain_Model_Ord_TOC_01_08_24.pdf

It is important to note that changes to the model ordinance cannot be less stringent than what is in the model ordinance. As part of the Committee of the Whole Discussion, staff has prepared a presentation that includes the following topics:

- Floodplain Basics
- Flood Insurance and the National Floodplain Insurance Program (NFIP)
- Wisconsin NFIP Participation Rates
- County Insurance Participation Rates
- 2024 Map and Model Ordinance

The intent of the presentation is to provide the Common Council with sufficient background information in order to give staff direction regarding the following decisions that need to be made as part of the ordinance adoption process:

1. Should the City Remain in NFIP or opt out?
2. Should the City adopt the provisions of Act 175?
3. Should the City adopt more restrictive requirements of the Community Rating System (CRS)?

4. How should the City address current zoning map conflicts?

Timeline

The model ordinance and draft maps are required to be approved by FEMA and the DNR prior to July 31, 2024, or the City will be suspended from the National Flood Insurance Program. If any modifications are made to the model ordinance, submittal to the DNR is required by no later than May 31. Based on this deadline, the ordinance will be reviewed by the Planning Commission on March 18, with a first reading at Common Council on April 9, and public hearing and adoption on May 14.

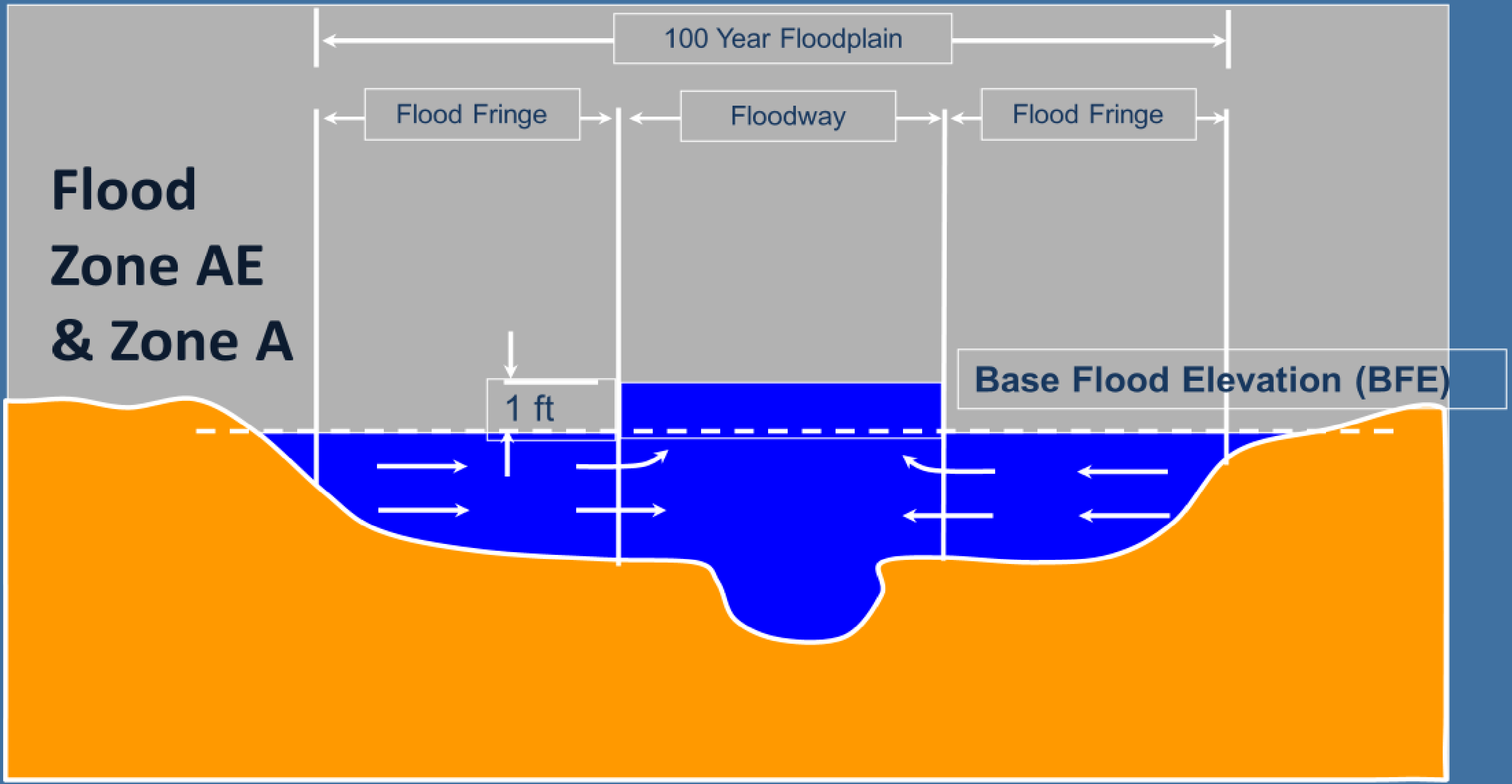
Attachments:
City of Mequon CCOW Floodplain Power Point (PDF)

City of Mequon CCOW Floodplain Discussion

Presentation Outline

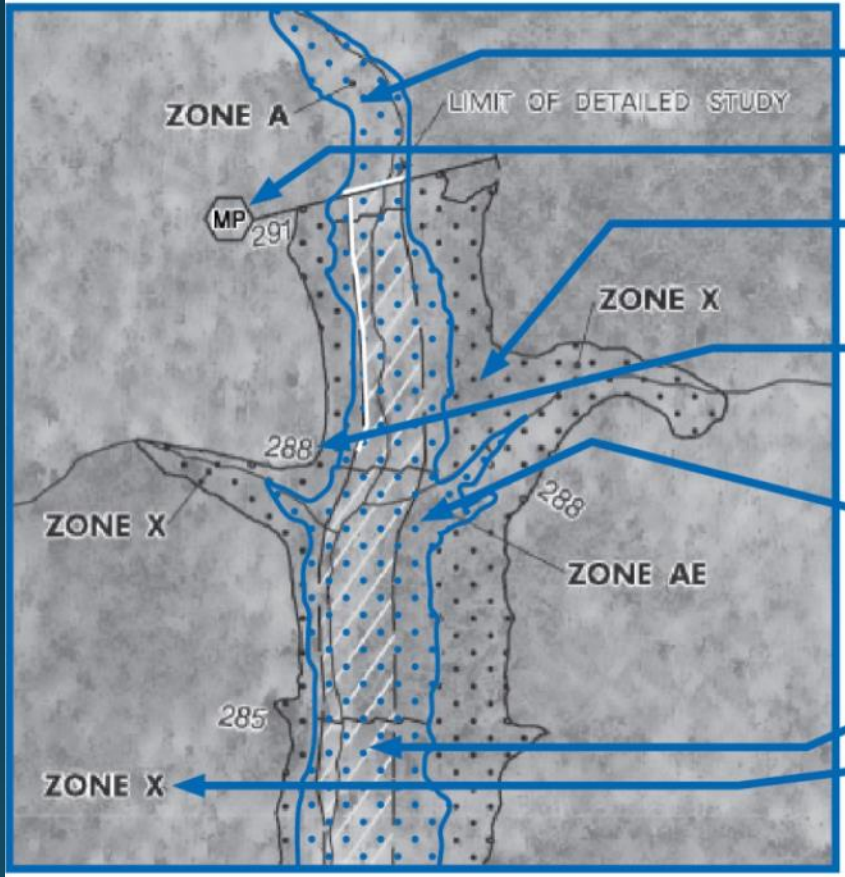
- Floodplain Explained
- Flood Insurance and the NFIP
- Wisconsin NFIP Participation Rates
- County Insurance Participation Rates
- 2024 Map and Model Ordinance Update
- Decisions for the Common Council
- Questions/Discussion

What is the 100-Year Floodplain?



The 100-year floodplain is the land subject to a 1% or greater chance of flooding in any given year. It is also called the Special Flood Hazard Area (SFHA) by FEMA. Floodway is the channel and adjacent land reserved in order to discharge the base flood.

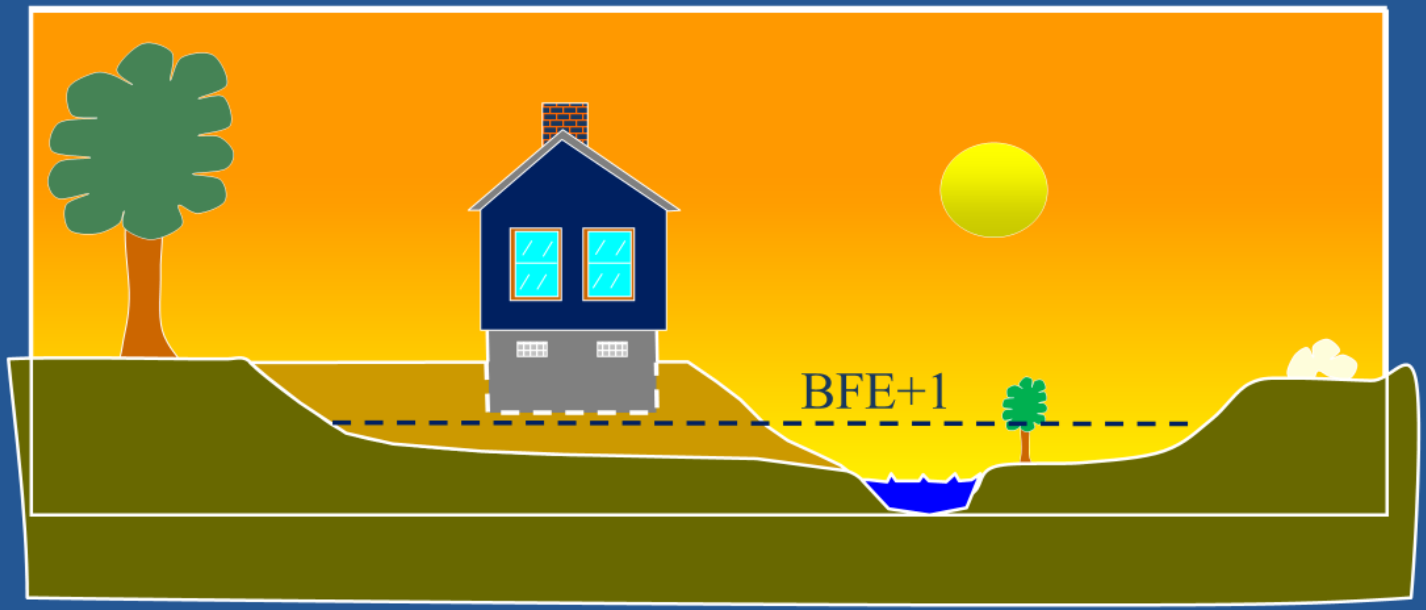
FEMA Flood Insurance Rate Map (Riverine)



1. **Zone A** (approximate) is the flood hazard area without BFEs.
2. **Cross Section** location.
3. **Shaded Zone X** is the 0.2-percent-annual-chance (500-year) floodplain (formerly Zone B).
4. **Base Flood Elevation (BFE)** is the water surface elevation of the base flood rounded to the nearest whole foot (consult FIS profiles and tables for more accurate elevations).
5. **Zone AE** is the 1-percent-annual-chance (100-year) floodplain with BFEs (formerly Zones A1-A30).
6. The **Floodway** is the cross-hatched area.
7. **Unshaded Zone X** is all other areas considered low risk (formerly Zone C).

Elevated Residential Structures in Riverine AE & A Zones

Lowest floor must be elevated at or above BFE



National Flood Insurance Program

- National Flood Insurance Act of 1968
- **Flood Maps** – FEMA produces flood maps (FIRM)
- **Flood Regulations** – Communities must adopt the flood maps and minimum FEMA construction requirements into local zoning regulations
- **Flood Insurance** – FEMA makes federal flood insurance available to property owners in NFIP participating communities
- WDNR is agent for FEMA in Wisconsin
  - More restrictive than FEMA

National Flood Insurance Program

- Not a mandatory program
- Impacts of not participating
  - **Federally Backed Mortgages (Mandatory Purchase Requirement)**
  - **No Federal Disaster Assistance for community**

Roles and Responsibilities

Federal Emergency Management Agency

State NFIP Coordinating Agency - WDNR

Mequon (regulates development through zoning)

Flood Insurance Basics

- Flood damage is excluded under standard homeowners and renters' insurance policies. However, flood coverage is available in the form of a separate policy both from the National Flood Insurance Program (NFIP) and from a few private insurers.
- Congress created the NFIP in 1968 in response to the rising cost of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods.
- The NFIP makes federally backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.
- The NFIP provides coverage for up to $250,000 for the structure of the home and up to $100,000 for personal possessions. The NFIP policy provides replacement cost coverage for the structure of the home but only actual cash value for personal possessions.
- Excess flood insurance is also available from some private insurers for those who need additional insurance protection over and above the basic policy or whose community does not participate in the NFIP.
- Excess flood insurance is available in all parts of the country—in high-risk flood zones along the coast and close to major rivers as well as in areas of lower risk—wherever the federal program is available. It can be purchased from specialized companies through independent insurance agents, or from regular homeowners' insurance companies that have arrangements with a specialized insurer to provide coverage to their policyholders.

Flood Insurance Basics cont.

- Water that falls from the sky that damages your home is covered by your Homeowner's Insurance Policy.
- Broken pipe, sewer backflow covered by homeowner's policy or separate policy rider.

Wisconsin Participation in NFIP

- To participate in the NFIP, municipality must adopt and enforce floodplain management regulations or ordinance that meet FEMA minimum standards
- Municipality enforces the federal NFIP standards through local zoning and building permit process
- Wisconsin
  - 105 communities do not participate
  - 600 communities participate
  - 11 communities suspended

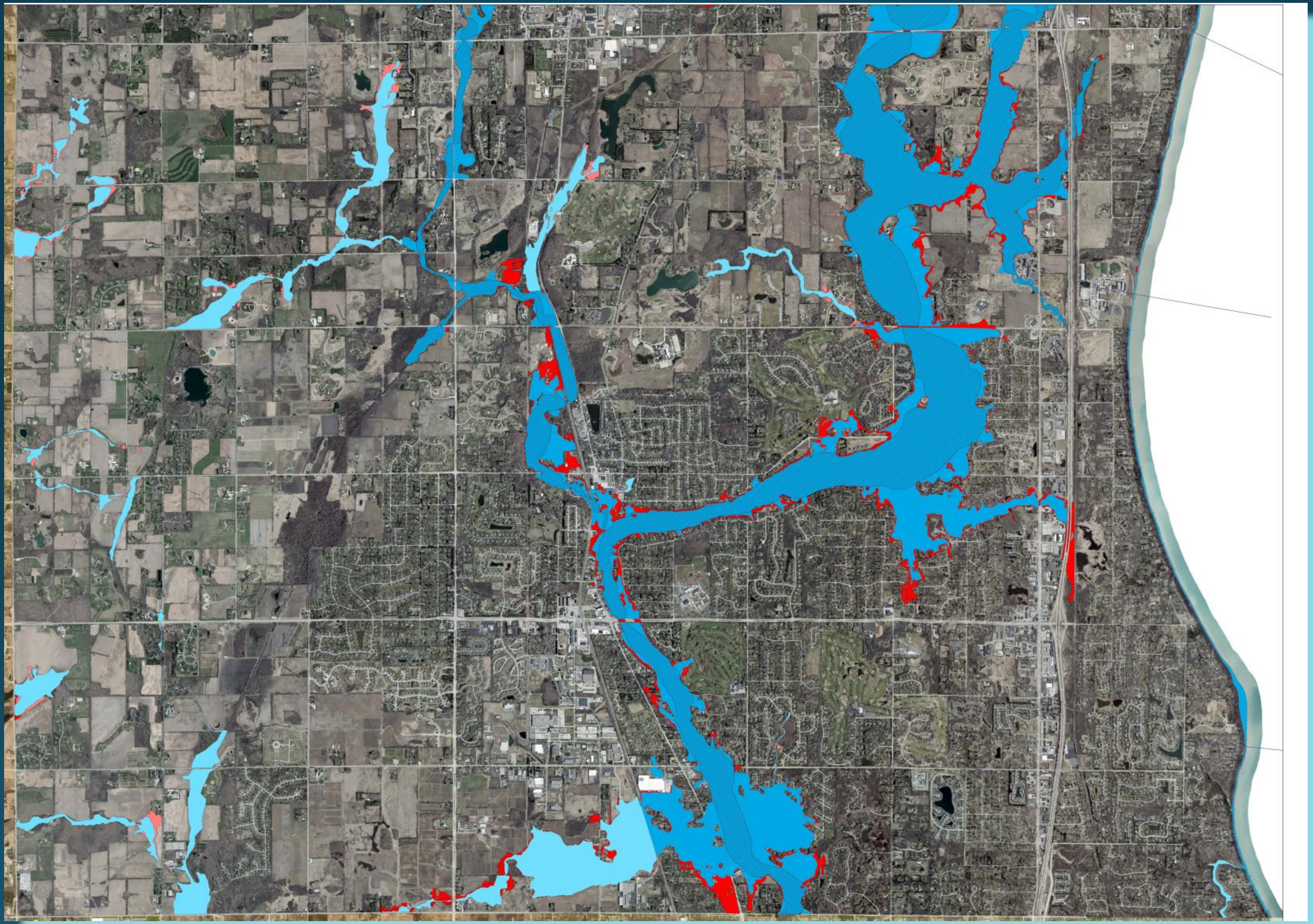
County Participation in NFIP

COMMUNITY	Polices In Force	Total Coverage	Total Written Premium plus FPF
BELGIUM	1	$84,000	$299
CEDARBURG	26	$7,454,000	$23,060
FREDONIA	1	$175,000	$569
GRAFTON	18	$4,464,000	$12,132
MEQUON	138	$35,733,000	$151,998
OZAUKEE COUNTY (Uniconcorporated)	55	$13,276,000	$49,690
PORT WASHINGTON	41	$10,805,000	$12,970
SAUKVILLE	70	$16,655,000	$73,108
THIENSVILLE	7	$2,426,000	$29,260

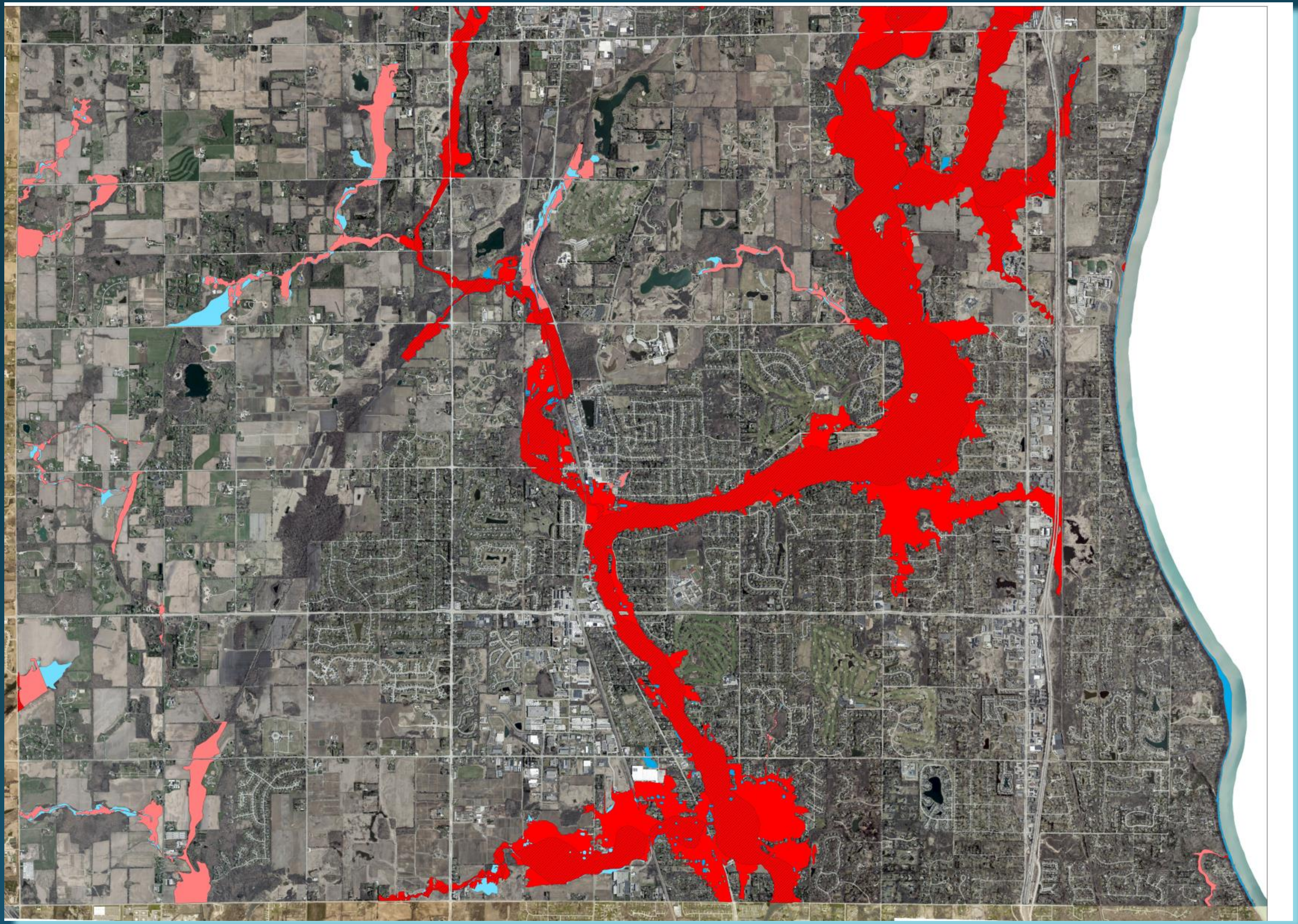
2024 Map and Ordinance Update

- 2024 FIRM Maps
  - Last updated in 2007
- Model Ordinance
  - May modify but cannot be less stringent
- Flood Storage Districts
  - DNR requirement not recognized by FEMA
- Little Menomonee Study
  - Separate study not shown on draft FIRM maps

Impacts of 2024 Map Changes

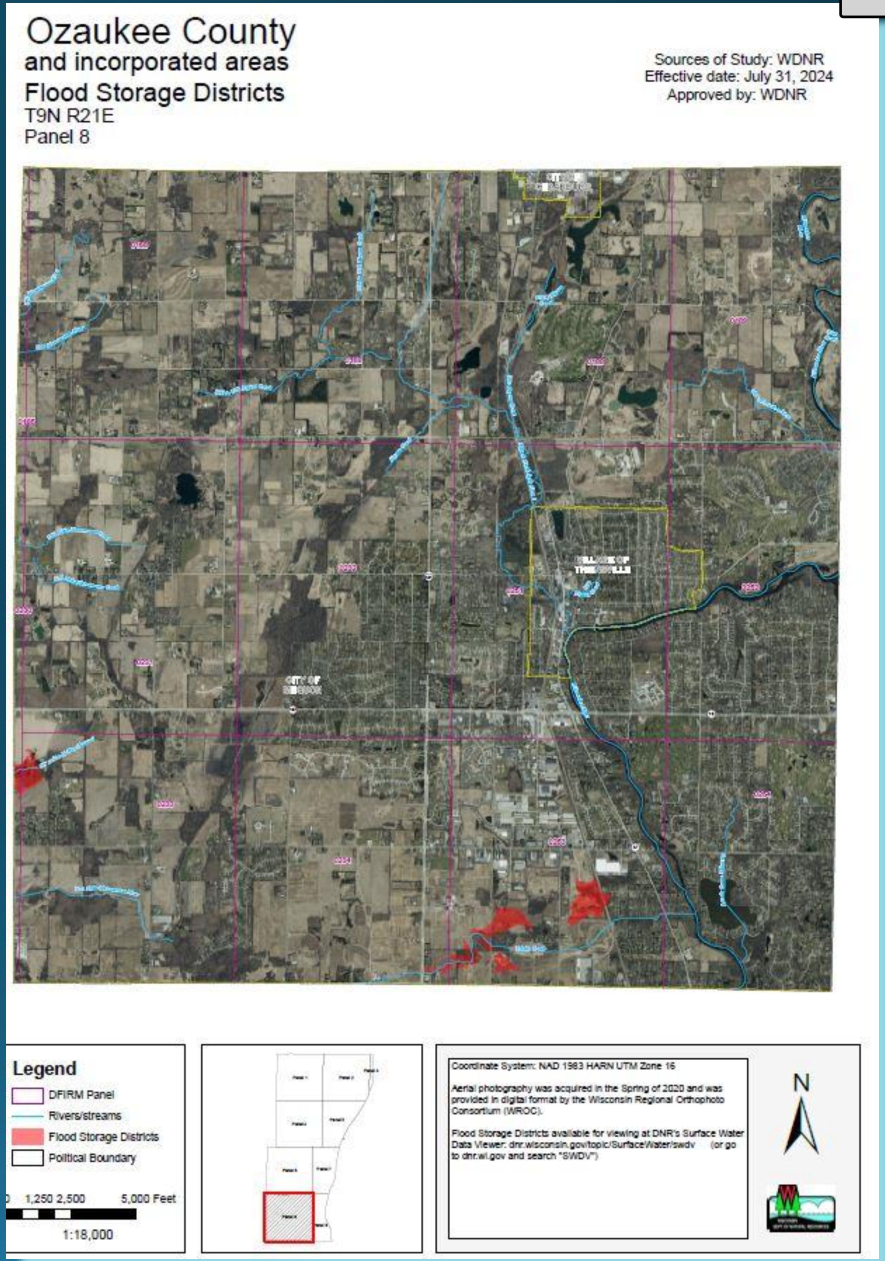


Impacts of 2024 Map Changes



Flood Storage Districts

- Requires Compensatory Storage
- Mostly Wetlands / Some upland area
- More Restrictive than FEMA



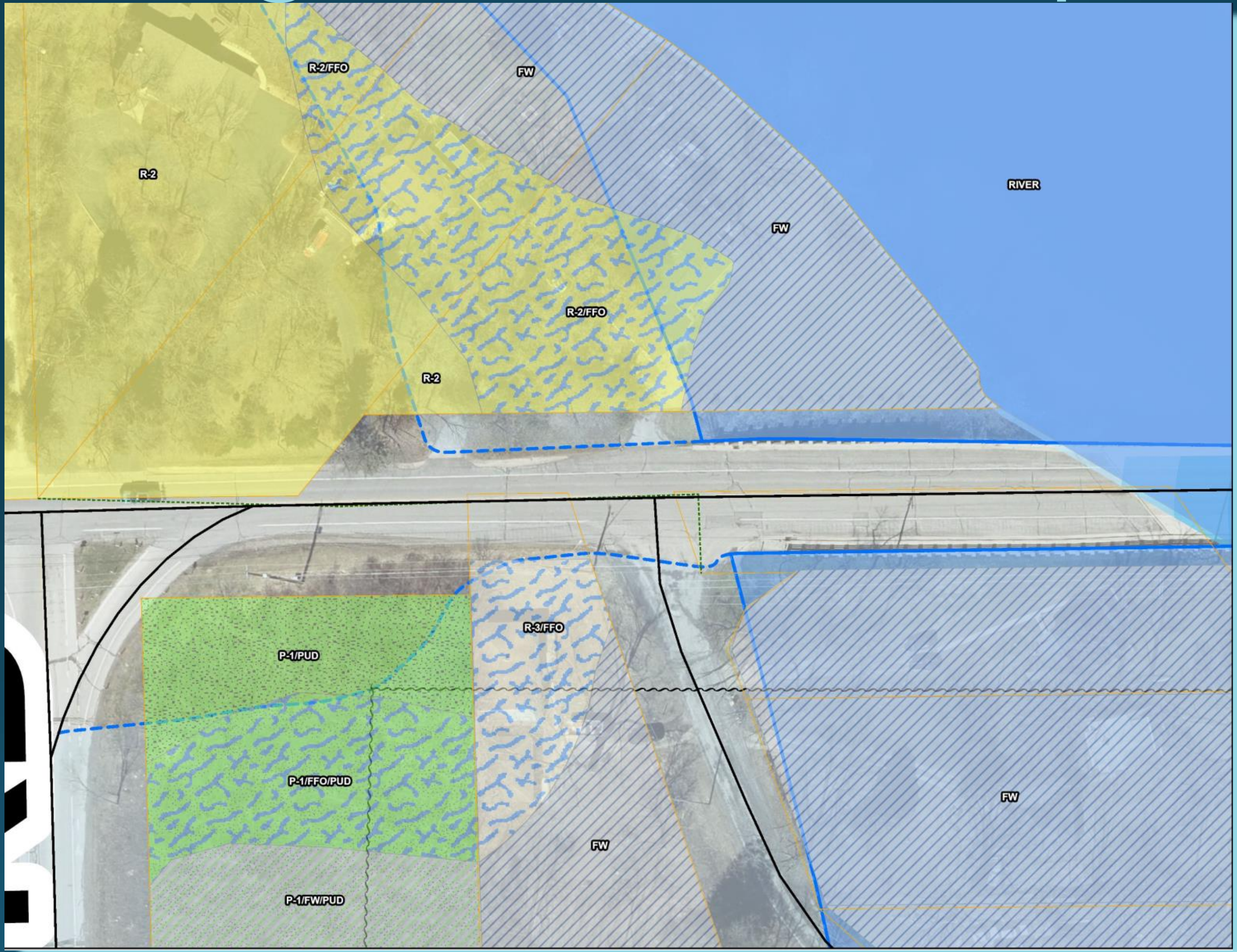
2024 Map and Ordinance Update

- Impacts to the Community
  - Flood designations expanded in some areas
  - Existing LOMA's and LOMR-F superseded in some cases (43)
  - Impacts to existing nonconforming buildings

Common Council Decisions

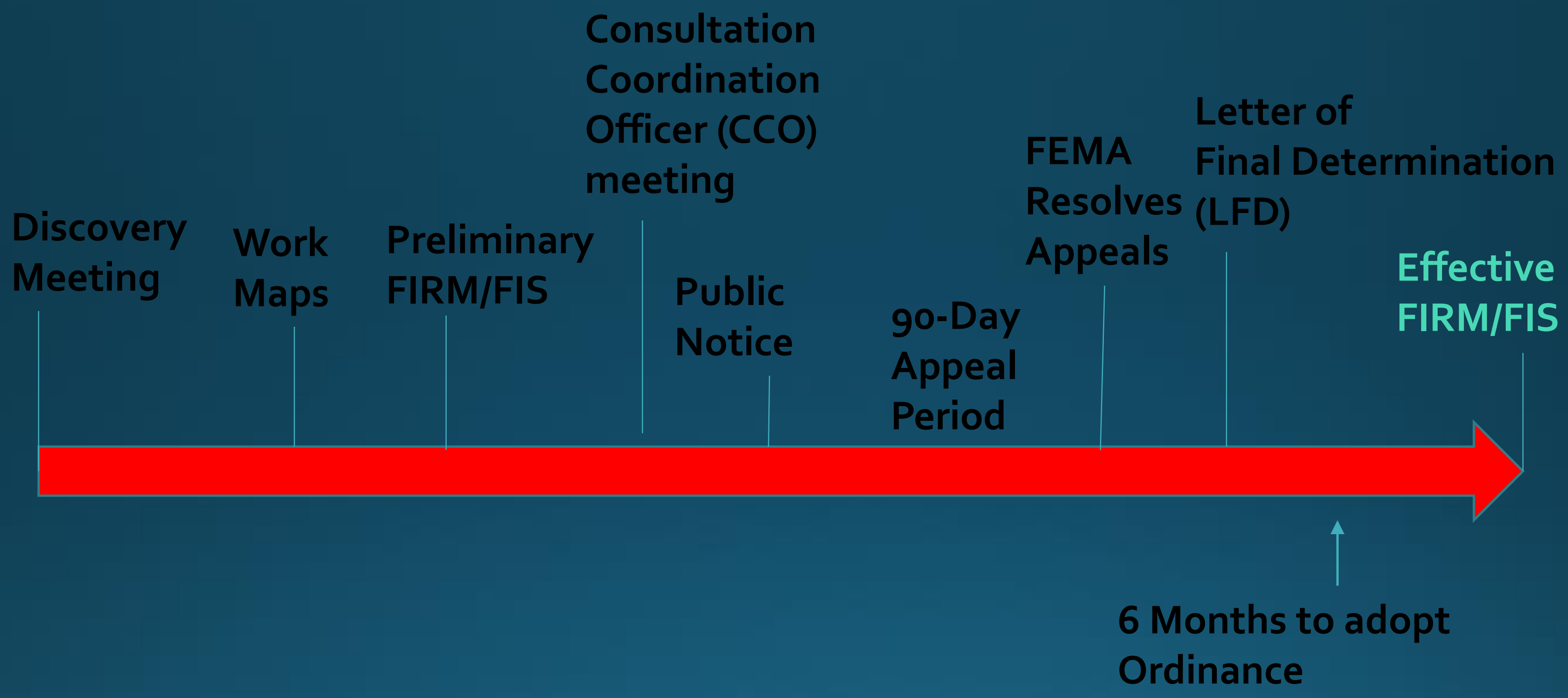
- Remain in NFIP or opt out
- Adopt Act 175 Provisions
  - Act 175 was enacted March 2020 and impacts how local governments can regulate nonconforming structures in the floodplain by adding an option to rebuild structures if certain conditions are met.
- Adopt CRS (Community Rating System) provisions
  - The CRS credits a community that participates by reducing premiums for policy holders but does require more stringent requirements in the model ordinance.
- Modify Current Zoning Districts
  - Current FW and FFO zoning districts do not match proposed FIRM maps.

Zoning vs FEMA example



Mapping Process Timeline

Congressional Appropriation $



Questions??