

MEMORANDUM

Date: December 30, 2021
To: Chehalis Basin Board (Board)
From: Chrissy Bailey, OCB Principal Planner; French Wetmore and Jerry Louthain, French & Associates
cc: Andrea McNamara Doyle, OCB Director
Re: Community Flood Assistance and Resilience (CFAR) policy framework | Coordinating CFAR with local government plans

Please review this memo prior to the January 6, 2022 Board meeting and think about the questions; the scenarios will be further developed at the Board meeting.

Background

As development and implementation of the interim Community Flood Assistance and Resilience (CFAR) program has proceeded, staff has given the Board a preview of some of the policy issues we have encountered. The purpose of this memo is to introduce considerations for discussion at the January 6, 2022 Board meeting, where we are asking for Board direction regarding how the CFAR program should handle one of these policy issues: when a property owner's desired project is contrary to or is not consistent with an "informal" local government plan or project.

Staff is asking for direction from the Board at the January meeting regarding whether CFAR's 'default' in these situations should be the property owner's perspective, or the local government perspective.

Below are two example scenarios we have developed to illustrate:

Scenario A – pros and cons of the 'default' position being to provide financial assistance for feasible property owner-desired projects, even when inconsistent with informal or non-adopted local government plans or projects.

Scenario B - pros and cons of the 'default' position being not to provide financial assistance for property owner-desired projects that are inconsistent with, or would prolong or make more expensive, implementation of an informal or non-adopted local government plan or project.

After staff receives your direction at the January Board meeting, staff will bring back to the Board for approval a set of draft criteria or procedures, for use when these situations occur in the future.

Local Codes

It is an underlying assumption that CFAR will not provide financial assistance for any project that does not comply with local codes.

Formal, Locally Adopted Plans

It is also an underlying assumption that CFAR will defer to a local government's adopted plans or funded projects. CFAR will not provide financial assistance to property owners for projects that are inconsistent or conflict with formal, locally adopted plans. Formal and locally adopted could mean the plan or project is listed or discussed in the Comprehensive Plan, a Sub Area Plan, Master Plan, or by Council or Commission resolution, etc. The method of formalizing or adopting a plan or project may vary from community to community.

Scenario A – Default: Property Owner Perspective

A property owner in the floodplain in Riverfront City wants to elevate or retrofit his home. However, the city's Parks Director has a vision for a linear waterfront park extending along this stretch of the river. The Parks Director would like to acquire this property for the waterfront park. City staff has asked that CFAR not provide financial assistance for the property owner's desired retrofit project, because it is not consistent with the Parks Director's long-term vision to acquire floodplain properties and convert the area to open space. Assuming a default to the property owner's perspective, CFAR would provide financial assistance for the property owner's elevation or retrofit project.

Pros and Cons

- Pros: the risk and/or extent of structure and content damage from flooding are immediately reduced upon implementation of the property owner's desired project, while allowing him to maintain his investment. The burden on emergency responders during a flood may also be immediately reduced. The safety of occupants is immediately increased upon implementation of the retrofit project. This property owner experiences concrete benefits from the CFAR program.
- Cons: retrofitted structures are likely to increase in value upon implementation of the retrofit project. Providing financial assistance to elevate or retrofit could increase the cost, and potentially the timeframe, for implementation of the Parks Director's long-term vision.

Scenario A questions for consideration

- Must the City's/Parks Director's vision be formalized through adoption of a plan to preclude CFAR financial assistance for the property owner's desired retrofit project? Must implementation of the vision or plan be funded?
- Does whether this property is key to making the city's project "whole", in contrast to being on a long list of properties the city envisions acquiring, make a difference? In other words, would the Board wish to consider these situations on a case by case basis rather than have an overarching policy applying to the whole program? Should there be a reconsideration process?
- Does the future use make a difference? For example, should CFAR take into account that the city's planned future use is open space in the form of a waterfront park, versus a big box store?

Scenario B – Default: Local Government Perspective

Planning staff at the Town of Creekside envision redeveloping an older part of the community from residential to commercial uses, and surrounding it with a levee. This part of the community experiences flood damage relatively commonly. The Town's Comprehensive Land Use plan designates the property as commercial, however the property has not been rezoned to reflect the comp plan land use designation. No master plan, sub-area plan, etc. has been developed or adopted. The Town has opportunistically acquired a couple of parcels in the area as they have come up for sale, but has no system in place to target priority properties and no funding designated or being pursued to support purchase of priority parcels. One of the property owners in this area is interested in elevating her home, and is not interested in selling to the Town at this time. The Town has asked CFAR to consider not funding the property owner's desired elevation project.

Pros and Cons

- Pros: a structure that has not been retrofitted will not increase in value solely due to the retrofit; this may reduce the likelihood that the same property would cost the town significantly more in the future, post-retrofit. OCB is supporting the town, one of our local government partners in Chehalis Basin Strategy efforts to reduce flood damage.
- Cons: since the property owner does not want to sell her property, structure and content damage from flooding is not immediately reduced and the safety of occupants is not immediately improved. Emergency response burdens after floods are not immediately reduced, and the property owner may not see the benefit of the levee for years, if ever, because the plan/project is not formally adopted or funded. The CFAR program could appear insensitive and inflexible to property owners, and discourage voluntary participation.

Scenario B questions for consideration

- For CFAR to default to the town's perspective, must there be a formally adopted, established plan versus a staff or Councilperson idea?
- *Funding* to implement the town's plan has not been committed/reserved. Should a showing of substantial progress (actively pursuing grants, providing local funding for and acquiring priority properties within the project footprint, etc.) inform whether CFAR defaults to the town's perspective?
- Should the status of the town's levee project be considered to inform whether CFAR defaults to the town perspective? For example, should CFAR consider whether the levee is in the design phase versus the bidding or construction phase? Should the timeframe for implementation of the project (e.g. 3-5 years versus 10 years) influence the default perspective?