Wisconsin's New FAD-C Floodplain Ordinance

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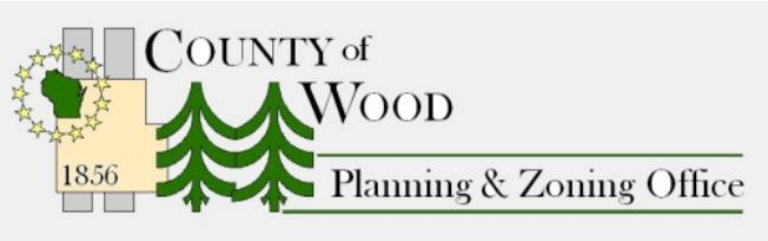
Cooperative Partners

- Wisconsin State Cranberry Growers Association

- Wisconsin Department of Natural Resources

- Federal Emergency Management Agency (FEMA)

- Wood County Planning and Zoning



National Flood Insurance Program (NFIP)

- Created by the National Flood Insurance Act of 1968
- Participation is **voluntary**
  - Adopt and enforce regulations
  - Eligible for flood insurance
- **Benefits** of participation:
  - Flood insurance
  - Grants and loans
  - Disaster assistance
  - Federally-backed mortgages

FEMA

NFIP Goals

- Reduce the loss of life and property caused by flooding;
- Reduce disaster relief costs caused by flooding;
- Minimize business interruptions and other economic disruptions;
- Minimize damage to public facilities in the floodplain.

Jefferson Co. 2008

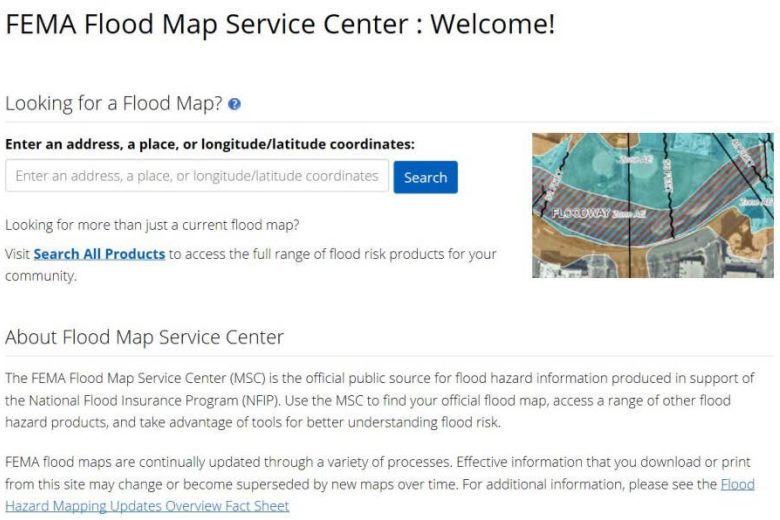
Buffalo Co. 2016

Federal Role

- Risk identification (Map Production)
- Establish minimum development/building protection standards
- Provide flood insurance coverage
- Inform and educate the public
- Provide technical assistance

FEMA

Trempealeau Co. 2016



State Role

- Establish additional development standards
- Promulgate effective regulations
- Provide technical assistance and data
- Evaluate and document community floodplain management activities
- Inform and educate the public

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

MODEL FLOODPLAIN ORDINANCE

Effective January 1, 2012

Door Co. 2016

Local Role

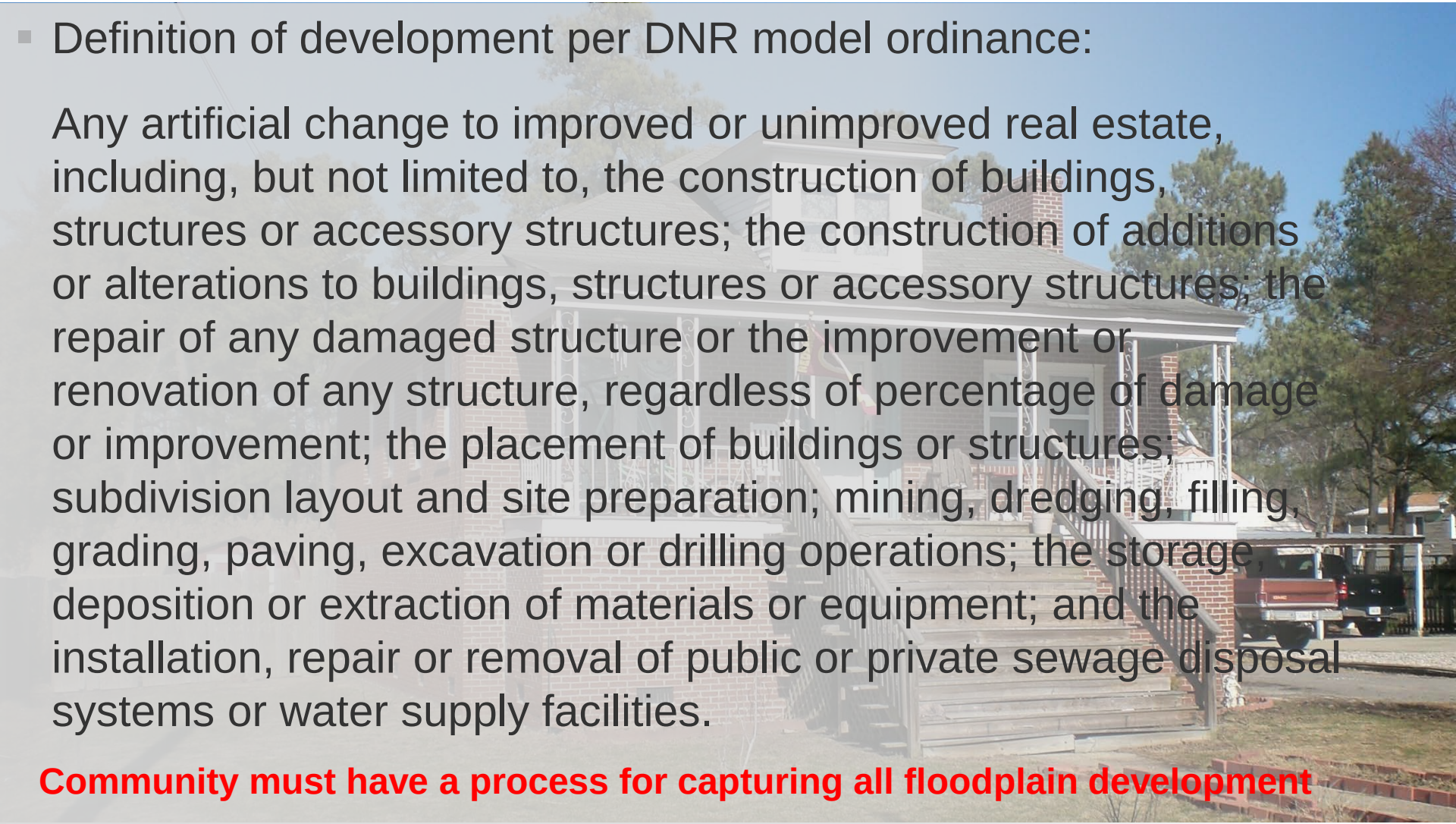
- Adopt local floodplain management regulations that meet Federal/State Laws
- Regulate development by permitting and inspecting construction activities
- Maintain records of floodplain development and mapping activities
- Inform and educate the public

ALL Development Requires permits

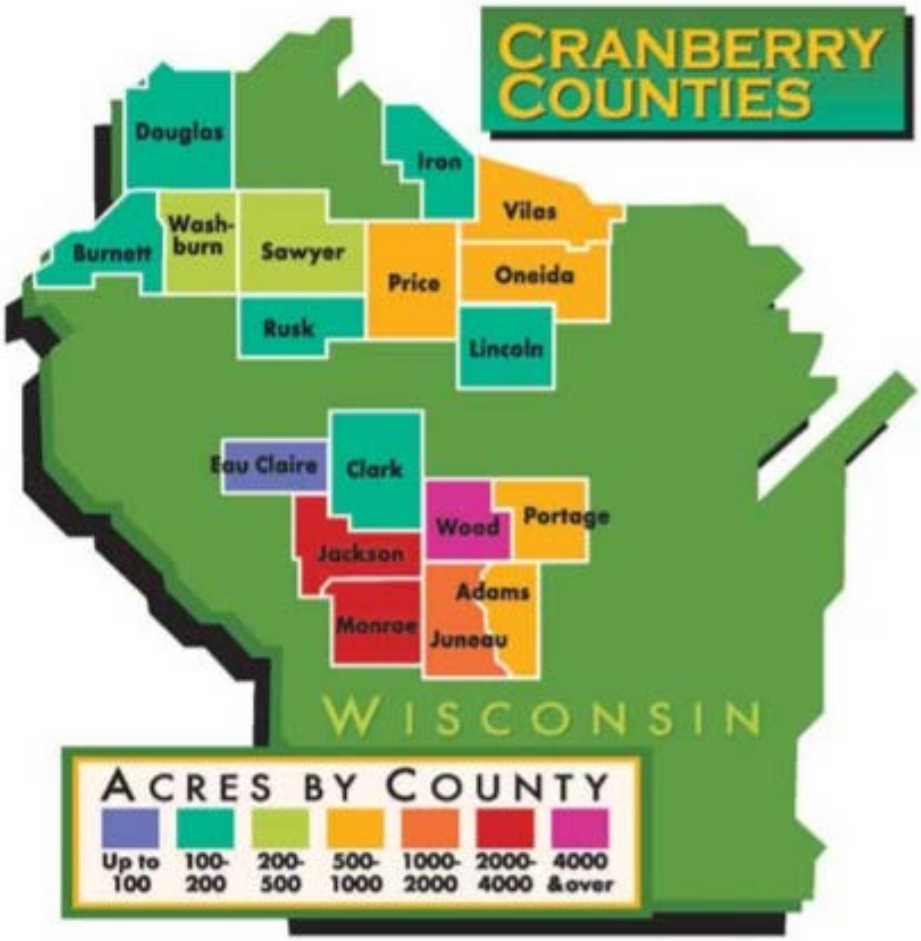
ALL development in the SFHA requires a permit

- Definition of development per DNR model ordinance:

  Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.



Community must have a process for capturing all floodplain development


CRANBERRY COUNTIES
Douglas
Iron
Vilas
Wash-burn
Burnett
Sawyer
Price
Oneida
Rusk
Lincoln
Eau Claire
Clark
Wood
Portage
Jackson
Adams
Monroe
Juneau
WISCONSIN
ACRES BY COUNTY
Up to 100
100-200
200-500
500-1000
1000-2000
2000-4000
4000 &over

History of Flooded Agriculture District Cranberry Farms (FAD-C)

- Summer 2008: FEMA observes Wisconsin cranberry production
- Local administrators were asked for “documentation” of common practices within cranberry farm boundaries

History of Flooded Agriculture District Cranberry Farms (FAD-C)

- County administrators ask DNR and the industry for assistance
- DNR, FEMA and WSCGA engage in series of meetings and tours
- Develop a model that will provide:
  - adequate documentation
  - with minimal farm disruption and
  - achievable administration

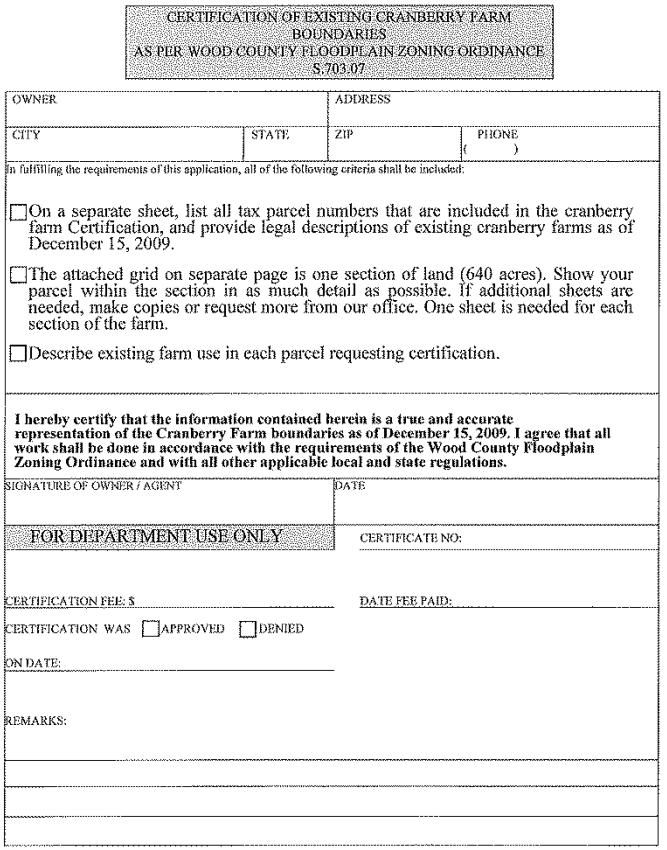
History of Flooded Agriculture District Cranberry Farms (FAD-C)

- **Wood County** agrees to pilot the new FAD-C ordinance
- Adopts the model ordinance in 2015
- **FAD-C Ordinance = 2 Main Components:**
  1. Certification of an existing cranberry farm boundary (maintenance); and
  2. FAD-C Permit required for NEW cranberry development activities

Certifying the Boundary of an Existing Cranberry Farm

Request for information on the FAD-C certification form

- On the FAD-C Form, the ZA should request landowner to provide the tax parcel ID.
- The ZA may want to use the Wood Co's sample of a map/grid to assist with the identification of all parcels for certification



CERTIFICATION OF EXISTING CRANBERRY FARM BOUNDARIES
AS PER WOOD COUNTY FLOODPLAIN ZONING ORDINANCE S.703.07

OWNER		ADDRESS	
CITY	STATE	ZIP	PHONE ( )

In fulfilling the requirements of this application, all of the following criteria shall be included:

☐ On a separate sheet, list all tax parcel numbers that are included in the cranberry farm Certification, and provide legal descriptions of existing cranberry farms as of December 15, 2009.

☐ The attached grid on separate page is one section of land (640 acres). Show your parcel within the section in as much detail as possible. If additional sheets are needed, make copies or request more from our office. One sheet is needed for each section of the farm.

☐ Describe existing farm use in each parcel requesting certification.

I hereby certify that the information contained herein is a true and accurate representation of the Cranberry Farm boundaries as of December 15, 2009. I agree that all work shall be done in accordance with the requirements of the Wood County Floodplain Zoning Ordinance and with all other applicable local and state regulations.

SIGNATURE OF OWNER / AGENT	DATE

FOR DEPARTMENT USE ONLY — CERTIFICATE NO:

CERTIFICATION FEE: $ — DATE FEE PAID:

CERTIFICATION WAS ☐ APPROVED ☐ DENIED

ON DATE:

REMARKS:

Wood County Example

CERTIFICATION OF EXISTING CRANBERRY FARM BOUNDARIES
AS PER WOOD COUNTY FLOODPLAIN ZONING ORDINANCE S.703.07

OWNER | ADDRESS

CITY | STATE | ZIP

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SIGNATURE

DATE: 30 July 2015

ONLY

CERTIFICATE NO: C15001

CERTIFICATION FEE: $ NA

DATE FEE PAID: NA

CERTIFICATION WAS ☒ APPROVED ☐ DENIED

ON DATE: 08/03/15

REMARKS:

TOTAL P.04

JAN-01-1900 00:03 P.02

SECTION NUMBER 25 T 21 N R 3 E

NW¼ NW¼	NE¼ NW¼	NW¼ NE¼	NE¼ NE¼
SW¼ NW¼	SE¼ NW¼	SW¼ NE¼	SE¼ NE¼
NW¼ SW¼	NE¼ SW¼	NW¼ SE¼	NE¼ SE¼
SW¼ SW¼	SE¼ SW¼	SW¼ SE¼	SE¼ SE¼

Certifications of Existing Farms

Certification shall encompass all contiguous lands.

A separate certification should be used for areas of cranberry farming that are not contiguous.

The separation is simply for administrative clarity for the ZA.

Incorporation of development land

- If the landowner applies for and is granted a permit from the County to conduct cranberry “development” activities, then when the permit for development is issued, the boundary becomes part of an “existing cranberry farm” for future maintenance activates.
- See Section 5.3(5)(b). The ZA may issue an updated certification that establishes the new boundary or simply keep the incorporated new parcel(s) with the landowner’s prior certification(s).

Establishing the “Top of the Existing Perimeter Dike” for an Existing Cranberry Farm

Wisconsin’s Model FAD-C ordinance sets forth a requirements that **cranberry maintenance** activities be conducted below the top of the perimeter dike on an existing cranberry farm. See Section 5.3 (8)(a).

The ZA must establish this height as a part of the FAD-C certification.

Request for information on the FAD-C Certification Form

The ZA should request that the landowner self-report the height and location of the highest point on the perimeter dike on the FAD-C certification application.

It is preferred that this information be provided by an WI registered surveyor.

Methods of certifying the perimeter dike height

- The ZA or his designee may take physical elevations to establish highest point (i.e., “top”) on the perimeter dike; OR
- The ZA may use two foot contours or point derived from certified LIDR using the highest available contour to establish the highest point (i.e., “top”) of the perimeter dike.

Issuing a Permit for New FAD Development Activities for Cranberry Farms

- Section 5.3(6) establishes a process through which the ZA may issue a permit to a landowner for a new cranberry development activities, such as building new beds or new reservoirs in the floodplain.
- All of the “FAD-C development activities” are listed in Section 5.3.(6)(d) in the model ordinance.

Questions