



August 20, 2014

Jim Schroeder, County Board Chair  
Jefferson County 311 S. Center Ave.  
Room 109  
Jefferson, WI 53549

Dear Mr. Schroeder,

Recently, Jefferson County received a Letter of Final Determination (LFD), dated August 4, 2014, from the Federal Emergency Management Agency (FEMA) notifying the County that updated Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Jefferson County must be adopted into the local floodplain ordinance within six months. Updated Flood Storage District (FSD) maps produced by the Department of Natural Resources (DNR) have also been issued for Jefferson County. Therefore, the County's ordinance must be amended and approved by DNR and FEMA no later than February 4, 2015 or the County will be suspended from the National Flood Insurance Program (NFIP).

This letter and the documents on the attached CD explain the ordinance adoption process. The attached document entitled *FIRM and FIS Information for Official Maps Section of Local Floodplain Ordinances* can be used to determine which ordinance amendment process below the County should follow.

**1. For Communities with Updated FIRMs and FIS**

The DNR issued new Model Floodplain Ordinances (Standard and Flood Storage) effective January 1, 2012 which meet the minimum requirements of the National Flood Insurance Program (NFIP). Copies of the Model Floodplain Ordinances in Word format can be found on the attached CD.

The attached document entitled *FIRM and FIS Information for Official Maps Section of Local Floodplain Ordinances* lists each community's updated FIRMs and FIS along with a list of the still effective FIRMs. It also provides an example of the text required for the *Official Maps* section of the ordinance. The *Official Map* section must include all updated FIRM panels as well as any other FIRM panels still in effect. Please be aware that the effective date and map number are only changing for the updated FIRM panels; all other currently adopted panels remain the same. The community must also delete the currently referenced FIS and adopt the updated FIS.

The process for amending a local floodplain ordinance requires the publication or posting of two (2) notices of public hearing with the final notice being published or posted no less than seven (7) days prior to the public hearing (Class II notice).

Both the DNR and FEMA will review the ordinance to ensure it is compliant with the minimum standards of 44 CFR 60 and Chapter NR 116, Wisconsin Administrative Code. If the DNR Model Ordinance is used a community should submit the adopted ordinance to the DNR and FEMA for final review and processing at least 30 days prior to the effective date. If the model is modified, then a draft of the proposed ordinance should be submitted to the DNR and FEMA at least 90 days prior to the effective date.

Communities may adopt amended ordinances at any time after the issuance of an LFD. Once the amended ordinance is adopted and approved, the FIRMS and FIS become the effective maps and study for regulatory purposes and permits can be issued using the updated FIRMs. However, lenders and insurers will continue to use the previous FIRMs until the new effective date. Please note that under NR 116.20 (2) (d), Wis. Admin. Code, communities must submit a copy of the amended ordinance to the DNR within ten (10) days of adoption.

## **2. For Communities with Updated FIS only**

If a community did not receive new FIRM panels, the only change required is the deletion of the current FIS volume number and effective date and its replacement with the updated FIS volume number and effective date. The attached document entitled *FIRM and FIS Information for Official Maps Section of Local Floodplain Ordinances* lists each community's updated FIRMs and FIS along with a list of the still effective FIRMs.

DNR Legal staff has determined that updating the FIS number and effective date is an administrative change which doesn't require a public notice/hearing. However, a community should discuss the needed amendment with its corporation counsel to determine whether or not the full ordinance adoption process must be followed or if the change can be made administratively. DNR staff will approve ordinances amended by either process.

The DNR issued new Model Floodplain Ordinances (Standard and Flood Storage effective January 1, 2012). The new Model Ordinances include numerous changes from previous models required by FEMA to meet the minimum requirements of NFIP. It is recommended that all communities consider repealing any current floodplain ordinance and replacing it with the text from the January 1, 2012 Model Floodplain Ordinance. Copies of the Model Floodplain Ordinances in Word format can be found on the attached CD. If the County chooses to update the local ordinance using the 2012 Model Ordinance, the County must follow the full ordinance adoption process. The ordinance process is outlined in the *For Communities with Updated FIRMs and FIS* section above.

## **3. For Communities with Flood Storage Maps**

Some communities in Jefferson County have been issued Flood Storage Maps developed by the DNR. The attached document entitled *Flood Storage District Adoption Information for Local Floodplain Ordinances* lists the panel numbers for those communities with Flood Storage Maps. It also provides an example of the text required for the *Official Maps based on other studies* section of the ordinance.

The DNR issued new Model Floodplain Ordinances (Standard and Flood Storage) effective January 1, 2012. The new Model Ordinances include numerous changes from previous models required by FEMA to meet the minimum requirements of National Flood Insurance Program (NFIP). Copies of the Model Floodplain Ordinances in Word format can be found on the attached CD.

The process for amending a local floodplain ordinance to adopt the new model ordinance Flood Storage language is the same as for any ordinance adoption. The ordinance process is outlined in the *For Communities with Updated FIRMs and FIS* section above.

Each community has been assigned a DNR staff person to assist in the ordinance review and adoption process and explain state and federal regulatory requirements. Regional staff may be available to attend public meetings if needed. Communities should have DNR staff review the local floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure compliance with the NFIP and Chapter NR 116, Wisconsin Administrative Code.

Wisconsin Act 72, adopted in 2008, modifies the ordinance publication requirements for all Wisconsin towns, villages, cities and counties. A "summary" of the revised ordinance can now be published or posted. The summary must still be published as a Class I notice and contain the following information, in a brief, precise and plain-language description:

1. the number and title of the ordinance;
2. the date of the enactment;
3. a summary of the subject matter and main points of the ordinance; and
4. information as to where the full text of the ordinance may be obtained, including the phone number of the village/city/county clerk, a street address where the full text of the ordinance may be viewed, and a Web site, if any, at which the ordinance may be accessed.

Once an amended floodplain ordinance has been adopted, a certified copy of the ordinance along with copies of the two notices of public hearing and proof of publication must be sent to the DNR for review and approval within ten (10) days. A scanned copy of the ordinance package can be emailed to the DNR at [DNRfloodplain@wisconsin.gov](mailto:DNRfloodplain@wisconsin.gov). DNR staff will then forward the approved ordinance to FEMA.

If sending a scanned copy via email is not possible, a paper copy may be mailed to: Gary Heinrichs, WDNR WT/3, P. O. Box 7921, Madison, WI 53707. The ordinance package should be sent at least one week before the effective date of the FIRMs and FIS in order to ensure sufficient time to review and approve the ordinance.

For further information on the ordinance adoption process or the Wisconsin Model Ordinances, please contact Gary Heinrichs, Senior Floodplain Planner ([gary.heinrichs@wisconsin.gov](mailto:gary.heinrichs@wisconsin.gov)) 608-266-3093.

Sincerely,



Meg Galloway, Section Chief  
Dams and Floodplain Section

Cc: Barbara Frank, Clerk (CD enclosed)  
Rob Klotz, Planning & Zoning Director

Enc.

**Water Division Customer Service Survey**

We are committed to service excellence.

<http://dnr.wi.gov/customersurvey>