



PLANNING AND DEVELOPMENT

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Memorandum

To: Floodplain Advisory Committee
From: Lewis Kuhlman, Environmental Planner
Date: September 3, 2020
Re: **2019 Wisconsin Act 175**

At the August 6th, 2020 Floodplain Advisory Committee meeting, staff shared information about recent State legislation that could allow additions to nonconforming structures. Municipalities may allow additions if the nonconforming building if the lowest floor is at or above the base flood elevation (BFE) and living quarters are two feet above that, the flood protection elevation (FPE). Any change to the La Crosse's floodplain zoning ordinance would need to be coordinated with the Wisconsin DNR and FEMA.

One issue to address is how to define "living quarters." The International Property Maintenance Code (IMPC) and Universal Dwelling Code (UDC) do not have a definition, but does define "habitable space." The American Planning Association's (APA) Planners Dictionary has definitions for livable space, livable floor area, habitable space, and occupied space. For those, as for "habitable space," most definitions did not count unfinished areas of a house, such as garages, basements, attics, porches, or breezeways.

The second issue to address is how an ordinance change would affect flood insurance citywide. La Crosse's CRS score is 1,938 which puts it in Class 8 – a 10% discount on flood insurance premiums citywide. The City could lose up to 363 points directly related to regulation that exceeded the NFIP standards and more points indirectly. Also, the 2021 CRS manual will require at least 1' freeboard to include machinery and equipment as a prerequisite for a CRS Class 8. THE CRS staff would need to review the ordinance change language to give a precise loss of points, but it is safe to assume that the City would go down at least to Class 9.

Changing La Crosse's floodplain zoning ordinance in line with what is allowed by 2019 Wisconsin Act 175 would benefit very few property owners and would likely increase flood insurance rates citywide by 5-10%. Amending the City ordinance would not help property owners whose lowest floor is below the base flood elevation. For those whose lowest floor is above the BFE and below the FPE, they would still have to have any living quarters above the FPE.

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