



2017 SENATE BILL 601

November 30, 2017 - Introduced by Senators LASEE and CRAIG, cosponsored by Representatives JARCHOW, WEATHERSTON, TUSLER, R. BROOKS, KULP, SPIROS and VORPAGEL. Referred to Committee on Insurance, Housing and Trade.

1 **AN ACT** *to amend* 87.30 (1) (b); and *to create* 87.30 (1) (e) of the statutes;
2 **relating to:** conforming a floodplain zoning ordinance to a federal letter of map
3 amendment.

Analysis by the Legislative Reference Bureau

This bill requires that a floodplain determination and floodplain zoning ordinance conform with a letter of map amendment issued by the Federal Emergency Management Agency.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Under current law and DNR rule, a county, city, or village may only amend a floodplain map if it also amends its water surface profiles and floodplain zoning ordinance and submits these amendments to DNR for approval.

Under current federal law, FEMA may not offer flood insurance through the National Flood Insurance Program in a community unless that community adopts and enforces floodplain management regulations that meet certain NFIP criteria and are based on flood maps produced by FEMA. Under current federal law, upon the submittal of scientific or technical information showing that a property's designation in relation to a flood zone should be changed, FEMA may issue to the applicant a letter of map amendment (LOMA) that amends the federal flood map with respect to that property.

SENATE BILL 601

Under this bill, on the request of a property owner who has obtained a LOMA, the county, city, or village in which the property is located is required to amend its floodplain determination and floodplain zoning ordinance as necessary to conform with the LOMA and is prohibited from enforcing a floodplain determination or floodplain ordinance that is contrary to the LOMA. The bill also requires DNR to consent to such a determination or ordinance amendment.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 87.30 (1) (b) of the statutes is amended to read:

2 87.30 (1) (b) All final orders, determinations, or decisions made under this
3 subsection shall be subject to review under ch. 227 and be effective 20 days after the
4 same have been served unless such order, determination, and decision specifies a
5 different date upon which the same shall be effective. Such floodplain determination
6 and zoning ordinance shall be of the same effect as if adopted by the county, city, or
7 village. Thereafter it is the duty of the county, city, village, and town officials to
8 administer and enforce the ordinance in the same manner as if the county, city, or
9 village had adopted it. ~~Floodplain~~ Except as provided in par. (e), floodplain
10 determinations and zoning ordinances so adopted may be modified by the county,
11 city, or village concerned only with the written consent of the department ~~except that,~~
12 Except as provided in par. (e), nothing in this subsection may be construed to prohibit
13 a county, city, village, or town from adopting a floodplain ordinance more restrictive
14 than that adopted by the state.

15 **SECTION 2.** 87.30 (1) (e) of the statutes is created to read:

16 87.30 (1) (e) 1. On the request of a property owner who has obtained a letter
17 of map amendment from the federal emergency management agency under 44 CFR
18 70, the county, city, village, or town in which the property is located shall amend its

SENATE BILL 601

1 floodplain determination and floodplain zoning ordinance as necessary to conform
2 with the letter of map amendment. The county, city, village, or town may not enforce
3 a floodplain zoning ordinance that is contrary to a letter of map amendment.

4 2. The department shall consent to an amendment to a floodplain
5 determination or floodplain zoning ordinance that is necessary to conform with a
6 letter of map amendment under subd. 1.

7 (END)