

## **Draft policy for non-residential floodplain buyouts**

### **Findings:**

The Travis County Commissioners Court finds that:

- (1) there are residential and non-residential properties that are located in flood-prone areas of the County;
- (2) residential and non-residential properties located in flood-prone areas of the County are at continued risk of loss of life, disruption of services, and damage caused by flooding in the future;
- (3) properties located in flood-prone areas, because of their location, are equally prone to flooding regardless of whether they are residential properties or non-residential properties; and
- (4) the acquisition of flood-prone properties is an important form of hazard mitigation because it removes people and private property from harm's way and enables the County to restore, preserve, and maintain the flood-prone properties as open space.

### **Purpose/Objectives**

The purpose of the County's acquisition of flood-prone properties is to help the County to achieve the following two objectives:

- (1) prevent or reduce the loss of life, disruption of services, and damage caused by floods; and
- (2) help preserve and restore the natural and beneficial functions of the floodplain.

### **Adoption of Policy**

The Travis County Commissioners Court adopts this policy for the acquisition of non-residential properties to set forth eligibility criteria, prioritization, and procedures so that the objectives set forth above can be achieved in a manner that is efficient, economical, and beneficial to the health and safety of residents of Travis County.

### **Definitions**

In this policy:

“FEMA” means the Federal Emergency Management Agency.

“Non-Residential” refers to and includes, but is not limited to, business concerns, churches, schools, farm buildings (including grain bins and silos), pool-houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, subdivision infrastructure, roadway construction, warehouses, and hotels or motels with normal room rentals for less than 6 months' duration, and more than 2 manufactured homes for rent or sale.

“Residential” refers to a single-family dwelling, a mobile home, or a multi-family dwelling, related structures and accessory uses.

### **Prioritization of Residential Properties over Non-Residential Properties**

- (1) To protect the health, safety, and welfare of residents who live in flood-prone properties and may not be able to afford to live outside flood-prone areas, the acquisition of residential properties in flood-prone areas will generally be given higher priority than acquisition of non-residential properties.
- (2) The County will give higher priority to the acquisition of a non-residential flood-prone property over a residential flood-prone property only if:
  - (a) the non-residential property is:
    - (i) adjacent to a flooding source, or
    - (ii) contiguous to or in close geographic proximity to other property that the County has acquired or is planning to acquire as part of a current or planned hazard mitigation or open space program; and
    - (iii) currently in compliance with all applicable Travis County, state, and federal rules and regulations; and
  - (b) the non-residential property meets the eligibility criteria set forth in this policy.

### **Eligibility Criteria**

The County will consider acquiring a non-residential property located in a flood-prone area only if:

- (1) the owner is a willing seller who is willing to execute a purchase agreement prepared by the County Attorney’s Office;
- (2) an environmental assessment of the property is conducted by a consultant selected by the County and:
  - (a) the environmental assessment is paid for by the owner, if the owner is not a Section 501(c)(3) organization as set forth in the Internal Revenue Code; or
  - (b) the owner, if it is a Section 501(c)(3) organization as set forth in the Internal Revenue Code, pays for the 50% of the cost of the environmental assessment;
- (3) the property has an acceptable benefit-cost analysis under FEMA’s benefit-cost analysis model, or, if the property has an unfavorable benefit-cost analysis, the property is:
  - (a) adjacent to a flooding source, or
  - (b) contiguous to or in close geographic proximity to other property that the County has acquired or is planning to acquire as part of a current or planned hazard mitigation or open space program; and
- (4) the owner agrees to remove, at the owner’s sole expense, all personal property from the non-residential property before the closing date for the County’s acquisition of the property.

## **Environmental Assessment**

The County will not consider the acquisition of a non-residential property if an environmental assessment shows the existence of, or potential for environmental contamination on, in, or under the property unless:

- (1) the owner agrees to remediate the environmental contamination, solely at the owner's expense and within the time period set forth by the County, and
- (2) the County is satisfied with the results of the remediation.

## **Benefit-Cost Analysis**

- (1) The County will use FEMA's benefit-cost analysis model if the County intends to seek federal funds for property acquisition.
- (2) If the County intends to use only local funds for property acquisition, the County may use the FEMA benefit-cost analysis model and may additionally take into consideration local priorities, such as open-space, regulatory-compliance, and socio-economic impacts, and environmental conditions in order to maximize the health and safety benefits for the residents of Travis County, including the benefits of flood hazard reduction, enhanced aesthetic value, and improvements to erosion control, air quality, and water filtration.