

## AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission  
From: Jeremy Howard  
Date: April 17, 2025  
Regarding: Intergovernmental Agreement for Floodplain Management

For the Agenda of April 21, 2025

**Background** On March 19, 2025, select members of the city staff and the Clare County Community Development Building Inspector met with staff from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, for a review of city processes and procedures for commercial and residential development under FEMA guidelines. The discussion included Flood Insurance Rate Maps (FIRMs), Letters of Map Change (LOMC) as they relate to construction with and without Base Flood Elevation (BFE); obtaining Light Detection and Ranging data (LiDAR) for Lake Shamrock so that FEMA can update the FIRM floodplain boundaries; Dam repairs and capacity, and other areas relating to floodplain management.

Following the March meeting, EGLE provided a recommendation (*copy att'd*) to update the city's Codes of Ordinance to designate the Clare County Building Inspector as the floodplain manager. The Ordinance is scheduled to come to you for consideration next month. EGLE has also recommended the city update its 2010 Intergovernmental Agreement with Clare County Community Development (*copy att'd*) which provides for building inspections and permitting services, to reflect that the Clare County Building Inspector is designated as the city's Floodplain Manager.

**Issues & Questions** Should the City Commission approve the amended Intergovernmental Agreement with Clare County Community Development to designate the County's Building Inspector as the city's Floodplain Manager?

### **Alternatives**

1. Approve the amended agreement.
2. Do not approve the amended agreement.
3. Direct the negotiation of modifications or changes to the proposed agreement.
4. Set the decision aside to a subsequently scheduled public meeting.

**Financial Impact** There is no additional cost by approving the amended service agreement.

**Recommendation** I recommend that the City Commission approve the amended service intergovernmental agreement with Clare County and authorize the City Manager to sign said agreement by adoption of Resolution 2025-028 (*att'd*).

### **Attachments**

1. Letter from EGLE.
2. Amended Intergovernmental Agreement between the City of Clare and Clare County.
3. Resolution 2025-028.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION



PHILLIP D. ROOS  
DIRECTOR

March 25, 2025

VIA EMAIL

Jeremy Howard  
City of Clare Manager  
202 West Fifth Street  
Clare, Michigan 48617

Dear Jeremy Howard:

I would like to thank you for taking the time to meet with us at Clare City Hall on March 19, 2025. This meeting was held to discuss floodplain management in City of Clare and your community's performance in administering the National Flood Insurance Program (NFIP).

Our review indicates that the City's floodplain ordinance meets and exceeds the minimum standards of the NFIP, however it does need to be updated to designate the County Building Inspector as the Floodplain Manager. A provision should also be added, indicating that if the City starts to manage building applications they take authority of the floodplain management position.

As discussed in the meeting, two potential violations were identified at 250 and 170 Witbeck Drive, Clare Michigan 48617. We asked for the building permits and as built or elevation certificates for by April 30<sup>th</sup>. If there is a delay or issue, and more time is needed, please let us know. The structures appeared to be built in 1999 and 2004 according to BS&A however during the meeting it seemed they may have been built in 1983.

The Michigan Building Code (MBC) and Residential Code (MRC) dictates construction in the floodplain included with this letter summary of the MBC and MRC floodplain regulations. We discussed how Substantial Improvement and Damage (SI/SD) is regulated under both the Michigan Building Code (104.2.1) and the Michigan Residential Code (MRC) (R105.3.1.1) and requires that when work is done on a structure in the floodplain with a cost greater than 50% of the structure's value the entire structure has to be elevated so that the lowest floor, including basement is at least one foot above the design flood elevation. For residential structures, any additions or utilities added have to be one foot above the design flood elevation even if the cost does not exceed 50% of the structure

During the meeting we discussed the Flood Insurance Rate Maps (FIRMs) and Letters of Map Change (LOMC). We will reach out to Federal Emergency Management Agency (FEMA) and try to provide an update to the Letter of Map Revision (LOMR) for the Little Tobacco Drain. We also recommend that you reach out to Spicer Engineering to see if they have any information on the status of the LOMR since they submitted it. For Lake Shamrock, if the county has updated Light Detection and Ranging (LiDAR) data, then it's possible to submit the LiDAR to FEMA to update the FIRM for more accurate floodplain boundaries.

The flood elevation for Shamrock Lake is controlled by Shamrock Lake Dam. We discussed the Dam repair, and the possibility of lowering the flood stage through increased capacity. This would trigger a LOMR that would be submitted to FEMA and should be discussed with Dam Safety (Part 315).

We also discussed using GIS software or BS&A to flag building applications that may be in the floodplain. The [Michigan GIS Advisory Group](#) would be a good contact to help with setting up mapping for the City of Clare and Clare County.

Thank you again for taking the time to meet with me. If you have any questions regarding the NFIP or the State's Floodplain Regulatory Program, please contact me at (517) 927-9541, [ParkerJ36@Michigan.gov](mailto:ParkerJ36@Michigan.gov), or EGLE, WRD, P.O. Box 30458, Lansing Michigan 48909.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Parker', written in a cursive style.

Jared Parker  
Floodplain Engineer  
Hydrologic Studies and Dam Safety Program  
Water Resources Division  
(517) 927-9541

Attachment

cc: Donna Cervelli, EGLE

Diane Lyon, City Clerk

Mark Fitzpatrick, County Building Inspector

**MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL**

**AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT**

**FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

**Community A (NFIP community:) City of Clare Community/Entity B (enforcing agency): Clare County Community Development**

**WHEREAS**, Community A

currently participates  desires to participate

in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) by complying with the program’s applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

**WHEREAS**, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

**WHEREAS**, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and

its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**WHEREAS**, by the action dates of this document or an existing historical agreement dated July 7, 2020, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A's political boundaries, and

**WHEREAS**, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

**NOW THEREFORE**, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, Clare County Community Development's Building Official, be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
    - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
    - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
    - iii) Appendix G of the current Michigan Building Code.
    - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and

- g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
- 2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
- 3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**FURTHER BE IT RESOLVED**, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

- 1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
- 2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

**Community A:** City of Clare Date Passed: \_\_\_\_\_

Officer Name: Patrick Humphrey Title: Mayor

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: Diane M. Lyon Title: City Clerk

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Entity B:** Clare County Community Development Date Passed: \_\_\_\_\_

Officer Name: Mark Fitzpatrick Title: Building Official/Floodplain Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: Lori Phelps Title: Clare County Administrator

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RESOLUTION 2025-028**

**A RESOLUTION OF THE CLARE CITY COMMISSION TO AMEND THE EXISTING INTERGOVERNMENTAL AGREEMENT FOR SERVICES WITH CLARE COUNTY TO REFLECT THAT THE CLARE COUNTY BUILDING INSPECTOR IS DESIGNATED AS THE CITY'S FLOODPLAIN MANAGER.**

**WHEREAS**, the City of Clare and Clare County currently enjoy an intergovernmental services agreement to allow Clare County to provide building inspections and permitting; and

**WHEREAS**, the City and County recently met with the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, for a review of city processes and procedures for commercial and residential development under FEMA guidelines; and

**WHEREAS**, it is EGLE's recommendation and the City desires to amend the current intergovernmental services agreement with Clare County to reflect that the Clare County Building Inspector is designated as the city's Floodplain Manager; and

**WHEREAS**, there is no cost to the city for said amendment.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby approves the intergovernmental agreement between the City of Clare and Clare County as amended to reflect that the Clare County Building Inspector is designated as the city's Floodplain Manager.

**BE IT FURTHER RESOLVED THAT** the City Commission of the City of Clare hereby authorizes the City Manager to sign said agreement and any and all related documents.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.**

**The Resolution was introduced by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.  
The Resolution declared adopted by the following roll call vote:**

**YEAS:**

**NAYS:**

**ABSENT:**

Resolution approved for adoption on this 21<sup>st</sup> day of April, 2025.

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Diane M. Lyon, City Clerk