

## 5. Plan Maintenance

### WHAT'S NEW IN CHAPTER 5?

- *The Plan maintenance strategy has been revised, as the previous strategy was not attainable for Bergen County.*
- *A section on the capability assessment has been added.*
- *A section on incorporating plan elements into existing planning mechanisms has been added.*
- *A section on integrating mitigation into ongoing and future planning mechanisms has been added.*

*Chapter 5 discusses the manner by which the Bergen County Natural Hazard Mitigation Plan Update will continue to be implemented and maintained over time.*

### **2008 Plan Maintenance Status**

*The Maintenance and Monitoring Schedule developed by the Planning Team for the 2008 Bergen County Plan was not realistic, given the complexity of Bergen's 70 municipalities, as well as staffing issues. The schedule was reviewed and modified for this Plan update, to reflect what is realistic and achievable for Bergen County going forward.*

It should be noted that the development of a Hazard Mitigation Leadership Team is at the discretion of each municipality and is dependent upon size of the municipality and the number of applicable plans and ordinances. In some municipalities, particularly the smaller Bergen County jurisdictions, this task may be accomplished by a Coordinator or other individual that assumes this task amongst his or her other job duties.

### **5.1 Plan Monitoring**

As required by FEMA, per 44 CFR Part 201.6 (c)(4)(I), "the plan maintenance process shall include a section describing the method and schedule for monitoring, evaluating and updating within a 5-year cycle." To meet the above requirement most effectively, the BCOEM, in coordination with the designated project contacts, will prepare Annual Work Progress Reports for the Plan. These reports will be added to the appendix of future Plan updates. These reports shall provide the County, the respective community members and any funding agencies with project updates as applicable. Bergen County's Municipal OEM Coordinators shall be responsible for providing BCOEM with the necessary information for the Annual Work Progress Reports.

Progress Reports shall closely mirror *FEMA How-To #4 (FEMA 386-4) Worksheet #1, Progress Report*. These reports will convey the following information:

- Hazard mitigation actions for which the agency is responsible;
- Supporting agencies/ entity/ individual responsible for the project;
- Measurable objectives regarding the various stages of work and associated timelines/ schedules;
- Identified resources that must be acquired for project completion, sources for such resources and plans to obtain said resources;
- Identified permits and/ or approvals necessary for project completion;
- How the project will be conducted by the responsible organization/ entity / individual;

- To whom each duty within the project will be assigned (staff, contractors, volunteers, etc.);
- Current status of the project; and
- Challenges that may hinder project completion.

## 5.2 Plan Evaluation

BCOEM, the NJMC, and representatives from the 70 municipalities will hold annual Evaluation Meetings to review the Plan. At each annual meeting, which will be advertised and open to the public, all completed mitigation projects will be reported to BCOEM by the respective municipalities. Any progress reports will be due at the Evaluation Meeting. Evaluation Meetings will be held immediately before or after a scheduled Quarterly OEM Coordinators Meeting to encourage participation. Along with reviewing the progress reports, BCOEM will use the Evaluation Meetings to reach out to communities for new project ideas and to encourage stakeholders and any members of the public to step forward and lead new hazard mitigation efforts.

During the course of Plan maintenance and evaluation, the following questions will be discussed:

- Do the goals and objectives of the existing Plan adequately address both current and expected conditions and challenges?
- Has the nature and/ or magnitude of hazards, risks and/ or vulnerability changed?
- Are the current resources sufficient for implementing the Plan?
- Are there any challenges that stand in the way of carrying out the Plan: technical, political, legal, environmental, operational, coordination with agencies/ people who must work together to accomplish the task, etc?
- Have the objectives that were already completed achieved their desired outcomes and are there any related projects that should be modified accordingly?
- Have all entities, such as state government departments, participated as proposed?
- What can be done to improve the way the Plan is executed?
- Have new projects been sought and are new projects being adequately assessed and promoted?

Minutes of each Evaluation Meeting will be attached to future Plan updates. Minutes of the meetings will be taken and will be made available for review.

## 5.3 Plan Updates

As per 44 CFR Part 201.6 (d)(2) and 201.6 (d)(3), the Plan will be reviewed and revised as needed, and submitted to the State Hazard Mitigation Officer for initial review and coordination within five years of approval of the Plan by FEMA (and during 5-year cycles thereafter).

As discussed above, the BCOEM will monitor and evaluate the Plan every 12 months. Additionally, within 2 years of the date of Plan approval, the BCOEM will organize and host a public outreach workshop with the dual purpose of explaining the plan to the attendees and soliciting new mitigation projects and ideas for improving existing projects. This meeting may also serve as the annual Evaluation Meeting if necessary for scheduling purposes. The following questions will be addressed at the public workshops:

- Have hazards, vulnerability, or risks changed such that the goals, objectives, and/or projects should be modified?
- Are additional information, technology, or funding sources available to the BCOEM to perform more accurate vulnerability/risk assessments?
- Does the Plan adequately address current and future risks?

The public workshop will be advertised via the BCOEM, local newspapers, and local CERT programs. The minutes and results of the Annual Hazard Mitigation Plan Update Workshops will be available at the local OEM offices. Postings will include any provided presentations and hand-outs.

To facilitate the update process, the Bergen County OEM Coordinator will hold a meeting three years before the Plan it set to expire, to develop and commence the implementation of a detailed Plan update program. The BCOEM Coordinator will invite representatives from NJOEM to this meeting to provide guidance in plan update procedures. This program shall, at a minimum, establish who shall be responsible for managing and completing the Plan update effort, what needs to be included in the update, and a detailed timeline with milestones to assure that the update is completed according to regulatory requirements.

#### **5.4 Incorporation of Plan Elements into Existing Planning Mechanisms**

As per 44 CFR Part 201.6 (c)(4)(iii), “The plan shall include] a process by which local governments incorporate the requirements of the mitigation plan into other municipal/ county planning mechanisms, such as comprehensive or capital improvement plans, when appropriate.” Participating municipalities have provided a listing of related programs through which mitigation planning is currently and may be implemented in the future, in the Community Capability Worksheets, which are available upon request. The level of detail and completeness provided by Bergen municipalities varied greatly; for this reason, the worksheet content is summarized in a narrative format.

The Municipal Land Use Law, N.J.S.A. 40:55D, *et seq.* (“MLUL”) provides the statutory authority that sets forth the framework associated with regulating land use in New Jersey. The MLUL permits a municipality to enact a Master Plan with a Land Use Element as defined under the statute. Upon the adoption of the Master Plan with a Land Use Element, a municipality may enact a zoning ordinance.

The comprehensive Master Plan serves as the official policy guide for influencing the location, type and extent of future development in a municipality. The Master Plan is required to contain the following:

1. A statement of objectives, principles, assumptions, policies and standards upon which proposals for the physical, economic and social development of the municipality are based; and
2. A land use plan element which will become the basis for the zoning ordinance.

The Master Plan may also include the following: a housing plan element; circulation plan element; a utility service plan element; a community facilities plan element; a recreation plan element; a conservation plan element; an economic plan element considering all aspects of economic development and sustained economic vitality; a historic preservation plan element; appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and a recycling plan element. All municipalities in Bergen County have a comprehensive Master Plan.

Bergen County is currently updating its Master Plan. The last plan update was over forty years ago. The County Master Plan will take into consideration land use, transportation, environmental and water resources, housing, utilities, community facilities, open space, agriculture, parks and recreation, economic development, historic resources and other factors. Preparation of a County Master Plan falls under the power granted by the New Jersey County and Regional Planning Act.

Zoning ordinances allow for municipalities to regulate the use of land in order to protect the health, safety and welfare of the general public. All municipalities in Bergen County have a zoning ordinance.

Building codes regulate construction standards for new construction and substantially renovated buildings. The State of New Jersey has adopted the International Building Code, New Jersey Edition. The code was adopted in 2007 and re-adopted in 2009. At the state level, building and construction codes are administered by the New Jersey Department of Community Affairs (DCA). All municipalities in Bergen County have an active building code.

The floodplain ordinance is a requirement for participation in the National Flood Insurance Program (NFIP). Through its administration, municipalities can ensure that any new construction or substantial improvements to existing structures located in the floodplain are floodproofed, dryproofed, or built above anticipated flood elevations. Development may also be prohibited in certain areas. All municipalities in Bergen County have a floodplain ordinance.

The 70 Bergen municipalities will continue to incorporate mitigation planning into their daily operations. As deemed appropriate, it is expected that each municipality within Bergen County will monitor the incorporation of the goals, objectives, and recommendations of the Plan into any related plans, ordinances, and studies of the respective municipalities. The individual or group responsible for this will vary across the municipalities. Updates to and/or development of any or all of the documents or studies in **Table 5.1** below shall be reviewed by the above individual or team. The outcome of these reviews and the actions recommended shall be incorporated into the Annual Work Progress Report.

**Table 5.1: Documents and Studies to be Reviewed**

Master Plan
Growth Management Plan
Capital Improvement Plan/Program
Flood Damage Prevention Ordinance
Floodplain Management Plan
Flood Insurance Studies or Engineering Studies for Streams
Hazard Vulnerability Analysis
Emergency Management Plan
Zoning Ordinance
Building Code
Critical Facilities Maps
Existing Land Use Maps
Elevation Certificates
State Hazard Mitigation Plan
HAZUS Modeling

Bergen County will ensure that all jurisdictions are aware they need to incorporate hazard mitigation plan aspects into their comprehensive and master plan updates. Efforts will be made to incorporate hazard mitigation actions into the Bergen County Master plan as appropriate.

### **5.5 Integration of Mitigation into Ongoing and Future Planning Mechanisms**

Since the 2008 Bergen County Multi-Jurisdictional Natural Hazard Mitigation Plan was developed, Bergen County has made a concerted effort to reduce the vulnerability of the planning area in its planning and daily operations. The County has implemented programs and projects to reduce the impact of these hazards. It is the intent of Bergen County and its municipalities to strengthen the focus on mitigation by continuing existing policies and by further implementing the mitigation policies included in this Plan. Implementation actions will include incorporating the goals of the plan into ongoing planning, zoning, building and engineering activities. Bergen County will encourage all of its municipalities to:

- Fund hazard mitigation projects or actions in operating budgets to the extent possible;
- Evaluate all construction projects to see if they meet the Hazard Mitigation goals and objectives;
- Use data and maps from this plan as supporting documentation in grant applications;
- Ensure local planning board or economic development groups identify hazard areas when assisting new businesses in finding a location;
- Look at mitigation actions when allocating funding for the municipal budgets;
- Incorporate hazard mitigation actions in daily operations and on all projects;
- Include hazard mitigation when updating municipal ordinances;
- Identify hazard areas in updates of comprehensive plans to identify land use issues; and
- Review the hazard mitigation plan prior to land use or zoning changes, and permitting or development decisions.

The information on hazard, risk vulnerability and mitigation contained in this Plan is based on the best information available at this time of this Plan's preparation. It is recognized by all participating jurisdictions that this information can be very useful for decision making under other planning programs, including comprehensive plans, capital improvement plans, and emergency operation plans. Bergen County and its municipalities will make every effort to implement relevant sections of or data contained within this plan utilizing existing municipal processes, described below.

#### ***Administrative***

Administrative processes include departmental or organizational work plans, policies or procedural changes. These could be addressed in the following departments:

- Public Works
- Building/Engineering
- Planning
- Emergency Services
- Health and Social Services
- Transportation
- Business and Economic Development

It is recommended that Bergen County include a reference to this Plan in the risk reduction section of the Bergen County Emergency Operations Plan and in all Bergen County Municipal Emergency Operations Plans. The updated Bergen County Master Plan will also reference this Plan.

***Budgetary***

In terms of budgetary processes, the county will review capital budgets and if funding is available include a line item for mitigation actions and will maximize mitigation aspects of proposed projects, and will encourage municipalities to do likewise.

***Regulatory***

Regulatory measures such as the creation of executive orders, ordinances, and other regulatory directives will be considered to support hazard mitigation in the following areas:

- Comprehensive Planning - Institutionalize hazard mitigation for new construction and land use.
- Zoning and Ordinances
- Building Codes - enforcement of codes or higher standard in hazard areas
- Capital Improvements Plan - Ensure that new construction in identified hazard areas is designed to mitigate risk. Revise requirements for this plan to include hazard mitigation in the design of new construction.
- National Flood Insurance Program – Continue participation in this program and increase participation in Community Rating System Program
- Continue to implement storm water management plans.
- Review all future amendments to master plans, zoning ordinances, capital improvement plans, or other mechanisms that control development to ensure consistency with the hazard mitigation plan.

***Funding***

Bergen County will encourage its municipalities to apply for grants from federal or state government, nonprofit organizations, foundations, and private sources. These sources may include Pre-Disaster Mitigation Program (PDM), Flood Mitigation Assistance Program (FMA), and the Hazard Mitigation Grant Program (HMGP-Stafford Act, Section 404). Grant opportunities may also be available from the Department of Housing and Urban Development’s Community Development Block Grant (CDBG) Program.

Other potential federal funding sources include:

- Stafford Act, Section 406 – Public Assistance Program Mitigation Grants
- Federal Highway Administration
- Catalog of Federal Domestic Assistance
- United States Fire Administration – Assistance to Firefighter Grants
- United States Small Business Administration Pre and Post Disaster Mitigation Loans
- United States Department of Economic Development Administration Grants
- United States Army Corps of Engineers
- United States Department of Interior, Bureau of Land Management

**Partnerships**

The following opportunities for partnerships will be encouraged, where applicable, to provide a broader support and understanding of hazard mitigation:

Local Government Committees:

- Environmental Commissions
- Planning Boards
- Zoning Board of Appeals
- Shade Tree Commissions
- Media and Communications
- Merchants Association
- Property Owners Association
- County Park Commission

**Creative Partnerships for Funding and Incentives**

Public-Private Partnerships including utilities and businesses

State Cooperation

In-kind resources

**Working with other Federal, State, and Local Agencies**

- Army Corps of Engineers (USACE)
- American Red Cross
- Department of Homeland Security (DHS)
- Federal Emergency Management Agency (FEMA)
- National Oceanic and Atmosphere Agency (NOAA)
- National Weather Service (NWS)
- New Jersey Department of Transportation (NJDOT)
- New Jersey Department of Environmental Protection (NJDEP)
- NJ State Police Office of Emergency Management (SEMO)
- United States Department of Agriculture (USDA)
- United States Department of Transportation (USDOT)
- United States Geological Service (USGS)
- Watershed Associations