

Chapter 4

- **FLOODPLAIN
REGULATION/ORDINANCE
ADMINISTRATION**

- **Reference Appendix 4**

Introduction

- **How do the floodplain management aspects of the NFIP actually work?**
- **What steps must a community take to ensure development in the floodplain is not flood-prone?**

Chapter 4

- **Describes development permit system;**
- **Discusses the permit record keeping system;**
- **Explains the local administrator's duties;**
- **Covers some enforcement procedures;**
- **Discusses Variances.**

DEVELOPMENT PERMIT SYSTEM

- **44 CFR 60.3 (a-d) states community shall require permits for all proposed construction or other development within the SFHA.**
- **No development is allowed in a flood prone area without permit.**
- **Development must first comply with the community's ordinance/regulations.**
- **Development is broader than a building permit.**

QUESTION

- **What is a development permit system?**

Development Permit System

- **A development permit system is required for any community participating in the NFIP. The NFIP, Section 60.3 requires permits for all proposed construction or other developments including the placement of manufactured homes within Special Flood Hazard Areas.**

WHEN IS A PERMIT REQUIRED

- **Building, installing or enlarging a structure, placing a manufactured home, mining, dredging, filling, grading, drilling, excavating, storing supplies or equipment, repairing roads & bridges or installing a fuel storage tank within flood hazard areas.**

Permit?

- **Any & all structural projects-bldgs, manufactured homes, storage facilities, dams, dikes, etc.**
- **Removal of such as well.**
- **Examples**
 - **Street paving project can affect flood flows;**
 - **Fence may affect flooding;**
 - **Hay bail storage-or bridge plugs.**

QUESTION

- **When is a permit required?**

ANSWER

- **A permit is required for any development proposed in a SFHA to ensure it complies with the community's flood damage prevention ordinance or regulations.**

The Permit Application

- **Potential developer must first obtain application from FPA;**
- **Must be completely filled out;**
- **Submit it for review/approval before any development;**
- **Appendix 4-2 contains example.**

HANDOUT

- **DEVELOPMENT PERMIT APPLICATION-Exercise**

The Permit Application

- **Must contain complete description of proposed activity.**
- **Sufficient information so FPA can make a determination if the proposed activity will be safe from flooding and whether it will increase flood hazards.**
- **Plans drawn to scale**
 - **Location, dimensions, elevations**
 - **General nature of proposed activity**
 - **Existing and proposed structures, etc.**

The Permit Application

- **National Geodetic Vertical Datum (NGVD) elevation of lowest floor including basement of all proposed structures;**
- **NGVD of floodproof elevation of non-residential structures;**
- **Certification by professional engineer, architect or licensed surveyor;**
- **BFE data for subdivision plats for each lot for 5 acres or 50 lots;**
- **Description of water course alteration if any;**
- **Requirement of the Oklahoma Floodplain Management Act & 44 CFR.**

QUESTION

- **What is required to be on a floodplain development permit application?**

ANSWER

- **Name of applicant, address, telephone number, permit application number, detailed description of proposed development including plans & specs, flood zone, date of flood map, BFE, proposed lowest floor elevation, any special certifications, other permits, fee payment, etc.**

Reviewing the Application

- **Most important responsibility of the FPA;**
- **Permit review checklist found in Appendix 4-3 & 4-4, page 143-147;**
- **Locate development-determine if it will be in a SFHA-if not obvious, measure distance in field;**
- **Is application complete?**
 - Adequate description,
 - Elevation data,
 - Certifications, subdivision data.

HANDOUT

- **PERMIT REVIEW CHECKLIST-use text book.**

Application Review

- **Ask for more information if you can not determine if the development will be safe from flooding.**
- **Additional Permits**
 - **OSDH**
 - **DEQ**
 - **404-USACE**
 - **Dept. of Mines**
 - **OWRB**
 - **OK Corporation Commission**
 - **GRDA**

Application Review

- **Determine the BFE-**
 - **Flood Study Profile**
 - **Best Available Data**
 - **NRCS**
 - **USGS**
 - **USACE**
 - **ODOT**
 - **Historical High-water Marks**
 - **Photographs**
 - **Newspaper Articles**

Application Review

- **Once BFE is known, lowest floor relationship to BFE;**
- **Must be certified;**
- **Must prove the as built,**
 - **Perform as built inspection,**
 - **After construction elevation certificate (as built),**
 - **Does development comply with the local ordinance,**
 - **Anchoring, construction materials, methods, utilities, subdivision encroachments, floodways, safe from flooding, must not increase the flood hazard or negatively impact nearby existing development.**

Special Considerations

- **Floodways-applicant must prove through detailed technical analysis the proposed development will not increase flood heights;**
- **Floodway explained on page 125;**
- **Allowable uses-golf course, farming, hiking trail, garden, etc.;**
- **Structures existing prior to floodway identification are grandfathered & can remain;**
- **Substantial improvement requires permit and compliance.**

Special Considerations

- **Encroachments-NFIP standards allow development in floodplain to a point;**
- **Encroachment is allowed until there is a one foot rise in the BFE at any point along study area;**
- **If no FIS, FPA must review each application to ensure compliance with this standard;**
- **Developer required to supply detailed information to ensure the above requirement will be met or deny permit.**

Special Considerations

- **FPA must maintain documents of projects impact- can be used to review future applications;**
- **Flood velocities should not exceed two or three feet per second in residential areas;**
- **Water Course Alterations-stream realignment, stream diversion, page 126;**
 - **Is the flow carrying capacity diminished**
 - **Applicant must supply thorough description, set of plans, calculations of proposed alteration & its effect on flows,**
 - **May need community engineer to evaluate or seek outside assistance,**
 - **Notify adjacent communities & OWRB of water course alterations-see Appendix 4-6 for sample letter.**

Special Considerations

- **Water Course alteration may require FEMA be notified if significant-map revisions;**
- **Non-residential buildings can be floodproofed;**
 - **Commercial structures, garages, warehouses, etc.**
 - **Design structure located below BFE so it is watertight and resistant to flood damage,**
 - **Certify such-see Appendix 4-7, page 151.**
 - **Not recommended for depths of more than 3 feet,**
 - **Extreme caution must be used in dry floodproofing design.**

Special Considerations

- **Dry floodproofing is recognized for lower flood insurance premiums, but not wet floodproofing;**
- **Residential structures**
 - **NFIP standards do not accept floodproofing;**
 - **Lowest floor including basement must be elevated at or above the BFE;**
 - **Elevated on fill, foundation, piers or columns;**
 - **Must maintain record of the elevation of lowest floor of all new or substantially improved structures in the SFHA;**
 - **Appendix 4-9, page 155, elevation certificate example provided for this.**

HANDOUT

- **ELEVATION CERTIFICATE-**
 - **EXERCISE-FILL IT OUT-USE YOUR NAME AND ADDRESS.**

Special Considerations

- **Subdivisions-50 lots or 5 acres-developer must determine a BFE and delineate it on the subdivision plat- can be costly burden for community if improperly developed;**
- **Manufactured Homes-mobile home is no longer used-new or replacement mobile homes on lots in parks must be elevated above the BFE & anchored to permanent foundations, page 130;**
- **AO, AH Zones.**

QUESTION

- **What are some special considerations a floodplain administrator must consider in his or her application review process?**

ANSWER

- **Floodways;**
- **Encroachments;**
- **Water Course Alterations;**
- **Non residential structure;**
- **Residential Structures;**
- **Subdivisions;**
- **Manufactured Homes;**
- **A0 or AH Zones.**

Board Action on the Permit Application

- 1. Review permit application, if all information is not provided, return to applicant.**
- 2. Take no action on application until it is complete.**
- 3. If application is complete and complies with regulations or ordinance, take to floodplain board for approval or if you have no FPB then approve.**

Variances

- **Granting relief from a communities ordinance/regulations;**
- **Must meet objectives of sound floodplain mgmt;**
- **Must be no pattern of such, FEMA will investigate;**
- **Only in physical hardship situations;**
- **Impending map change-map maybe incorrect.**

Variations

- **Best Advice-DON'T USE THEM!**
- **Cumulative impact could be severe;**
- **FPB should have a consistent and fair policy to deal with variance requests;**
- **Board of Adjustment or;**
- **Governing Body;**
- **Only the minimal relief necessary to afford relief.**

QUESTION

- A legal variance is dependent on what?

ANSWER

- **A variance could be issued safely on an impending map change. The variance would buy time for the structure which, under the new map, would be allowable development.**
- **Best thing, do not issue them.**

RECORD KEEPING

- **Extremely important part of floodplain board's & FPA's responsibility;**
- **Records must be maintained;**
- **Current, up to date ordinance/regs. ;**
- **Current Flood Map;**
- **Current Flood Insurance Study;**
- **Elevations of all new and substantially improved structures in the SFHA;**

RECORD KEEPING

- **Floodproofing certificates;**
- **Elevation certificates;**
- **Permit applications;**
- **Review checklist;**
- **All engineering data;**
- **All correspondence;**
- **Biennial Report**
- **See page 133-134.**

ENFORCEMENT

- **Penalty Clause needed in FDPO.**
 - **No new structure of land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance by failure to comply with its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.**

PENALTY CLAUSE

- **Any person who violates this ordinance/regulations or fails to comply with any of its requirements shall upon conviction thereof be fined \$____or imprisoned for not more than ____days, or both, for each violation, and in addition shall prevent the (community) from taking such other lawful action as necessary to prevent or remedy any violation.**

VIOLATIONS

- Give me an example of a violation.**

ANSWER

- **New house in SFHA-no permit;**
- **Floodway development with increase in BFE;**
- **New home no elevation certificate;**
- **Home built below BFE.**
- **Water course alteration, change to BFE, no map revision.**

PROBATION

- **Failure to administer & enforce FDPO.**
- **\$50.00 surcharge placed on all renewals and new flood insurance policies.**
- **Based on one year time period.**
- **Community goes off probation February 1, surcharge remains in effect rest of year.**

SUSPENSION

- **All efforts fail to rectify violations, etc.**
- **No mitigation funds;**
- **Loss of disaster assistance;**
- **No federal mortgages in SFHA;**
- **Foreclosure on some mortgages;**
- **No new flood insurance or renewals;**
- **Increased liability for community.**

In Conclusion

- **Record Keeping**
- **Local Floodplain Administrator**
- **Permit Administration**
- **Enforcement**
- **Violations**
- **Probation/Suspension**
- **FEMA Guidelines**

QUESTIONS?

Thank you

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