Local Communities and the NFIP

Local NFIP Responsibilities

Community NFIP Responsibilities

1. Require development permits for all proposed construction and other developments within the community's designated 100-year floodplain.
2. Review permits to assure sites are reasonably safe from flooding.
3. Review subdivision proposals to determine whether the project is safe from flooding and provides for adequate drainage.

Responsibilities, cont'd

4. Require residential structures to have the lowest floor (including basement) elevated to or above the Base Flood Elevation (BFE).
5. Require non-residential structures to have the first floor elevated or floodproofed one foot above the BFE.
6. Require manufactured homes to be elevated and anchored.

Responsibilities, cont'd

7. Require water supply systems designed to eliminate infiltration of flood waters.
8. Require new and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters.
9. Assure flood carrying capacity of altered or relocated watercourses is maintained.

Responsibilities, cont'd

10. Maintain records of all development permits.
11. Document first floor elevations of new or substantially improved structures.

Development Permits

The Development Permit

- Communities participating in the NFIP must require development permits for all proposed developments within the designated 100-year floodplain.
- The permit application, along with all development plans, must be submitted for approval to the appropriate local authority before beginning any development activity.

What information should a development permit contain?

1. Applicant's name, address and telephone number
2. The location of the proposed development
3. A site map
4. Description of proposed activity

Development Permit, cont'd

5. Elevation of ground site prior to development
6. Elevation to which lowest floor of the structure must be built
7. Elevation to which structure will be flood-proofed (non-residential only)
8. BFE data for subdivisions

Development Permit, cont'd

9. Description of water course alterations
10. A space for approving or denying the permit
11. A space for signature and date

Sample Permit Form

FLOODPLAIN ADMINISTRATOR

_____ Texas ____

DEVELOPMENT PERMIT APPLICATION
$_____PERMIT FEE

STATE OF TEXAS §
COUNTY OF §
APPLICATION NUMBER _____ §

1. NAME OF APPLICANT:
MAILING ADDRESS:

2. LOCATION OF PROPERTY (complete as appropriate)
If located in a subdivision:

Name of Subdivision Section No. Block No. Lot No.

IF NOT located in subdivision:

Name and No. of Survey Abstract Acreage
Location Description (Attach a vicinity map)

3. NATURE OF PROPOSED DEVELOPMENT (check and complete all that apply)

( ) Residential ( ) Placement of Fill ( ) Other

( ) Alteration of a Natural Waterway or Drainage Course

( ) Non-Residential Name and Type of Business _____

( ) New Construction ( ) Substantial Improvement to Existing Structure

WARNING: Please read and acknowledge:
The flood hazard boundary maps and other flood data used by the _____ Floodplain Administrator in evaluating flood hazards in proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of an exemption certificate does not imply that developments outside the identified areas of special flood hazard will be free from flooding or flood damage. Issuance of an exemption certificate shall not create Liability on the part of _____ the _____ Floodplain Administrator or any officer or employee of _____ in the event flooding or flood damage does occur.

Additional federal, state or local, permits may be required.

Signature_____ Date:

4. APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION, IF IN A FLOOD PLAIN.

FOR USE BY FLOODPLAIN ADMINISTRATOR

Is the property located in an identified flood hazard area? ( )Yes ( )No
Is the property located in the floodway? ( )Yes ( )No
FIRM Zone Designation is _____ FIRM Panel No. _____ Dated _____
Base Flood Elevation at the site is _____ ft NGVD (MSL) or is unavailable _____
Is additional information required (including Letter of Map Change)? ( )Yes ( )No
Ensure that applicant is receiving the necessary federal, state, or local permits. ( )Yes ( )No
( ) Variance Issued
( ) Permit Application Approved
( ) Permit Application Denied

Floodplain Administrator_____ Date: _____

THIS PERMIT IS VALID FOR ONE YEAR FROM DATE ISSUED AND WILL NEED TO BE RENEWED IF WORK IS NOT COMPLETED AT THAT TIME

When is a development permit required?

All development within the regulatory floodplain requires a permit.

- Development includes:
  - new construction or a substantially improved structure
  - placing a manufactured (mobile) home
  - mining, dredging, filling, grading or excavating
  - roads, bridges and culverts
  - altering or relocating stream channels
  - travel trailers placed on site for more than 180 days
  - storage of materials including gas or liquid storage tanks

Reviewing the Development Permit Application

- **STEP 1**

  Locate the development site on the community's floodplain map.

If the project site is outside the shaded A-Zone or V-Zone, then floodplain regulations do not apply. If the project site is in a shaded A-Zone or V-Zone (or is a borderline question), proceed to Step 2.

Reviewing the Development Permit Application

- **STEP 2**

  Ensure project meets the NFIP/local ordinance definition of "development."

As a general rule of thumb, anything that alters the natural topography of the floodplain needs a permit review.

Please be advised that development does not include: maintenance of existing buildings and facilities; gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

Reviewing the Development Permit Application

- **STEP 3**

  Have the owner/developer fill out a local Building Permit Application.

A location or plat map of the site should be attached to every application. Plans of the proposed development should also be attached showing existing and proposed conditions including all appropriate dimensions and elevations.

Check to see if the site is located in the regulatory floodway. Development cannot occur in any floodway without a detailed analysis from a licensed engineer proving that the development will cause no-rise in the BFE.

Reviewing the Development Permit Application

- **STEP 4**

  Check to see if the project includes a new building or a substantial improvement of an existing building.

A "building" is a structure that is above ground and enclosed by walls and a roof including manufactured homes and prefabricated buildings. The term also includes recreational vehicles on site for more than 180 days.

When a Pre-FIRM building is proposed to be remodeled, the modifications must be evaluated for "substantial improvement." If the total costs are 50% or more of the value, the building must be elevated to the BFE. If the project includes a new "building" or "substantial improvement," go to Step 5.

Reviewing the Development Permit Application

- **STEP 5**

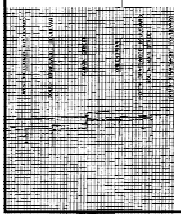
  Obtain the BFE at the project site:

  1. From the Flood Insurance Rate Map (FIRM), or

  2. From the profiles found in the Flood Insurance Study (FIS).

  3. If neither 1 nor 2 exist, from any other Federal, State or local source - commonly called "best available data."

  4. If there is no BFE data available, you may want to require the applicant to determine the BFE.



Reviewing the Development Permit Application

- **STEP 6**

  Review the construction plans to make sure that the lowest floor is built to or above the BFE.

  Some communities require the lowest floor to be built one or two feet above the BFE. Check your local floodplain ordinance. Building protection can be done by one of three methods:

1. ***Elevate on fill.*** Check the plans to ensure that: the top of the fill is at or above the BFE; the fill is protected from erosion and scour; the fill is properly compacted; and, the fill does not cause drainage or flow on to neighboring properties.

Step 6, cont'd

- 2. ***Elevate on piers, posts, columns, slab or walls.***
  - Check the plans to ensure that materials used below the lowest floor are resistant to flood damage.
  - Check that all electrical, heating, ventilating, plumbing, air conditioning equipment, and utility meters are located above the BFE.
  - Ensure all water and sewer pipes, electrical and telephone lines located below the BFE are waterproofed.

If walls are used, they must have permanent openings no more than one foot above grade (openings of at least one square inch for every square foot of lower area subject to flooding).

Step 6, cont'd

- 3. ***Floodproofing for non-residential buildings only.***
  - The plans for a floodproofed building must be prepared by a registered engineer who must sign and seal a floodproofing certificate. The certified floodproofed elevation must be at least one foot above BFE.
- Once you are assured that the building complies with all floodplain management measures, issue the permit.
- Make sure that the plans and any other assurances are made part of the application and maintained in your records.

Keep in mind that permits may be required from state and federal agencies, as well.

Reviewing the Development Permit Application

- **STEP 7**

  Make site inspections to ensure that the project is built according to the permitted plans.

  Document the as-built lowest floor elevations on the elevation certificate.

Reviewing the Development Permit Application

- **STEP 8**

  Keep all pertinent records.

  Retain all records, even for completed projects and denied permits.

Duties of the Floodplain Administrator

Duties of the Local Floodplain Administrator

- **Reviews and evaluates development permit applications.**
  - Checks applications for completeness
  - Checks development locations on FIRMs
  - Determines if development affects floodway
  - Determines if watercourse alterations will reduce carrying capacity
  - Determines or approves BFE for site
  - Approves first floor elevations
  - Uses best available data when BFE not provided
  - Requires additional Federal/State/local permits

Federal / State / Local Permits

- United States Army Corps of Engineers
- Fish and Wildlife Service, Environmental Protection Agency, and the Coast Guard
- Texas Commission on Environmental Quality
- Texas Parks and Wildlife Department
- General Land Office
- Texas Department of Transportation
- Additional local and regional permitting agencies including river authorities

Duties, cont'd

- **Issues Permits**
  - Assures application meets NFIP criteria
  - Conditions permits for lowest floor elevation
  - Conditions permits for construction standards
- **Denies permits**
  - If the application does not meet NFIP criteria

Duties, cont'd

- **Inspects Development In-Progress**
  - Field checks development locations
  - Field checks first floor elevation before framing inspection
  - Ensures that construction occurs in conformance with approved plans

Duties, cont'd

- **Requires Elevation Certificates**
  - Ensures that the as-built elevation of the lowest floor is at or above BFE

Duties, cont'd

- **Maintains Records of Floodplain Development**
  - Records number of floodplain development permits
  - Retains copies of elevation certificates and permits
- **Submits Biennial Reports**
  - Completes FEMA report form every other year

Record Keeping

- **The following records must be kept on file and open for public inspection:**

  1. A complete and up-to-date copy of the floodplain ordinance

  2. The current flood map (FIRM, Floodway, and FIS)

  3. Certification of lowest floor elevations (including basement) of all new and substantially improved structures located in the designated floodplain

  4. Certification of the elevation to which non-residential structures have been floodproofed

Record Keeping, cont'd

5. A project file for each development permit issued. The project file should contain the following:

(a) permit application and permit review checklist, engineering data, and correspondence relating to the project

(b) any variance or appeals proceedings

(c) documentation of the inspections of the development

(d) BFE data for subdivisions of 5 acres or 50 lots

(e) elevation certificates for documenting lowest floor elevations, or floodproofing certificates

(f) a copy of the certificate of occupancy

Record Keeping, cont'd

6. A file should be kept for the Biennial Reports that are submitted to FEMA. You may wish to keep the following information in this file also:

(a) copies of previous years' annual and biennial reports

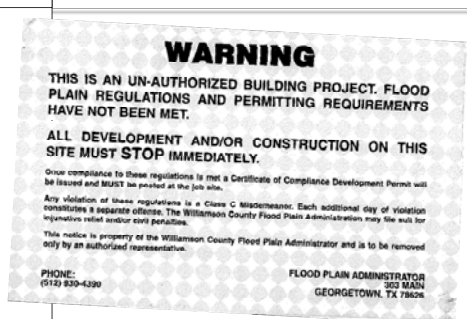
(b) a running total of permits and/or variances granted in the flood hazard area

(c) maps of new annexations or other boundary changes

(d) records of any man-made changes that affect flooding

ENFORCEMENT

STOP WORK ORDER



WARNING

THIS IS AN UN-AUTHORIZED BUILDING PROJECT. FLOOD PLAIN REGULATIONS AND PERMITTING REQUIREMENTS HAVE NOT BEEN MET.

ALL DEVELOPMENT AND/OR CONSTRUCTION ON THIS SITE MUST STOP IMMEDIATELY.

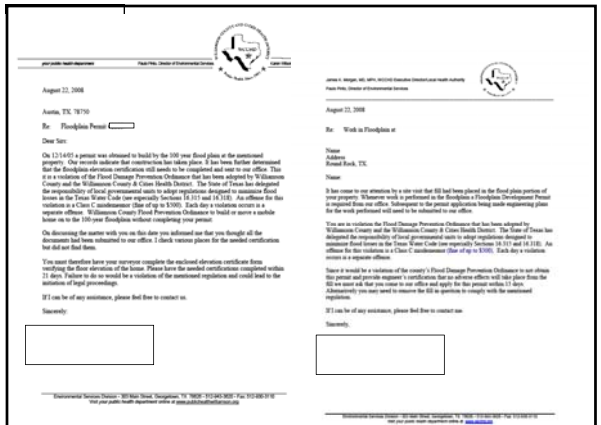
Once compliance to these regulations is met a Certificate of Compliance Development Permit will be issued and MUST be posted at the job site.

Any violation of these regulations is a Class C Misdemeanor. Each additional day of violation constitutes a separate offense. The Williamson County Flood Plain Administration may file suit for injunctive relief and/or civil penalties.

This notice is property of the Williamson County Flood Plain Administrator and is to be removed only by an authorized representative.

PHONE:
(512) 930-4390

FLOOD PLAIN ADMINISTRATOR
303 MAIN
GEORGETOWN, TX 78626



August 22, 2008

Austin, TX 78750

Re: Floodplain Permit

Dear Sirs:

On 12/14/05 a permit was obtained to build by the 100 year flood plain at the mentioned property. Our records indicate that construction has taken place. It has been further determined that the floodplain elevation certification still needs to be completed and sent to our office. This it is a violation of the Flood Damage Prevention Ordinance that has been adopted by Williamson County and the Williamson County & Cities Health District. The State of Texas has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses in the Texas Water Code (see especially Sections 16.315 and 16.318). An offense for this violation is a Class C misdemeanor (fine of up to $500). Each day a violation occurs is a separate offense. Williamson County Flood Prevention Ordinance to build or move a mobile house on to the 100 year floodplain without completing your permit.

On discussing the matter with you on this date you informed me that you thought all the documents had been submitted to our office. I check various places for the needed certification but did not find them.

You must therefore have your surveyor complete the enclosed elevation certificate form verifying the floor elevation of the house. Please have the needed certifications completed within 21 days. Failure to do so would be a violation of the mentioned regulation and could lead to the initiation of legal proceedings.

If I can be of any assistance, please feel free to contact us.

Sincerely:

August 22, 2008

Re: Work in Floodplain at

Name
Address
Round Rock, TX

Name

It has come to our attention by a site visit that fill had been placed in the flood plain portion of your property. Whenever work is performed in the floodplain a Floodplain Development Permit is required from our office. Subsequent to the permit application being made engineering plans for the work performed will need to be submitted to our office.

You are in violation the Flood Damage Prevention Ordinance that has been adopted by Williamson County and the Williamson County & Cities Health District. The State of Texas has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses in the Texas Water Code (see especially Sections 16.315 and 16.318). An offense for this violation is a Class C misdemeanor (fine of up to $500). Each day a violation occurs is a separate offense.

Since it would be a violation of the county's Flood Damage Prevention Ordinance to not obtain this permit and provide engineer's certification that no adverse effects will take place from the fill we must ask that you come to our office and apply for this permit within 15 days. Alternatively you may need to remove the fill in question to comply with the mentioned regulation.

If I can be of any assistance, please feel free to contact me.

Sincerely,

The cost of non-compliance

Deciding not to permit

- Permitting is a key component of the NFIP and an absolute must to stay in compliance with the program.
- If you're not permitting, you are not monitoring development.

Possible Consequences

- Probation
  - $50 surcharge added to each policy sold or renewed in the community for a period of at least one year.
- Suspension
  - Community becomes non-participating and flood insurance policies cannot be written or renewed.

Non-Participating Communities

- Flood insurance under the NFIP is not available within that community.
- Any form of federal financial assistance for acquisition or construction purposes in a floodplain is prohibited.
- If a disaster occurs, no federal financial assistance can be provided for the repair or reconstruction of insurable buildings in a floodplain .

Reference

- *A Local Floodplain Administrator's Guide to the National Flood Insurance Program*, FEMA Region 10