

**FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION
ELEVATION/FLOODPROOFING CERTIFICATE PROCEDURE**

**A RECOMMENDED GUIDE FOR
COMMUNITY OFFICIALS**

Purpose For This Guide

This guide is an attempt to inform communities about their responsibilities in floodplain management and suggest a process to address the above. Adoption of written Administrative Procedures will assist present and future community officials working with the National Flood Insurance Program (NFIP), so that the process will be institutionalized, in writing, and not lost when there is a change in community staff. It should be pointed out that this guide is not meant to be all inclusive. Each administrator should tailor their own community's permit system to include floodplain development permits.

The designated floodplain administrator must become familiar with the community's Floodplain Management Ordinance while developing his/her community's administrative procedures. All information to be used in developing the procedure must be derived from the ordinance adopted by a community in order to participate in the NFIP.

Floodplain Management Program Components

The components of a sound floodplain management program for communities in the NFIP are: 1) an up to date floodplain management ordinance addressing the proper development performance standards; 2) a floodplain development permit/application; 3) a process, in

writing, addressing the issuance of the permit/applications; and the Elevation and Floodproofing Certificate; 4) proper variance procedures for floodplain development, (this will be included in item 1); and 5) a complete record keeping system to track, record and maintain all floodplain development activity in the community.

A Recommended Procedure/Process

1. Permit Application/Review

The local administrator, while meeting with a developer and reviewing the proposed development, must compare the site of that development against the Flood Boundary Floodway Map (FBFM) and the Flood Insurance Rate Map (FIRM). The FBFM and FIRM have been issued to those communities that have had a Flood Insurance Study (FIS) completed by FEMA. Other communities have the Flood Hazard Boundary Map (FHBM). Most FHBM's have been converted to Flood Insurance Rate Maps (FIRMs), through the issuance of a letter from FEMA redesignating the map as a FIRM. In communities where no detailed flood study was performed, these FHBM's, converted to FIRMs, will be used to locate proposed development. In all cases, a FEMA map adopted by the community indicating the Areas of Special Flood Hazard should be available for review.

We shall assume that the local administrator, in comparing the development site to the map, determines the development is in the floodplain. Before the issuance of any development permit for construction/development, please refer to the definition of

development in the ordinance. As you can see in the definition, a floodplain development permit is required for much more than new buildings. Additionally, the site plan must be further reviewed as to its relative location in the floodplain (fringe) or the floodway portion of the floodplain. During FEMA's analysis, the floodplain is hydraulically modeled to determine how much of the floodplain can be filled and developed without causing more than a one foot increase in flooding. In doing so, the flood fringe area is simulated as filled on each side of the floodway until the one foot limit is reached. The area nearest the stream, required to be left open to pass the flow, is the floodway. The area in which we simulated the fill is the floodway fringe. For this guidance, we will assume the development is in the floodway fringe, since, unlike the floodway, fill and obstructions to flow can be used to elevate developments to meet the standards in this area of the floodplain.

2. Issuing A Development Permit

The local administrator issues the floodplain development permit application. The developer must complete the application. The local administrator usually will provide information required by the developer, such as, base flood elevation, regulatory flood elevation, floodway or floodway fringe designation, etc. The developer will complete the remainder of the information requested and return it to the administrator. A model permit application is attached for your review. You may wish to adopt this format or develop a similar one tailored to local needs. At the same time

as the local administrator issues the permit application, he/she may issue an Elevation Certificate, FEMA Form 81-31 (5/90) (attached), for residential development. If the development is a nonresidential structure, such as a commercial or industrial development, the administrator may issue certificates for both elevation and floodproofing, FEMA Form 81-65 (5/90), copy also attached. For nonresidential structures, the developer has the option of either elevating or floodproofing, or may use a combination of both to meet the base flood elevation requirements of the building site. The important thing to remember is that the elevation certificate or floodproofing certificate gives final verification that the development has met the standards of the permit requirements. These documents should be permanently filed with the permit and remain a public record.

The above floodplain development permit application, along with the detailed plans of the development, as required by the community's ordinance, should be returned to the local administrator.

After the local administrator reviews the permit application and approves it, the application becomes a permit for floodplain development. The floodplain development permit is not to be construed as a building permit, nor as a zoning/land use permit, but rather as certification by the local administrator that the required process has been followed and that plans and

specifications are in keeping with the community's floodplain management ordinance.

After the floodplain development permit has been approved and issued, the actual development can start. After the lowest floor (including basement) has been completed, the Elevation and/or Floodproofing Certificate, verifying "As Built Elevations" should be returned to the administrator for the files. A copy of the elevation/floodproofing certificate should be given to the developer for his/her use at this time. It is this document which will be used to calculate the owner's insurance rates.

Please be advised that substantial improvements to existing structures in the floodplain will need to be permitted in the same manner as above. Again, consult your ordinance for the definition of what constitutes substantial improvement. This type of requirement is especially important in those communities which have floodplains that are already developed. Manufactured homes will also need to be addressed as in the above procedures, to include additional specifications addressed in the manufactured homes section of your ordinance.

Maintaining Floodplain Development Documents

All records for floodplain development, including copies of the floodplain development permit/application, building permits, elevation/floodproofing certificates, and occupancy certifications,

shall be maintained on file in the administrator/community office. These files are necessary to record and document floodplain development. These files are often accessed by; insurance agents writing flood insurance policies, lending institutions loaning money on the development, appraisers researching property located in floodplains, and FEMA staff in reviewing community compliance with NFIP participation requirements.

Other permits, as specified in your ordinance, may be required by State and Federal Agencies. Check with your State Coordinating Office (name, address and phone number attached) for these items.

As you can see, a good permit issuing and record maintenance system is the cornerstone of a good local floodplain management program and the best way to keep your community's standing in the program trouble free. These tips on setting up a permit system are not all inclusive. You may wish to develop checklists, further integrate the program with other community ordinances, regulations and variance procedures, to develop safeguards to insure proper coordination with other city staff. You should be able to use this document as a resource for determining what is needed to satisfy minimum requirements for demonstrating adequate program administration.

Any assistance you may require in this process should be directed to FEMA Region VII staff at (816) 283-7002.

NFIP

COMMUNITIES ARE RESPONSIBLE FOR:

FEMA

NFIP REGULATION PART NUMBER

- Maintain for public inspection all flood permit records (floodproofing and elevation certificates) 59.22 (a) (9) (iii)
- Notifying FEMA in writing of community boundary changes (annexations, incorporations, etc.) 59.22 (a) (9) (v)
64.4 (b)
- Using the Biennial Report to notify FEMA of variances granted 59.22 (b) (2)
60.6 (a) (6) (ii)
- Using other reliable flood elevation data (preliminary, draft, or final) 60.3 (b) (4)
- Updating their floodplain management regulations within six months after FEMA revises NFIP regulations 60.7
- Notifying FEMA of physical changes to the floodplain 65.3
- More restrictive regulations of state or local governments take precedence over NFIP regulations 60.1 (d)
- Notify state and adjacent communities on watercourse alterations or relocations 60.3 (b) (6) (7)

STATE, LOCAL

- Consult appropriate State Regulation