Blue Skies or Disaster State: What is the Role of the Local Floodplain Manager?

To Protect and Enhance Kentucky’s Environment

Outline

• NFIP Overview
• Roles of the Local Floodplain Manager
  • Blue Sky Phase
  • Disaster Phase
  • Post-Disaster/Recovery Phase
• Other Local Floodplain Manager Activities
The National Flood Insurance Program

Pre-NFIP

• Historically floodplain management was focused on “Controlling” the flood water
  • Dams
  • Levees/Floodwall
  • Reservoirs
  • Channel Modifications

Source: https://bit.ly/2ZGIF2k
NFIP Creation

- The National Flood Insurance Act of 1968
  - Creates the National Flood Insurance Program (NFIP) ... to provide flood insurance in communities that voluntarily adopt and enforce floodplain management ordinances ... that meet minimum NFIP requirements.

The National Flood Insurance Program (NFIP)

- A voluntary program based on a mutual agreement between the federal government and the local community.
- In exchange for adopting & enforcing a Floodplain Management ordinance, federally-backed flood insurance is made available to property owners throughout the community.
- Goal: Reduce future flood damages
  - The NFIP aims to accomplish this goal by:
    1) Identifying flood risks (i.e. flood maps)
    2) Regulating floodplain development
    3) Providing insurance in participating communities
    4) Mitigate existing flood risk
The NFIP Cont.

Role of the Local Floodplain Administrator
Local Requirements

• All communities participating in the NFIP have a local Flood Damage Prevention Ordinance

• Local Ordinance includes:
  • Authorization & Purpose
  • Definitions
  • Provisions
  • Administrator duties
  • Development Requirements
  • Appeals & Variance

Blue Sky  Disaster  Recovery
Blue Sky Phase

• Permitting Development
  • SD requires structures to come into compliance. If already compliant, no action needed

• Inspect Development
  • Ensures compliance during development

• Enforce Your Ordinance
  • Ensures continued compliance over time

Local Responsibilities

• When you require permits to develop in the floodplains, you are enforcing the local floodplain requirements, not FEMA’s!!!
  • The authority to regulate floodplains is under the local jurisdiction.

• This gives the local community the ability to adopt more stringent requirements in the floodplains.
  • Reduces community risk as a whole
Floodplain Coordinator Duties

- Most local ordinances name the community CEO as the local coordinator
  - May also designate someone to act on their behalf
- Typical duties include:
  - Make floodplain determinations
  - Notify applicants of required permits
    - Assist applicant with state floodplain application
  - Review local floodplain permit application once all federal & state permits have been obtained
    - A local permit should be issued or denied based on the local application & the community’s ordinance
  - Inspect development (during & post construction)
  - Ensure compliance & issue stop work orders (as needed)
  - Make substantial damage/substantial improvement determinations
  - Compile documentation for community records
    - Plans, permits, maps, certificates, photos

Local Permitting Basics

- Local permit applications are an NFIP requirement to ensure that development meets local ordinance requirements.
  - Local ordinances may go above & beyond State requirements
- A local permit must be issued in conjunction with State permit
  - If not, State permit is null & void
- Things to consider:
  - Type of development
  - Flood zone & Floodway
  - Base Flood Elevation (BFE)
  - Structure’s lowest floor
  - Higher Standards
    - Freeboard, setbacks, etc.
  - Cost of Repair/Improvement vs Market Value
    - Is it substantial?
**Inspection & Enforcement**

- Best time to inspect is during construction, **NOT** after.
- Common things to look for during inspection:
  - Fill
    - Placement & Elevation
    - Compaction & Slope
  - Footing
    - Setbacks from waterway
      - Building location matches application
  - Foundation
    - Lowest floor elevation
  - Crawl Spaces
    - Interior grade is at or above exterior grade
  - Flood Vents
    - Required number of vents are present
      - Within 1 ft. of grade
  - Manufactured Homes
    - Pilings must be permanent & reinforced (NOT dry stack)
    - Properly anchored

* Note: Take Pictures

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**Substantial Damage & Substantial Improvement**

- **Substantial Damage (SD):**
  - Cost of the post damage repair equals or exceeds 50% of the structures pre-damage market value.
- **Substantial Improvement (SI):**
  - Cost to improve a structure in the floodplain, damaged or not, equal or exceeds 50% of the market value prior to start of work.
- **Anytime the work is substantial, the entire building must comply with state and local floodplain requirements to prevent future damages**
  - SD/SI Determinations are done in the floodplain only
- **Intent of SD/SI:**
  - Structure will require significant $$$ to repair/improve, this protects the structure going forward from future flood damages
Factors Leading to SD

- Flooding Above 1st Floor
- Extended Duration
- High Velocities
- Manufactured Homes
- Damage of ANY origin
  - Earthquake
  - Fire
  - Tornado
  - High Winds
  - Hail

Source: https://bit.ly/2MSJRy4

Disaster Phase

Source: tinyurl.com/y6rpspoy
Any Damage can be SD

- Substantial Damage can be caused by ANY type of damage, NOT just flooding
  - Fire
  - Wind
  - Hail
  - Tornado
  - Severe Storm
  - Winter Storm
  - Earthquake
  - Landslide
  - Sinkholes
  - More

Floodplain Administrator During the Disaster

- Support response efforts in the EOC
- Coordination
  - Local EM
  - State NFIP Coordinator
  - Elected Officials
  - Community legal council
  - Other building departments
- Outreach
  - Local elected officials
  - Citizens
  - Media and/or Social Media
- Begin determining likely hotspots of damage
Post-Disaster SD Assessments

- Determine the Assessment Area
  - Where was the damage?
  - Were the damage areas in a mapped 1% floodplain?
- Perform an substantial damage assessment on each damaged structure
  - Take pictures and video of each structure
- Record the data
  - Lat/Long and Street address
  - Damage level
  - Structure attributes
- Keep SD Worksheet for Records

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Post-Disaster SD Assessments

- Post an Orange notice on each structure assessed
  - Colored notice allows assessment team to easily see which structures have been assessed from a distance
- Notifies property owner that:
  - Structure was assessed for SD;
  - Will require permits to repair;
  - Mitigation may be needed;
  - That they should contact their local floodplain manager; and
  - That notice should remain on site until permits are obtained
Making SD Determinations

• Once back in the office, review the recorded data
  • Determine if structure is currently compliant
  • If YES:
    • Ensure they get all necessary permits (State & Local)
    • No further SD action required
  • If NO:
    • Require property owner submit application stating how they will bring their building into compliance with the community’s ordinance
      • Lowest floor (plus utilities & duct work) must be above BFE + community’s Freeboard requirement
      • Typical Mitigation Measures: Elevation, Relocation, Demolition, or (for Non-Residential structures ONLY) Floodproofing
    • Once the proposal satisfies the local ordinance, issue local floodplain permit
  • Keep in mind the community’s cumulative Substantial Improvement in making SD determinations.
    • Typically 1 year but some communities are higher.

Simple SD Calculation

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DIVIDE
COST TO REPAIR
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MARKET VALUE

IS RESULT ≥ 50%?

YES

Issue Substantial Damage Determination Letter to Owner & Require Compliance

NO

Ensure compliance with ordinance & encourage flood mitigation actions
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Notifying the Property Owner

• Notify property owner in writing of the determination
  • Inform property owner of:
    • Their structure’s Substantial Damage status (either SD or not SD)
    • Their next steps
    • Where can they go for help
    • Where to get permits
    • How to appeal the determination
  • Official letters should be sent out to all assessed property owners within 30 days of determination
    • The sooner the better

• Keep a copy of each letter for community records

Ensuring Compliance

• Conduct follow-up inspections of damaged properties over time
  • Issue ‘Stop Work Orders’ if repairing without proper permits
  • Issue ‘Notice of Violation’ (NOV) letters to notify property owner what is being done incorrectly
Other Local Floodplain Manager Roles

Other FPA Roles

• Communication/Outreach
• Assisting Community Members with Permitting Needs
• Provide Technical Assistance
• Keeping Floodplain Maps Updated
• Participate in the Risk MAP Updates Process
• Encouraging Mitigation
• Continuing Education
Contact Info

• Alex VanPelt
  • Kentucky NFIP Coordinator
  alex.vanpelt@ky.gov
  (502) 782-7120 (Direct Line)
  Division of Water
  300 Sower Blvd., 3rd Floor
  Frankfort, KY 40601

• Shawn Hokanson
  • Water Resources Branch Manager
  shawn.hokanson@ky.gov
  (502) 782-6977 (Direct Line)
  Division of Water
  300 Sower Blvd., 3rd Floor
  Frankfort, KY 40601

Questions