

ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING

Ordinance#2022-09-4562 for Floodplain Management

For

Arkansas City

I. Duties of the Floodplain Manager

Duties of the Principal Planner, or other person designated as the Floodplain Manager in the above referenced ordinance(s):

- ◆ Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this resolution have been satisfied;
- ◆ Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- ◆ Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- ◆ Issue floodplain development permits for all approved applications;
- ◆ Visually inspect all flood zones periodically to verify there has been no unpermitted development.;
- ◆ Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- ◆ Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and
- ◆ When flood proofing techniques are utilized for a particular non-residential structure, the Floodplain Manager shall require certification from a registered professional engineer or architect.

II. Floodplain Development Permitting System

A. Submittal of Floodplain Development Permit Application

- ◆ Floodplain Development Permits are turned in to the Floodplain Manager in the Neighborhood Services Office on the 2nd Floor of City Hall
- ◆ There is currently no fee for a Floodplain Development Permit, if a fee is implemented in the future, it will be listed in the City of Arkansas City Comprehensive Fee Schedule.
- ◆ The numbering system for Floodplain Development Permits shall be as follows. First are the letters "FD" to designate floodplain development. The next four digits are the year the permit is issued. The following numbers shall be assigned in order as each permit is issued beginning with 001. Example: FD-2022-001.
- ◆ Floodplain Development Permits may need to be accompanied by the following documents: building plans, an elevation certificate, encroachment survey, a site map showing the location of the proposed development, non-residential floodproofing certificate, a FIRMette, no-rise certification, building permits, copies of any required state and federal permits. For some minor projects there will not be any additional documents. The required documentation will be determined for each individual permit.
- ◆ A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with the Floodplain Management Ordinance which requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation and/or floodproofing of non-residential structures to one (1) foot above the base flood elevation. Permits are tracked through our permitting system which stores the permits electronically for individual addresses and will be reviewed when new permits are applied for.

B. Reviewing the Floodplain Development Permit Application

- ◆ During the review of a Floodplain Development Permit the property will be found and checked on flood maps. It will be determined which flood zone the property is located in. It will also be determined if the property is in a floodway. A FIRMette or a GIS map of the area will be made and attached to the permit. The development site will be marked on the map. The Division of Water Resources will be contacted to verify State permit requirements have been met.

C. Review documentation for compliance with technical requirements of community's floodplain management ordinance:

- ◆ The Floodplain Manager will review documents such as Floodplain Development Permits or Elevation Certificates for accuracy. If the Floodplain Manager is absent a preliminary review will be conducted by the Building

Official. In the event the Building Official or the Floodplain Manager require technical assistance they will consult with the city's designated city engineer, Smith & Oakes.

- ◆ Elevation Certificates will be reviewed for accuracy and completeness. Information will be checked against the flood map to make sure the correct map information has been entered. Incomplete elevation certificates will be returned to the developer for completion. Permits (or certificates of occupancy) will not be approved in cases where an elevation certificate has errors.
 1. Elevation Certificates without photos will not be accepted.
 2. Particular attention will be paid to use of a consistent vertical datum in Section B11 and C2.
 3. Elevation Certificates with bland values for non-applicable fields (rather than "N/A" or 0) will not be accepted.
 4. The address in Section A2 will be the address of the property owner and not the developer or surveyor.
 5. Both community name and Community Identification (CID) number will be listed in Section B1.
 6. Data for garage or second story should be included if applicable.
 7. An engineer's certificate of net opening shall be attached when engineered openings are used.

D. Review of engineering documents

- ◆ Copies of engineering documents may be sent to the Neighborhood Services office using email, postal mail or may be delivered in person for review.
- ◆ Examples of engineering documents linked to NFIP requirements are hydrologic and hydraulic calculations, loading calculations and methods of construction relative to floodproofing and alternative designs for openings below lowest floor.

E. Approval or denial of the floodplain development permit application:

- ◆ **Approval** – The approved permit is signed by the Floodplain Manager. A copy is provided to the applicant.
- ◆ **Conditional Approval** – If a permit receives conditional approval the reasons will be noted on a separate sheet of paper attached to the permit. Reason for conditional approval could be waiting for a finished construction elevation certificate.
- ◆ **Denial** – If a permit is denied the reasons for denial will be noted on a separate piece of paper and attached to the permit form. The applicant will be notified in writing and given a copy of the reasons for denial.

F. Endangered Species Act verification:

- ◆ In order to verify compliance with the Endangered Species Act a community official or the developer may send a request to the US Fish and Wildlife Service office in Manhattan, Kansas. It is suggested you send an email request. Include a description, in the email, of the work to be done and where it will be done. Maps of the area are particularly useful and should be attached to the email.
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- ◆ Send to:
Kansas Ecological Services
U.S. Fish and Wildlife Service
2609 Anderson Avenue
Manhattan, KS 66502
785-539-3474
Kansases@fws.gov
Keep copies of correspondence from USFWS on file with permit records.

III. Inspection Process

- ◆ Regular inspections are required for all projects. Depending on the project there may be multiple inspections. The person to whom the permit is issued will be informed at the time of permit issuance of the required inspections. A final inspection must be completed to receive a certificate of occupancy.

IV. Administrative Activities

A. Recreational Vehicles

- ◆ Recreational Vehicles may be allowed in the floodplain if they meet the requirements of Article 4 Section F of the City Floodplain management regulations. Monitoring for compliance will be done by the Floodplain Manager. RVs in floodzones can only be on site for less than 180 days, be fully licensed for highway use. Suspected violations will be photographed and checked again in 180 days. RV owners could also present proof of licenses.

B. Elevation Certificates

- ◆ In some cases, a finished Construction Elevation Certificate is required to document compliance. The property owner will be given 30 days from completion of the structure to provide an elevation certificate. At the end of 30 days failure to provide a finished construction elevation certificate will be treated as a violation. Enforcement will be in accordance with the section of these procedures titled, "Enforcement Actions".

C. Openings

- ◆ Openings in lower floor enclosures should be monitored periodically. Flood vent openings in enclosures can be accidentally or deliberately blocked. The Floodplain Manager will perform regular drive by inspections of properties with flood vents. When violations are found the enforcement will be in accordance with the section of these procedures titled, "Enforcement Actions".

D. Basements and Crawlspace

- ◆ No below-grade construction will be allowed in the floodplain.

E. Review of Special Flood Hazard Areas.

- ◆ The Floodplain Manager will periodically go out and inspect all floodplain areas. This will ensure familiarity with areas and discover unpermitted activities before they go on too long.

F. Minor Exemptions

- ◆ Floodplain development permits will not be required for reroofing, painting, minor siding repair or very small improvements under \$500 in value to existing structures.

V. Variances

- ◆ A Variance Request Form is completed when requesting a variance.
- ◆ The Arkansas City Board of Zoning Appeals Board will hear requests for a variance. The fee for requesting a variance is spelled out the Comprehensive Fee Schedule. Applicants requesting a variance must notify the Floodplain Manager at least 30 days before the next meeting of the Appeals Board. The person requesting the variance must provide documents to the Floodplain Manager 30 days before the Appeals Board meeting. Supporting documents for a variance to the permitting requirements should be in accordance with **Article 5 of Ordinance/Resolution 4562**.
- ◆ A variance may be granted by a majority vote of the Arkansas City Board of Zoning Appeals.
- ◆ The applicant will be notified of the variance by certified mail. A copy of the letter will be maintained in the Neighborhood Services office on the 2nd Floor of Cit Hall. The following information will be contained in the letter when a variance is granted. "A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance."

VI. Record Keeping System

- ◆ Floodplain Development Permits will be filed in the Neighborhood Services office. The Floodplain Manager will be responsible for maintaining records of Floodplain Development Permits as well as Elevation Certificates, Letters of Map Change, and Non-Residential Floodproofing Certificates. Floodplain related records are permanent records and are not to be purged. Records related to floodplain development will be maintained in Laserfiche.
- ◆ Blank forms are available on request from the Floodplain Manager in the Neighborhood Services office. Forms can be sent on request by fax, e-mail or regular mail. The Floodplain Development Permit is available at www.arkcity.org.

VII. Map Appeals and Revisions

- ◆ A copy of each LOMA/LOMR must be filed with the official community floodplain map (FIRM/FHBM/FBFM/FIS). Flood maps are maintained by the Floodplain Manager. The Floodplain Manager will also ensure these are all mapped in the

City's GIS system. Notification to the landowner is not required in those cases where a LOMA was granted at the landowner's request.

- ◆ FEMA flood maps are available for review in the Neighborhood Services Office in City Hall. Flood maps can be viewed on the internet at <https://msc.fema.gov/>.

VIII. Investigate Complaints

- ◆ A complaint about an issue in the floodplain can be made to the Floodplain Manager. If the Floodplain Manager is not available notify the Building Official. Please provide as much information as possible.
- ◆ Anonymous complaints will be accepted. The identity of all complainants will be protected to the extent allowed by law.
- ◆ An investigation typically will involve a site visit.
- ◆ The Floodplain Manager may make reasonable entry upon any lands and waters in Arkansas City for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. The Floodplain Manager shall provide notice of entry by certified mail at least three days in advance, electronic mail, phone call, personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered. If none of these persons can be found, the floodplain administrator shall affix a copy of the notice to one or more conspicuous places on the property for five (5) days. If the owners do not respond, cannot be located or refuse entry to the floodplain administrator, the floodplain administrator may only enter the property through a Search Warrant.
- ◆ A photo will be taken of the violation if possible generally from the Right of Way. A letter stating the complaint will be sent to the owner of record of the property where the violation is occurring. Letters will be sent by certified mail. A file will be started in the City's Comcate software. Copies of letters, photos, and other documents will be kept in the file. The Division of Water Resources (DWR) will be notified about the complaint as well. In some cases a permit from DWR may be required and in other cases the notification is in order to inform the NFIP Coordinator for State of Kansas.
- ◆ Complaint files will be kept in the Floodplain Manager's office. The Floodplain Manager's office is located in the Neighborhood Services office on the 2nd Floor of City Hall

IX. Enforcement Actions

- ◆ When a violation is identified the property owner will be sent a certified letter that identifies the problem and establishes a time line for correction. A copy of the receipt for the letter will be kept on file with a copy of the letter. Additional copies of the letter will be sent to the Division of Water Resources.
- ◆ The first step in resolving a violation involves a meeting with the property owner. In some cases violations could be resolved by removal of material stored in flood area, the property owner applies for the proper permits, the property owner consults with an engineer or land surveyor or a finished elevation certificate is provided by the property owner to the Floodplain Manager. Each violation will be handled on a case-

by-case basis. If the property owner refuses to cooperate or the violation continues there are enforcement procedures in ordinance 4562

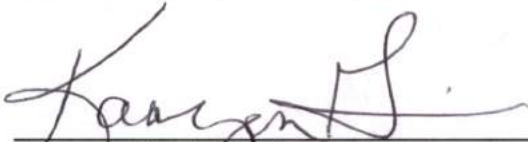
- ◆ When a successful resolution can be agreed on the Floodplain Manager will verify it through either review of documents or a site visit. Resolution will be documented in a letter to the property owner. A copy of the letter will be attached to the original complaint.

X. Damage Estimation

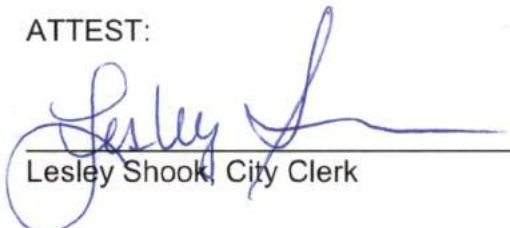
- ◆ The Floodplain Manager will determine when structures have been substantially damaged. Disasters may not always be floods. A tornado could strike homes in the special flood hazard area. A single home could be destroyed in a fire without a disaster declaration.
- ◆ Outreach to the public that damage estimations and permits for repairs will be conducted after a disaster. As soon as it is safe to do so, the floodplain manager will conduct a windshield survey of the damaged properties. The windshield survey will allow an initial assessment of the properties that will later be inspected for substantial damage. Building inspectors, emergency staff, or appraisers may assist the floodplain manager. FEMA software will be used to evaluate the damage estimates. Property tax information from County Appraiser be the standard used to measure fair market value. Buildings determined to have substantial damage will be placarded. Property owners will be notified by mail if their property is determined to be substantially damaged. Notices be sent by certified postal mail. If property owners want to protest the substantial damage estimation for their properties, they shall provide a contractor's estimate, insurance estimate or a licensed appraiser. Damage estimations and documents will be kept on file with floodplain development permits.

XI. Certification of Adoption

These Administrative Procedures for Floodplain Management for the community of Arkansas City shall be in full force and effect from and after this 22 day of September, 2022.


Kanyon Gingher, Mayor

ATTEST:


Lesley Shook, City Clerk

