

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION
--

44 CFR 59. Definitions: "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.

PROPERTY OWNER	APPLICANT (if different than owner)
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE:	PHONE:
FAX:	FAX:
EMAIL:	EMAIL:

SURVEYOR / ENGINEER	CONTACT PERSON
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE:	PHONE:
FAX:	FAX:
EMAIL:	EMAIL:

I/we, the (owners), do hereby make application for a Floodplain Development Permit described with this application. By signing below, I/we agree to the terms and conditions of this permit and certify to the best of my/our knowledge that the information contained in the application is true and accurate.

Printed Name	Signed Name	Date
Printed Name	Signed Name	Date

(ALL property owners must sign the application. Attach additional forms for additional signatures, if needed. Include a copy of the deed for each affected property.)

OFFICE USE ONLY			
Parcel ID#:	S _____	T _____	R _____ Twp. _____
Vicinity of Development (address): _____			
FIRM Panel: _____		FIRM Date: _____	
Zoning: _____	Flood Zone: _____	BFE: _____	Floodway <u>Y/N</u> Flood Fringe Area <u>Y/N</u>
Min. Elevation of lowest floor: _____			
Date Application Filed: _____		Certified Complete Date / Initials: _____	
Application #: _____		Approval / Denial Date / Initials: _____	
Application Fee: \$ _____ Receipt #: _____ Receipt Date: _____			

Project Information

Project description (please be specific, attach pages if necessary):

Section A: Structural development (check all that apply)

Type of Structure	Type of structural activity
<input type="checkbox"/> Single-Family Residential or Accessory Dwelling Unit	<input type="checkbox"/> New Structure <input type="checkbox"/> Demolition of existing structure <input type="checkbox"/> Replacement of existing structure <input type="checkbox"/> Relocation of existing structure ¹ <input type="checkbox"/> Addition to existing structure ¹ <input type="checkbox"/> Alteration of existing structure ¹
<input type="checkbox"/> Multi-Family Residential	
<input type="checkbox"/> Combined Use (Residential and Non-Residential)	
<input type="checkbox"/> Non-Residential, Agricultural, Commercial <input type="checkbox"/> Elevated <input type="checkbox"/> Floodproofed (attach certification)	
<input type="checkbox"/> Manufactured Home <input type="checkbox"/> Located on individual lot/tract <input type="checkbox"/> Located in manufactured home park	Other:

Section B: Other development activities (Check all that apply)

<input type="checkbox"/> Clearing of trees, vegetation, or debris	<input type="checkbox"/> Grading
<input type="checkbox"/> Connection to public utilities or services	<input type="checkbox"/> Mining
<input type="checkbox"/> Drainage improvement (including culvert work)	<input type="checkbox"/> Paving
<input type="checkbox"/> Dredging	<input type="checkbox"/> Placement of fill material
<input type="checkbox"/> Drilling	<input type="checkbox"/> Roadway or bridge construction
<input type="checkbox"/> Fence or wall construction	<input type="checkbox"/> Watercourse alteration (attach description)
<input type="checkbox"/> Excavation not related to a structured development listed in Section A	<input type="checkbox"/> Other development lot listed (specify)

Section C: Cost / Value

- 1) Cost of construction / reconstruction / repair: _____
- 2) Value of structure prior to damage, construction, repair: _____

¹If the value of an addition, alteration, repair, to a structure equals or exceeds 50% of the value of the structure prior to damage, construction, repair, the entire structure must be treated as a substantially improved structure. A relocated structure must be treated as new construction.

Section D: Additional Permits and Notifications

All permits, or written verification that a permit is not required from a particular agency must be submitted with this application.

44 CFR 60.3(a)(2) requires all NFIP communities to ensure that other federal and state permits have been obtained. Following is a list of typical agencies that need to be notified. This list is not all inclusive.

- US Army Corps of Engineers Section 404 – permits for wetlands filling
- US Army Corps of Engineers Section 10 – permits for work in navigable waterways
- US Fish and Wildlife Service – consultation required under Sections 7 and 10 of the Endangered Species Act of 1973.

The Environmental Coordination Act (KSA 82a-325 to 327) requires these agencies to be notified and allowed to comment on each proposal.

- Kansas Department of Agriculture/Division of Water Resources
- Kansas Department of Wildlife and Parks
- Kansas Biological Survey
- Kansas Corporation Commission
- Kansas State Historical Society
- Kansas Department of Health and Environment
- Division of Conservation
- Kansas Forest Service

Notification must be made to adjacent communities and KDA/DWR prior to any alteration or relocation of a watercourse and evidence of such notification must be submitted to the Federal Emergency Management Agency (FEMA).

All provisions of the Miami County Floodplain Management Regulations (Resolution Nos. **R13-11-045** and **R15-08-022**) shall be complied with.

NOTICE: If approved, this permit will be issued with the condition that the developer/owner will provide certification by a registered engineer, architect, or land surveyor of the “as-built” lowest floor elevation (including basement) of any new or substantially improved building covered by this permit. Any new or substantially improved residential structure, including utilities, etc., must be elevated at least one foot above the base flood elevation. If the structure is non-residential, then the lowest floor (including basement) must be elevated, or flood proofed to at least one foot above the base flood elevation.

Preparer’s name (printed)

Signature of Preparer / Seal

OFFICE USE ONLY

Plans and Specifications Approved / Denied this _____ day of _____ 20____.

Authorizing Official (printed name)

Signature of Authorizing Official

Floodplain Development Permit Procedures

Terms and Conditions

Permit Required: As required by the Federal Emergency Management Agency (FEMA) Code of Federal Regulations, National Flood Insurance Program, (NFIP) 44 CFR Part 60.3(a)(1), no work of any kind may begin in the Special Flood Hazard Area (SFHA) until a Floodplain Development Permit is issued. The permit shall be for all structures and for all development, including fill and other activities, as set forth in the Floodplain Regulations. Examples of such activities include but are not limited to new construction, reconstruction, rebuilding, placement of manufacture homes, placement of small outbuildings, fences, wall, clearing of trees and other vegetation, placement of driveway culverts or bridges, long term storage of equipment and materials or any man-made change to improved or unimproved real estate such as dredging, drilling, excavating, filling, grading, logging, mining, or paving. The floodplain development permit requirement is intended to allow the County to monitor activities located in the SFHA to ensure the following:

- Base flood elevations do not significantly change as a result of development
- Buildings in floodways and floodplains are constructed and maintained properly
- Substantially damaged/improved buildings are brought into compliance with current floodplain regulations.

Application for Permit: Application for a Floodplain Development Permit shall be made on forms furnished by the County. IF a change of ownership of the affected property occurs following the issuance of a permit and prior to issuance of a Certificate of Compliance, the new owner(s) shall apply within 15 days of the date of ownership change. If a new application is not submitted within the 15 days, all work must cease immediately. No deviation from the original application is allowed except the change of ownership. By signing and submitting this application the Applicant certifies that all statements contained in the application, and in any additional attachments, are true and accurate. All applications shall include the following:

- 1) Plans in duplicate, drawn to scale, showing:
 - a) The nature, location, dimensions, and elevations of the area in question, including the location of the property with reference to river and stream channels, floodplain and floodway, and the location of permanent or temporary reference marks;
 - b) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
 - c) Existing and proposed structures and/or development;
 - d) Identify and describe the work to be covered by the floodplain development permit;
 - e) Indicate the use or occupancy for which the proposed work is intended;
 - f) Indicate the assessed value of the structure and the fair market value of the improvement;
 - g) Specify whether development is located in the designated flood fringe or floodway;
 - h) Identify the existing base flood elevation and the elevation of the proposed development;
 - i) Be accompanied by plans and specifications for proposed construction;
 - j) Fill and excavation details, including compaction requirements for fill;
 - k) Storage of materials;
 - l) Location of drainage facilities;
 - m) Elevation (in relation to mean sea level) of the bottom floor of all structures, including basements or crawl spaces, electrical, heating, ventilation, plumbing, air-conditioning, and other service equipment designed or located to prevent water from entering or accumulating within the components during flooding;
 - n) Onsite wastewater system located to avoid impairment or contamination.
 - o) Engineering details and description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - p) If applicable, elevation (in relation to mean sea level) to which any structure will be flood proofed and certification by a registered professional engineer that flood proofing methods for any structure meet the flood proofing criteria established in the Floodplain Regulations;

- q) Extent of foundation walls and footings below finished grade;
 - r) Size and location of all flood openings/vents;
 - s) Grading plans if grade is altered;
 - t) Anchorage of proposed structures, propane tanks, etc.;
 - u) Be signed by the landowner or his authorized agent who may be required to submit evidence to indicate such authority.
- 2) For structures, an Elevation Certificate, based on construction drawings from a registered engineer or licensed surveyor. A finished construction Elevation Certificate will be required upon completion of the structure before the Certificate of Compliance is issued.
 - 3) Copies of environmental permits from federal or state agencies, if applicable, and evidence of notification of the adjacent communities and FEMA of any alteration or relocation of watercourses.
 - 4) Any additional information required by the Floodplain Administrator

Note: Application for a Floodplain Development Permit (FDP) is a SEPARATE process from the building permit application. The FDP is a prerequisite for application to the Code Services Department for all development in the Special Flood Hazard Area.

Field Information: The applicant's engineer or surveyor shall establish two temporary Base Flood Elevation marks within 50-feet of the proposed development and the floodway boundary shall be marked every 50-feet across the property. The floodway boundary shall be established using the Flood Boundary and Floodway Map.

Review: Upon receipt of a completed Floodplain Development Permit Application, the Floodplain Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of the Floodplain Regulations and current FEMA NFIP rules and regulations.

Notice to Applicant, Issuance of Permit: After a decision has been rendered, the Floodplain Administrator shall return one copy of the application and decision, including any special permit conditions that apply, after having marked such copy either as approved or denied and attested to the same by signing such copy. One copy of the completed application, decision and special conditions shall be retained by the Floodplain Administrator. The Floodplain Administrator shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

Certificate of Compliance: The development may not be used or occupied until a Certificate of Compliance is issued. By signing and submitting this application, the Applicant gives consent to the Floodplain Administrator or a designee to make reasonable inspections prior to the issuance of a Certificate of Compliance.

Non-Conversion Declaration: Residential structures with enclosed areas below the Base Flood Elevation will require a Non-Conversion Declaration to be signed and recorded before the Certificate of Compliance is issued.

Expiration and Revocation of Floodplain Development Permit: A Floodplain Development Permit shall be subject to expiration and/or revocation by the Floodplain Administrator under the following circumstances:

- Upon change of ownership, the new owner does not submit an application within 15 days of the change of ownership.
- The owner deviates from the original application in any way other than change of ownership.
- Work has not started within 180 days of permit approval or if work is suspended for 180 days. (Extensions may be granted by the Floodplain Administrator but must be obtained within one year of the date of issue.)

Appeals: Any person aggrieved by a decision of the Floodplain Administrator in the grant or denial of a Floodplain Development Permit may appeal such decision to the Miami County Board of Zoning Appeals (BZA) by filing a notice of appeal stating the nature of the appeal within thirty (30) days of the return of the Floodplain Administrator's decision to the Applicant. The BZA shall schedule and hold a public hearing in accordance with Articles 12 and 23 of the Miami County Zoning Regulations, to further consider the application. The Board shall render a written decision on the appeal without unreasonable delay after the close of the hearing, and in all cases, within sixty (60) days after the close of the hearing. Any person aggrieved by the decision of the Appeals Board or any taxpayer may appeal such decision to the District Court as provided in KSA 12-759-12-760.

Document Retention: In accordance with NFIP regulations, the adopted Building Code and the Floodplain Regulations for Miami County, Kansas, and documentation related to this application must be retained. Specifically, all records including but not limited to Floodplain Development Permits, Elevation Certificates, engineering certificates, Non-conversion Declarations, Certificates of Compliance and plot plans must be permanently retained by the County for public inspection.