



GENERAL PROCEDURES FOR PROJECTS IN THE FLOODPLAIN

All applications for projects that will occur either on a property that is located within the floodplain or a project that actually will occur in the floodplain will be reviewed by our floodplain administrator in conjunction with the City Engineer. The Administrator will make a recommendation as to which path the application will be handled. Some projects may be able to be completed without any further involvement from the City; some projects may require that the City issue a Floodplain Development Permit. Other projects may require that the project be approved at the State or Federal level.

No Permit.

Maintenance – This work is currently covered by our codes and ordinances. Property owners are required to maintain their properties, including but not limited to debris removal, including dead trees, weed control, maintenance of slopes, and maintenance of vegetation. This work does not require a permit. If there is a question the property owner may ask for a review and the decision on the need for a permit will be determined by Codes Officials in consultation with the City Engineer.

Regulatory Authority.

All work within the floodplain is subject to the jurisdiction of the Federal, State and Local governments. Our Federal and State laws in general prohibit the modification of the waterway and its environment. Any project that affects the stream bed, stream bank, floodplain or impedes or diverts the flow of waters may be subject to permit by the US Army Corps of Engineer, Division of Water Resources and Kansas Department of Health and Environment. Further, it is noted that these agencies act as a clearing house for many other State and Federal agencies that may exercise jurisdiction over these areas as well such as Wildlife and Parks, Fish and Game, and the Environmental Protection Agency, to name a few. At any time, State and Federal agencies may seek jurisdiction over any work in the floodplain.

Permit Process.

All work requiring a building permit that is located within the floodplain (see attached) that includes minor grading and filling of the floodplain requires an additional flood plain fill permit. Usually State and Federal agencies do not seek jurisdiction over this type of work. Therefore the applicant may complete this application concurrently with his request for a building permit. This request requires an additional review by the City Engineer. If the work is deemed minor and does not negatively affect the flow of water a local flood plain fill permit maybe issued.

If the work is not minor in nature, the applicant is directed to seek jurisdictional opinion from the State and Federal agencies and evidence a permit or lack of jurisdictional authority from each agency. The applicant is required to request this directly from the



agency. This evidence should be included with a revised application and will then be considered for a local building permit.

The applicant will undoubtedly need to seek professional services from a variety of engineering and environmental consultants to proceed with this level of work.

Preliminary reviews and limits of local authority.

It is advised that the applicant request a review by the City prior to the application of a permit. The Floodplain Administrator and City Engineer will review each case and provide a directive on the need for a local permit as well as an opinion as to the need of State and Federal permits.

It should be noted, that staff opinions regarding work in the floodplain does not relieve the applicant of complying with all State and Federal regulations. At any time, the Cities opinion may be superseded by the State or Federal government should they choose to exercise jurisdiction. The issuance of a local permit does not waive the rights of State and Federal agencies or grant any protection for the applicant from the actions of these agencies. If an applicant requires greater assurances, he should contact the agency directly as noted above.

Attachments

- Permit Grid for Development in Floodplain
- Kansas Floodplain Development Permit/Application

Permit Grid for Development in Floodplain

| If you... | Who You Need to Contact | Why... | Example of some Projects Requiring a Permit | Internet Sites for Information and Copies of the Law and Regulations |
|--|--|---|--|--|
| Develop any structure in the floodplain (minor or substantial). | Local Floodplain Administrator. Contact: Fairway City Hall Phone #: 262-0350 x0 Email: aaldrige@fairwaykansas.org <i>For Additional Information</i> <i>Kansas NFIP Coordinator.</i> Contact: Tom Morey Phone: 785-296-5440 Email: tom.morey@kda.ks.gov | FEMA administers the National Flood Insurance Program. The National Flood Insurance Program requires a permit for all developments in the floodplain. Your local floodplain administrator issues the floodplain development permit. STEP 1: The flood plain administrator will let you know if your property is located in the fringe or in the floodway. STEP 2: You must apply for a Floodplain Development Permit. If your property is located in the fringe you must submit an elevation certificate (surveyor or engineer) in addition to your application. If your property is located in the floodway a "no rise certificate" is required (must be through a certified engineer) in addition to your application. STEP 3: The administrator will then approve or deny your application. | Development is defined as: 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 located within the area of special flood hazard. ALL DEVELOPMENTS WILL NEED A PERMIT. | FEMA: http://www.fema.gov/library/viewRecord.do?id=2108 |
| Obstruct a Stream. Construct Fills or Levees in Floodplains. Place Fill Material or Excavate in Waters of the U.S., including a Wetland, or Excavate or Remove Material from Waters of the U.S. | U.S. Army Corps of Engineers Kansas City District: NE KS Area: Phone: 816-983-3990 N. KS Area: Phone: 785-546-2130 S. KS Area: Phone: 316-322-8247 | Section 404 of the Clean Water Act (CWA) requires that the Corps of Engineers issue a permit for the discharge of dredged or fill material into waters of the U.S., including wetlands (33 USC 1344). The Corps permit regulations are in 33 CFR 325. Please note that the district engineer is available for pre-application consultation. | May include, but aren't limited to: Building or modifying a dam, creek, waterway, wetland, pond or stream. | U.S. Army Corps of Engineers, Kansas City District: http://www.nwk.usace.army.mil/regulatory/regulatory.htm |
| | Kansas Dept. of Health and Environment, Watershed Management Section, Bureau of Water Contact: Scott Satterthwaite Phone: 785-296-5573 | K.A.R (Kansas Administrative Regulations) 28-16-28b thru 28f(c)(1) Sec. 401 of the CWA | Any projects that could discharge or cause runoff of pollutants to Kansas waters. | Kansas Dept. of Health and Environment http://www.kdhe.state.ks.us/nps/index.html#resources |
| | Kansas Department of Agriculture, Div. of Water Resources Contact: Edward Byrd Phone: 785-296-2933 | K.S.A. (Kansas Statutes) No. 82a-301 to 305a K.S.A. No. 24-126 | Constructing or changing a dam, levee, or any other water obstruction. Constructing or changing a levee or fill. | Kansas Dept. of Agric., Div. of Water Resources http://www.accesskansas.org/kda/dwr |

KANSAS FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Community Name: _____ Date: _____ Application #: _____

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Floodplain Management Ordinance and applicable county/city ordinances and the State of Kansas requirements as contained in K.S.A.12-766, and K.A.R. 5-44-1 through 5-44-6.

| | | | |
|--------------------------|------------|-----------------------------|------------|
| Owner or Developer _____ | Date _____ | Builder or Contractor _____ | Date _____ |
| Address _____ | | Address _____ | |
| Phone _____ | | Phone _____ | |

SITE DATA

1. Location: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Range _____ Township _____
Street Address _____
2. Type of Development (): **New Construction**** _____ **Substantial Improvement**** _____ Minimum Improvement _____
Filling _____ Grading _____ Excavation _____ Other _____
****Notice: FEMA Elevation Certificate must be attached to permit.**
3. Description of Development: _____
4. Structure: New Structure sq ft _____, Existing Structure sq ft _____ + Improvement sq ft _____ = Total sq ft _____
Principal use _____ Accessory uses (storage, parking, etc.) _____
5. Value of Improvement (fair market): \$ _____ Pre-Improvement/Assessed value of structure \$ _____
6. Development Located in a Designated (): **FLOODWAY?** Yes _____ No _____ **FLOODWAY FRINGE?** Yes _____ No _____
IF LOCATED IN FLOODWAY, NO-RISE CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP THAT STATES THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.
7. FEMA Flood Map Panel Number: _____ Effective Map Date: _____

ELEVATIONS (): NGVD _____ NAVD _____

8. **Elevation of 100-Year Flood / Base Flood Elevation (BFE) at development site:** _____ Feet
9. **Elevation of development site:** _____ Feet
10. **Elevation of lowest floor of residential development (minimum one foot above BFE):** _____ Feet
11. **Elevation of floodproofing for non-residential development (minimum one foot above BFE):** _____ Feet
12. **Other floodplain elevation information (identify and describe source):** _____ (attach to permit)
13. **Other Permits required** ():
(attach copies to permit) a. United States Army Corps of Engineers Section 404 Permit: Yes _____ No _____
b. Kansas Department of Agriculture Division of Water Resources: Yes _____ No _____
c. Other Permits _____
14. **This permit is in compliance with all provisions of Floodplain Management Ordinance #** _____

NOTICE: Read Carefully. This permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved (over 50% current market value) residential structure will be elevated at least one (1) foot above the base flood elevation. If the proposed development is a non-residential structure, this permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved non-residential structure will be elevated or floodproofed at least one (1) foot above the Base Flood Elevation. This permit is issued with the condition that the developer/owner will provide a FEMA Elevation Certificate completed by a registered engineer, architect, or land surveyor certifying the "as-built" lowest floor elevation of any new or substantially-improved structure covered by this permit.

Permit Decision: **Approved** **Denied (attach explanation)** this _____ day of _____, 20____

Print Name and Title of Owner or Developer _____ Print Name and Title of Authorizing Community Official _____

Signature of Owner or Developer _____ Signature of Authorizing Community Official _____