

COUNTY OF RANDOLPH

FLOODPLAIN MANAGEMENT PROCEDURES

All procedures and regulations are determined by Ordinance No 60.3(b) passed and adopted September 28th, 2006 by the County of Randolph.

For purposes of clarity, listed below are three terms used in this procedure:

Floodplain - all areas inundated by flood waters in a 1% chance of flooding in any given year

Floodway/Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (According to an April 6, 2010 email received from Karen McHugh's, SEMA, "Randolph County does not have identified FEMA regulatory floodways.)

Flood Fringe - that area in the floodplain that is not in the floodway

The floodplain area is determined by FHBM maps #290828 0025A; 290828 0050A; 290828 0075A; 290828 0100A; 290828 0125A & 290828 0150A which are on display in the County Clerk's office in Huntsville.

Ordinance No. 60.3(b) designated the 911 Director as the Floodplain Administrator, whose duties are as follows:

STEP 1. Duties of Floodplain Administrator

- A. Understanding the regulations of the National Flood Insurance Program (NFIP);
- B. Reviewing the floodplain development permit applications for development;
- C. Conducting inspections;
- D. Taking enforcement actions, when necessary;
- E. Interacting in variance and appeal processes;
- F. Keeping records;
- G. Investigating complaints of violations;
- H. Maintaining and updating administrative forms;

- I. Maintaining floodplain maps and flood data;
- J. Disseminating floodplain management information.

STEP II. Require Development Permits for All Activity in the Floodplain Area including:

- A. Maintenance of unobstructed floodways;
- B. Water course alterations;
- C. Residential new structures;
- D. Manufactured homes;
- E. Substantial damaged structures;
- F. Substantial improvements to structures;
- G. Allowable floodway uses;
- H. Non-residential structures;
- I. Subdivisions;
- J. Filling, grading, channelizing and excavating in the floodplain;
- K. Normal agricultural practices associated with daily management of row crop and grazing operations are exempt from the need of permits;

Exemption from permit requirements of this floodplain management regulation shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this ordinance or any other laws or ordinances of this county. All other activities require a floodplain development permit issued pursuant to this ordinance.

Some of the activities allowed without a permit include: plowing, disking, planting, harvesting, grazing, etc.

Activities such as earth works, construction or modification of existing levees, or changing drainage patterns in the floodway could have an impact and must be evaluated.

STEP III. Information Required for Floodplain Permits

- A. Technical documentation
- B. Reviews from other parties or agencies, if needed;
- C. Elevation certificates;

- D. Floodproofing certificates, if needed;
- E. Plans or blueprints;
- F. Cost analysis for substantial damage or improvements;
- G. Cost of new facilities;
- H. No-rise certificates, where applicable

Details necessary under this step are:

- A. A floodplain development permit is necessary for any development in the Floodplain;
- B. An NFIP elevation certificate signed by a professional engineer, surveyor, or architect showing the elevation of the site and of the lowest floor, which must be one foot above the Basic Flood Elevation (BFE) for new or substantial damage or improvement structures;
- C. A no-rise certificate will be needed if the development is in the floodway. This certificate may be a written statement from a professional engineer stating no increase in flood height will be caused from the development. This certificate must be completed before a floodplain development permit can be issued by the County;
- D. Wet floodproofing may be allowed for accessory structures used solely for parking, building access, or limited storage with proper entry and exit for flood water and constructed of water resistant materials;
- E. If dry floodproofing is used for non-residential structures, a certificate must be signed by a professional engineer.
- F. Site information needed include elevation data, property lines, location of streets and placement of structures;
- G. Building plans should include type of structure, use, placement of lowest floor; details of construction, new or add-on-construction, construction materials, anchoring require-

ments, and any other data that would be pertinent to the construction.

STEP IV. Permit Review Process

- A. The floodplain development permit application will be submitted to the Floodplain Administrator for review;
- B. The Floodplain Administrator will review the permit application to ensure the application has the required documents as listed in Step II;
- C. The floodplain development permit application will be approved or denied, depending on the data and information provided, and be signed by the Floodplain Administrator.

STEP V. Inspection

First inspection will be made by the Floodplain Administrator within one week after the permit is issued to confirm if the site and the data conform. A check list will be used to review information. The permit holder will be notified by letter if any violations are discovered. A second inspection will be performed 30 days after the first inspection to determine if the lowest floor conforms to BFE requirements and if construction is proceeding according to plans also using the inspection -check list, and follow up communication; third inspection will be held near or at the completion of development to determine if the construction has complied with the plans at completion including anchoring, openings, materials used, etc., using the inspection checklist and follow-up communication if necessary.

STEP VI. Enforcement Actions

Should there be violations, the applicant will be informed in writing by certified mail of the specific violation and given a timetable for correcting deficiencies. If there is no action taken within 30 days of the first letter, a 2nd warning letter will be sent 30 days later. Possible penalties may include stop work orders, fines, revoking permits, arrest warrants or a combination of these actions. Should a permit applicant wish to appeal the decision of the Floodplain Manager, they

may appeal to the Randolph County Commission and, if not resolved, to the Circuit Court.

STEP VII. Variances

Variances, as a rule, will not be issued by the Randolph County Commission; however, there are conditions in Ordinance 60(3)b for variances:

- A. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Local Inventory of Historic Places upon determination, provided proposed activity will not preclude the structure's continued historic designation;
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- D. Variances shall only be issued upon (a) a showing of good and sufficient cause and (b) a determination that failure to grant the variance would result in unnecessary hardship to the applicant. The following is a list of demonstrated hardships:
 - Loss of all beneficial or productive use
 - Deprivation of reasonable return on property
 - Deprivation of all or any reasonable use
 - Rendering property valueless
 - Reasonable use cannot be made consistent with regulations

The following is a listing of insufficient reasons of a demonstrated hardship:

- Less than a drastic depreciation of property
- Convenience of property owner
- Additional costs to build in conformance with codes

- Circumstances of owner not the land
- To obtain better financial return
- Property similar to others in neighborhood
- Hardship created by owner's actions

E. Conditions for Approving Variances for Agricultural Structures:

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis. Variances granted shall meet the following conditions:

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures for a variance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures;
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Hazard Boundary Map(FHBM);
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e. foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials;
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces;

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions;
6. The agricultural structures must meet all National Flood Insurance Program(NFIP) opening requirements. The NFIP requires that enclosures or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters;
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions. No variances may be issued for agricultural structure within any designated floodway, if any increase in flood levels would result during the 100-year flood;
8. Major equipment, machinery, or other contents must be protected from any flood damage;
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. The County Floodplain Administrator shall notify the applicant in writing that (1) 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 (2) such construction below the base flood level increases risks to life and property.
11. Wet-floodproofing construction techniques must be reviewed and approved by the county and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

F. Conditions for Approving Variances for Temporary Structures:

Any variance granted for a temporary structure shall be decided individually based on a case by case analysis. Variances granted shall meet the following conditions:

1. A temporary structure may be considered for location within the 100-year floodplain only when all of the following criteria are met;
 - a. Use of the temporary structure is unique to the land to be developed and cannot be located outside of the floodplain nor meet the NFIP design standards;
 - b. Denial of the temporary structure permit will create an undue hardship on the property owner;
2. Once all of the above conditions are met, an application for a special use permit must be made to the Floodplain Administrator of Randolph County. The Floodplain Administrator shall consider all applications for special use permits for a temporary structure based on the following criteria:
 - a. The placement of any temporary structure within the special flood hazard areas as shown on the community's adopted Federal Emergency Management Agency/National Flood Insurance Program map shall require an approved special use permit. The special use permit shall be valid for a period not to exceed 180 days;
 - b. Special use permits applications, for a temporary structure to be located in special flood hazard areas, shall conform to the standard public hearing process prior to any action the permit request;
 - c. An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the special use permit application for the placement of any temporary structure;
 - d. On or before the expiration of the end of the 180-day special use permit period, the

temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected;

e. To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times;

f. Under emergency flooding conditions, the temporary structure shall be removed immediately, or as directed by the community and as specified in the emergency removal plan;

g. Location of any temporary structure within the regulatory floodway requires the provision of a “no-rise” certificate by a registered professional engineer;

h. Violation of or non-compliance with any of the stated conditions of the special use permit during the term thereof, shall make the permit subject to revocation by resolution of the governing body of the community. Issuance of permit revocation notice shall be made to the landowner, the occupant of the land, and to the general public;

i. Any deviation from the approved site plan shall be deemed a violation of the special use permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the special permit approval. In event of any violation, all permitted special uses shall be deemed a violation of this ordinance and shall be illegal, non-conforming uses and shall be summarily removed and abated;

j. If the temporary structure is to be returned to its previously occupied site, the process for issuing a special use permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.

G. Conditions for Approving Variances for Accessory Structures:

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building’s unique circumstances.

In order to minimize flood damages related to the 1% chance of flooding and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Hazard Boundary Map (FHBM);
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials;
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movements of the structures. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces;
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions;
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 1% chance of flooding, contain openings that will permit the automatic entry and exit of floodwaters;
6. The accessory structures must comply with the floodplain management floodway encroachment provisions. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during a 1%

chance of flooding;

7. Equipment, machinery or other contents must be protected from any flood damage;
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures;
9. The County shall notify the applicant in writing over the signature of a County official that (1) 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 (2) 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.
10. Wet-proofing construction techniques must be reviewed and approved by the County Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

D. Appeals

Once the request for a variance is heard, it must be either granted or denied. If the variance is denied, then the property owner has the right to appeal that administrative decision to the Randolph County Circuit Court.

STEP VIII. Record Keeping

The Floodplain Administrator will establish and keep a file for records pertaining to floodplain management in the County Clerk's office, both blank and completed forms, including but not limited to development permits, elevation certificates, floodproofing certificates and variance forms.

STEP IX. Maps – Appeal and Revisions

The County will keep on file the applicable FHBM map for the County of Randolph and keep it

posted for public inspection.

STEP X. Biennial Reports

The Floodplain Administrator will complete, sign and submit the FEMA biennial report to FEMA and keep on file for inspection.

STEP XI. Investigate Complaints

The Floodplain Administrator should investigate all complaints within one week of receiving the complaint.

STEP XII. Damage Assessment

In the event of a flood or major proportions which are called a disaster, the following damage assessment procedure will be utilized:

- A. The Emergency Preparedness Plan will be utilized whereby the appropriate Fire Department is called into action. They will proceed as follows:
 1. Make a list of all damaged facilities;
 2. Inspect each facility for extent of damages;
 3. Make a detailed list of damages such as foundations, basement, floors, walls, cabinets, built-in appliances, furnaces, air conditioners, roofs and any other damages that can be determined;
 4. Attempt to ascertain a total damage cost for each facility;
 5. Request the assessed value of each facility or structure from County Assessor;
 6. Make a determination by comparing cost of repair or replacement to assessor's value as to whether the facility is substantially damaged;
 7. Use the permit procedures for all applications for repair or construction.

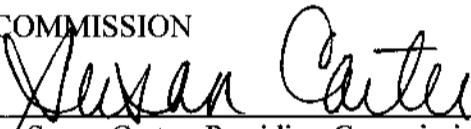
APPENDICIES

Attached to this procedure are forms to be used in implementing this procedure:

1. Development permit
2. Development permit checklist
3. Inspection checklist
4. Elevation certificate
5. Floodproofing certificate
6. Variance request form

ACCEPTED BY THE RANDOLPH COUNTY COMMISSION

Date: 5 / 25 / 2010



Susan Carter, Presiding Commissioner



Randy Asbury, Western District Commissioner



Wayne Wilcox, Eastern District Commissioner

Revised May 25, 2010