

Kentucky Floodplain Basics



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To Protect and Enhance Kentucky's Environment

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Outline

- NFIP Overview
- Floodplain Requirements (State & Local)
- Flood Risk Tools
- Q&A



The National Flood Insurance Program

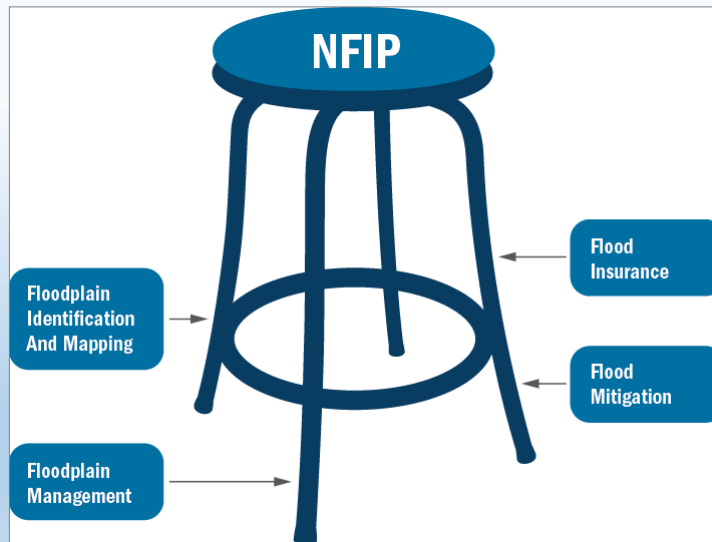


The National Flood Insurance Program (NFIP)

- 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

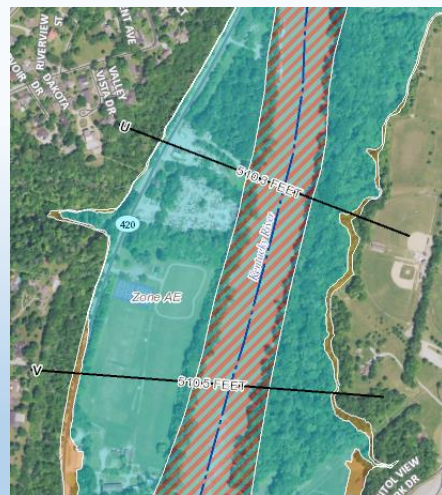


The NFIP Cont.



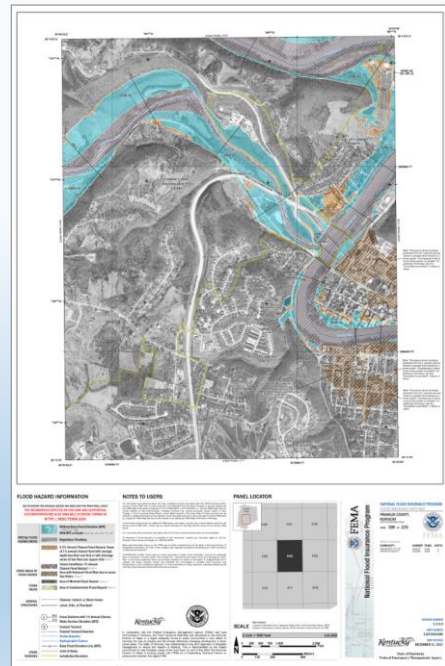
Flood Maps

- FEMA produces Flood Insurance Rate Maps (FIRMs) for all communities in the Commonwealth.
- Maps Identify areas with **High**, **Moderate**, or **Low** risk of flooding
 - Low Risk \neq No Risk
- Used by multiple groups
 - Floodplain managers
 - Insurance agents
 - Lenders



Flood Insurance Rate Maps (FIRMs)

- The FIRMs are the official legal document regulating the floodplain
- Goes through a Due Process phase during updates
- Adopted into state regulation and local ordinance
- Made using best available data at the time
- Maps considered correct until proven wrong



Floodplain Requirements



State Requirements



- Kentucky Revised Statutes
 - KRS 151.250
 - “No person, city, county or other political subdivision of the state shall [develop in] any area located adjacent to a river or stream or in the floodway of the *stream...unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued* as required...”

apps.legislature.ky.gov/law/statutes/

- Kentucky Administrative Regulations
 - 401 KAR 4:060, Section 2
 - “This administrative regulation shall apply to **all construction across, along, or adjacent to a stream** (i.e., the base floodplain) **or in the floodway of a stream for which a construction permit is required** pursuant to KRS 151.250, 44 C.F.R. Part 60,...”

apps.legislature.ky.gov/law/kar/401/004/060.pdf



Two KY Floodplain Permits



General Permit (GP)

- Permits specific, eligible activities in the floodplain
 - No Application or Public Notice required for the permittee
- Permit includes Exclusions, Requirements, & Conditions to use
- Simply print the permit and you're ready to go.
 - Find it on DOW's [Understand Your Flood Hazards](#) Page

Individual Permit (IP)

- ANY development in a floodplain not covered by the GP requires an Individual Permit
- Application to DOW and a Public Notice is required
- Can submit the application & any other data digitally using email or an eForm

DOWFloodplain@ky.gov

Google Search: *Understand Your Flood Hazards*



Floodplain Requirements

FEDERAL

STATE

LOCAL

- All building lowest floors must be elevated or protected to at or above the BFE
 - Includes all utilities, mechanical equipment, and ductwork
 - Parking, storage, and access below BFE



Local Requirements

FEDERAL

STATE

LOCAL

- All communities participating in the NFIP have a local Flood Damage Prevention Ordinance
- Local Ordinance includes:
 - Provisions (where it applies & who enforces it)
 - Development Requirements
 - Appeals & Variance Process
- This gives the local community the ability to adopt more stringent requirements than the state minimum standards.

tinyurl.com/y7pe786t



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 local FPM will consider:
 - Type of development
 - Flood zone & Floodway
 - Maximum Base Flood Elevation (BFE)
 - Structure's lowest floor
 - Higher Standards
 - Cost vs. Market Value (Is it substantial?)



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/SI

FEDERAL

STATE

LOCAL

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



Flood Risk Tools



Risk Tools



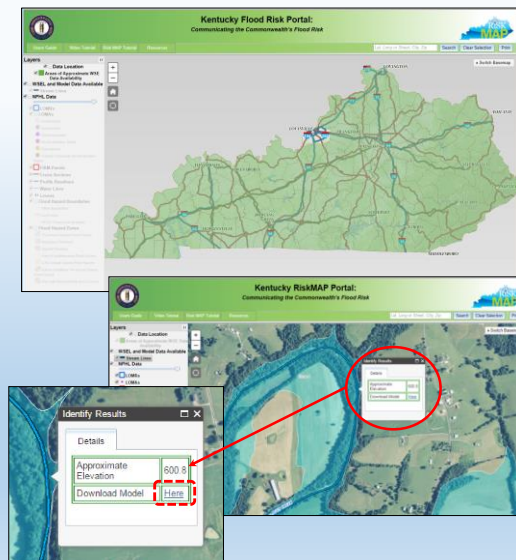
FEMA



KY Flood Hazard Portal

- Statewide floodplains in a single map
 - Displays the same floodplain as the FEMA's Map Service Center
- Zone A BFEs available 119 of 120
 - 1% annual chance BFE determinations in the A Flood Zones with a simple click on the stream centerline
 - Zone A models, Hydrologic & Hydraulic reports, county FIS reports, and Shapefiles are available for download

watermaps.ky.gov/RiskPortal



Flood Map Project Updates

- Preliminary maps for communities to review
 - Not Regulatorily Effective
- Three currently available for review
 - Silver-Little Watershed
 - Lower Green Watershed
 - Highland-Pidgeon Watershed
- Once maps complete the 'Due Process' phase, communities are issued paper maps. Maps then included in the Flood Hazard Portal

watermaps.ky.gov

Preliminary Maps



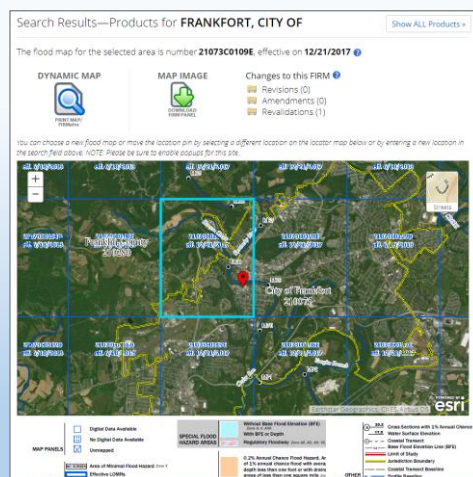
Changes since Last FIRM



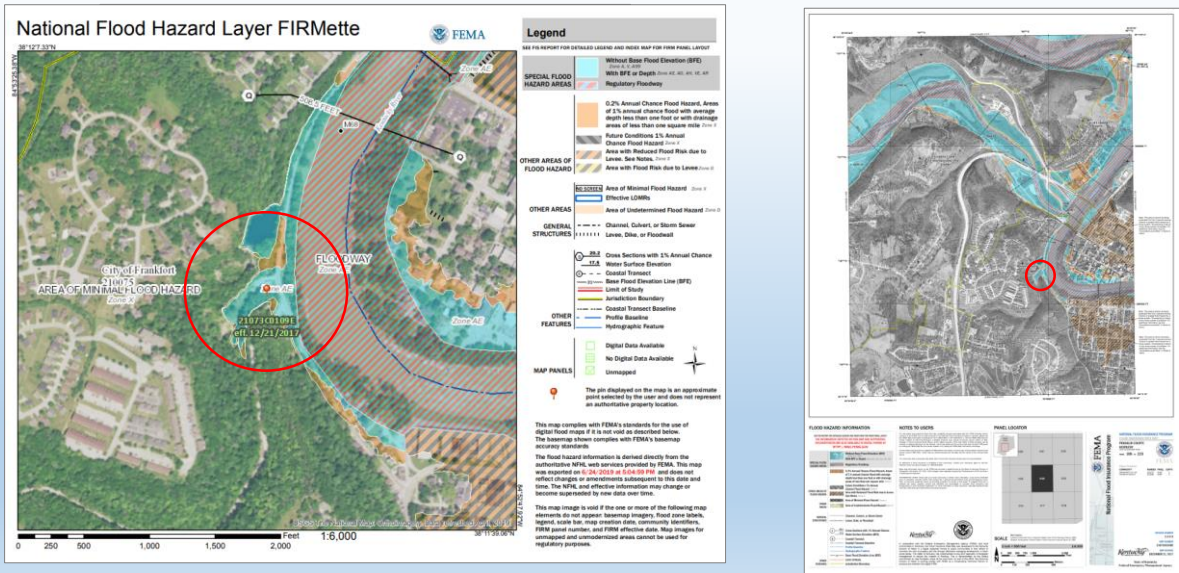
FEMA's Map Service Center (MSC)

- Source for all public FEMA Flood Hazard products
 - Flood Insurance Rate Maps (FIRMs)
 - Flood Insurance Studies (FISs)
 - Letters of Map Change (LOMCs)
 - Risk MAP non-regulatory products
 - Risk Communication
- Search by location (State, County, City, address, or Lat/Long) to get the appropriate product

msc.fema.gov/portal



MSC FIRMeTte Tool



3 Key Takeaways

- 1) Any development in the floodplain requires a permit.
 - Even internal or modifications
- 2) State & Local permits
 - Both required for each project
- 3) There are tools and resources available for your needs.
 - Contact local floodplain manager for help



Don't Panic!



Contact Info

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Questions

