

OFFICE PROCEDURES FOR THE COMMUNITY FLOODPLAIN ADMINISTRATOR



Developed by the

***NEW MEXICO
FLOODPLAIN MANAGERS ASSOCIATION***

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**Prepared for the
New Mexico Floodplain Managers Association
By
LA Bond Associates and Grant Pinkerton, CFM
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Office Procedures for the Community Floodplain Administrator

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Introduction

This packet includes a brief manual for use by a community Floodplain Administrator, a compact disk (CD) with the *Handbook for New Mexico Floodplain Managers* and the *Ready Reference*, and other documents of importance to the administrator. The manual includes sample letters for various purposes, model forms for you, as Floodplain Administrator, to customize for your community and a set of file folders to help you organize your files.

The New Mexico statutes state that a community must appoint a Floodplain Administrator to administer its floodplain management ordinance. The duties of the community Floodplain Administrator should be spelled out in some detail in your floodplain management ordinance. However, the real nuts and bolts, day to day operation of the office may be somewhat baffling to the new Floodplain Administrator. The purpose of this packet of information is:

1. To briefly describe the general responsibilities of the Floodplain Administrator;
2. To provide a basic filing system for a Floodplain Administrator's office;
3. To provide model letters and forms to be used for different functions; and
4. To provide documents that will help you understand floodplain management and your duties.

This packet includes a compact disk with the *Handbook for New Mexico Floodplain Managers* and the *Ready Reference*. You may view these documents on your computer screen or you may print them out. Appendix D of this packet discusses the contents of the CD.

The *Handbook* is a very detailed publication, covering most topics of importance to the community Floodplain Administrator in New Mexico. ***You might read Chapter 1 for background on floodplain management and Chapter 2 for information on the New Mexico Floodplain Managers Association.*** Then read chapters when you need them. For example, if your community is preparing to adopt a floodplain management ordinance, or amend an existing ordinance, read Chapter 8 and the parts of Chapters 9 through 14 that are appropriate for your situation. This packet makes numerous references to the *Handbook*.

The *Ready Reference* is a brief summary of the most important parts of the *Handbook for New Mexico Floodplain Managers*. It should be printed and kept handy for daily use, or at least when there is floodplain activity in your community. As you become familiar with your duties, this *Ready Reference* will become more and more useful.

1. DUTIES OF THE COMMUNITY FLOODPLAIN ADMINISTRATOR

Your Duties: Floodplain management is a process of local permitting of development in your community. Anything that might affect flooding in your community needs your review, and probably needs your approval. Your basic duties are probably spelled out in your ordinance. All communities in New Mexico that have adopted floodplain management ordinances have done so with the intention of participating in the National Flood Insurance Program (NFIP). NFIP standards have been required for New Mexico communities for years, and NFIP participation has been required since 2003.

Look for the section in your ordinance titled, “Duties of the Floodplain Administrator.” Read this section carefully. Failure to perform these duties may cause serious problems for your community.

Read chapters 8, 10, 11, 12, 13, 15, 16 and 18 of the Handbook. This is a lot of reading, but you really need to understand your ordinance and your duties.

2. FLOODPLAIN USE PERMIT

A. Dealing with CID:

If your community depends on the Construction Industries Division of the NM Department of Regulation and Licensing (CID) for building permit review and inspection, your community must inform CID that you have adopted a floodplain ordinance and need their cooperation. For a building permit in your community, you need for CID to require that the applicant obtain your signature before the building permit is approved. A sample of a letter to CID is included in Appendix A of this packet. (Sample letter 1 in Appendix A, page A-3) The sample letter, or one like it, must be filled out and sent to CID to notify them that all building permits issued in your community need to be reviewed by you (community Floodplain Administrator). You should give them your name, address, phone number, etc and give them a blank Floodplain Use Permit and a sample of your signature so that they will recognize it on Floodplain Use Permits that are returned to them by the building permit applicants. Include with the letter a copy of a current map showing the corporate limits of your community (city or county).

B. Permit Review

1. ***If you have not yet done so, read Chapters 10, 12, 13, and 15 in the Handbook.*** You must be involved in the review of all development permits (building permits, mobile home permits, etc) that are issued in your community. Building permits requested from CID or your community building inspector should be referred to your office for review before they are approved. The following documents should accompany the building permit application:
 - A deed to the property (to make sure that the applicant is the actual property owner),
 - A site or plot plan that shows the location, including distances in feet, of all structures on the property (to determine if structures are within setback requirements, to determine the location of the structures in relationship to the floodplain, and to determine the number of residences on the property if there is a minimum number required by zoning ordinance): and
 - The proper fee (to be determined by the governing body. Fees should be established as an appendix to the ordinance when the floodplain ordinance is adopted. This way the fee schedule can be amended in the future without the necessity of revising the entire ordinance, which requires a public hearing.)
2. From the legal description on the deed, locate the property on the appropriate community floodplain map. The structures can be located on the map using the dimensions shown on the site or plot plan. If you locate the property and structures on 8½X11 copies of the floodplain map, you can include these copies in the Floodplain Use Permit file and give a copy to the applicant.
3. If the property is not in a floodplain, sign off on the building or MH permit – no Floodplain Use Permit is needed.

4. If the structures on the property are in a floodplain, require a Floodplain Use Permit. (Sample forms 1 and 2 in Appendix B, pages B-3 and B-4)
 - Make an 8 ½ X 11 copy of that portion of the floodplain map where the property is located and an 8 ½ X 11 copy of the title box of the map page (be sure to show the scale of the map).
 - To make sure that the information on the Floodplain Use Permit is correct, you should fill out the owner's name, address, legal description of the property (taken from the building permit), name of watercourse, and any other general information and assign it a Floodplain Use Permit number.
 - You should also fill out the same information on the Elevation Certificate (Section A). Then fill out Section B of the EC. (Form 8 in Appendix B, page B-11)
 - The applicant should sign the Floodplain Use Permit and the Disclaimer. (Disclaimer is Form 3 in Appendix B, page B-6)
 - Make a copy of the Elevation Certificate and give the original to the applicant.
 - File the application, Disclaimer, copy of the Elevation Certificate, copy of the map and title page, deed, and site plan in the Floodplain Use Permits Pending folder. (The various file folders for your office are listed in Appendix C and are included with this packet)
 - Instruct the applicant to return a properly filled out Elevation Certificate before you sign the Floodplain Use Permit. Without a signed Floodplain Use Permit, the property is not in compliance. You will probably have to sign off on the building permit at this time so the applicant can continue with the building permitting process. This means that if the applicant does not voluntarily bring the completed Elevation Certificate back to you in a timely manner, you may have to contact him and/or put him in violation. See Section 3 below.

C. Elevation Certificate:

Read Chapter 19 of the Handbook. Although your community is not required to maintain FEMA Elevation Certificates (ECs) for new construction, if your community participates in the NFIP, it must maintain nearly all of the information on the ECs. The EC is actually only required for the purchase of NFIP flood insurance, but it is a good idea to require that the completed EC be submitted to the community. When a property is in a numbered A zone or AE zone, a NM registered architect, engineer, or surveyor must fill out and sign Sections C and D of the EC to verify the elevation of the lowest floor. When a property is in an unnumbered A zone, the property owner may fill out and sign Sections E and F to verify the elevation of the lowest floor. If you, as the community Floodplain Administrator, choose, you may require that your office conduct a site inspection and sign Section G rather than allow the applicant to sign in Sections E and F to verify the elevation of the lowest floor.

When the EC is completed and returned to you, make sure that the EC indicates that the new construction is in compliance with the requirements of the ordinance. Sign the Floodplain Use Permit and give a copy of the Floodplain Use Permit, Disclaimer, map and title box, and the original EC to the applicant. Keep copies of all documents in the Floodplain Use Permits Approved folder. See Appendix B for model forms to use for these purposes.

If the EC indicates that the lowest floor is not at or above the BFE or otherwise in compliance with the ordinance, discuss this with the owner. Do not approve the Floodplain Use Permit. If the owner is not willing to bring the structure into compliance, begin a violation procedure.

D. Governing Body Approval

§ 3-18-7 NMSA 1978 states that Floodplain Use Permits must be approved by the governing body of the community (county commissioners or city council). After the EC has been returned and it has been determined that the new structure is in compliance with the ordinance, the Floodplain Use Permit can be signed by the CFM. The Floodplain Use Permit is then submitted as an agenda item on the next Commission or Council agenda and formally approved by them. In some cases, the governing body can put these approvals on a consent agenda along with other items. Unless there are some very peculiar circumstances involved, the governing body will normally trust that the CFM knows what he/she is doing and will not refuse to sign these permits. (Sample Commissioner Agenda Item on Form 9, Appendix B, page B-12)

E. Maintaining Records:

Maintain records on each Floodplain Use Permit issued. Your files should include a section containing a Log of all permits issued and a section where all Floodplain Use Permits and pertinent documents are kept. A comprehensive log in Excel format is included with this packet on the enclosed CD. A brief explanation of the log and how to use it is on page B-10 of Appendix B

3. Enforcement and Other Duties

A. Monitor development in floodplains:

Read Chapter 18 of the Handbook.

1. To make sure that non-permitted development is not taking place in floodplain areas, periodically inspect the floodplain areas in your community for new development.

First, you should be fairly familiar with the FP maps for your community and know where the flood hazard areas are. As you drive around the city or county, look at the floodplain areas shown on the maps. Any new structures, mobile homes, filling, excavation, fences, or other activity should be noted and investigated. The following is a list of the items you should be looking for:

- a. Residential structures not elevated to or above the BFE;
 - b. Non-residential structures not elevated or floodproofed to or above the BFE;
 - c. Signs of substantial improvement of structures – check for flood protection;
 - d. Structures with enclosures below the BFE – check the use of the space and/or the number of openings for the flow of flood water;
 - e. Mobile/manufactured homes; and
 - f. Other activities such as mining, filling, excavation, gas storage tanks, bridges, dams, etc;
2. When you find non-permitted development in a floodplain, require compliance with the Floodplain Ordinance. Start a violation procedure by talking to the builder or owner of the property, or by sending a violation letter to the owner of the property. In many cases the owner or builder will have no idea they are in a floodplain and will be willing to cooperate to bring the property into compliance.

B. Violations

1. To open a violation, a letter is sent to the property owner stating the nature of the violation and referencing the section of the FP Ordinance that pertain to the activity in violation. Violation letters (Sample letters 2 and 3 in Appendix A, pages A-4 and A-5) should be accompanied by:
 - a. A copy of the page from your ordinance that explains its authority, purpose, and jurisdiction;
 - b. A copy of the page from your ordinance that explains which requirement the activity is in violation of; and
 - c. A map showing the property in the floodplain.

The letter should instruct the owner to contact your office within a specific time (ie, 10 days) to discuss the steps to be taken to come into compliance. Start filling out the violation synopsis form (Form 5 in Appendix B, page B-8) and keep it in the front of your violation folder. Keep track of each step of the process (letters, phone calls, site visits, court appearances, etc) on this synopsis form so you always have a total picture of the case. This will be invaluable if you have to go to court.

2. If the owner contacts you, explain the reason for the ordinance and the minimum requirements for his property. If he agrees to modify the development to be in compliance with the ordinance, set a time schedule for completion that is agreeable to you and the owner. Send a confirmation letter (Sample letter 5 in Appendix A, page A-7). This will eliminate confusion in the future as the project continues.
3. If the owner does not respond within 10 days, you should send another letter (sample letters for this process can be found in Appendix A) from your community's attorney giving another 10 days to respond. This letter generally explains that no effort is made to contact the community, a criminal complaint will be filed in court. When there is no response from the property owner, file a complaint in municipal (cities, towns, and villages) or magistrate (counties) court stating the violation. Pursue the appropriate procedure through the court system. If compliance is not gained by this process, you have exhausted your capability to enforce your ordinance and a Section 1316 procedure is in order.
4. Sometimes the owner or developer will not return the EC to your office. Pursue this with the property owner as a violation (see example violation letter) and follow the above procedure.

C. State Buildings, Schools, etc.

There are several instances where your floodplain ordinance will not apply because the agency doing the construction is not subject to community ordinances. Such instances may include federal buildings such as post offices, state-owned buildings, university buildings and schools. You can still do things to ensure that these buildings are constructed in accordance with your floodplain management ordinance.

- For federal buildings, Executive Order 11988 sets minimum requirements for Federal agencies to follow when they build in the floodplain, fund projects in the floodplain or are otherwise responsible for floodplain development. The Order does not prohibit floodplain development. It requires agencies to “consider alternatives to avoid adverse effects and incompatible development in the floodplains.” If you are aware that a federal agency is going to build in a floodplain in your community, *IMMEDIATELY* contact the State NFIP Coordinator and FEMA Region VI to ask for assistance. With their assistance, you can be sure that the federal agency knows that the proposed building is in a floodplain. If they comply with EO 11988, the building will probably comply with your ordinance. *Read Chapter 24 in the Handbook.*

- For state buildings and schools, § 13-5-3 NMSA 1978 says, “A building that receives state appropriations for its construction or that is repaired or improved with state appropriations in an amount greater than fifty percent of the building's value before the repair or improvement shall comply with standards of the national flood insurance program and Section 3-18-7 NMSA 1978.” If a state-funded building, including a school, is proposed in a floodplain in your community, *IMMEDIATELY* contact the State NFIP Coordinator and FEMA Region VI to ask for assistance.

D. Section 1316

When all efforts to enforce the local floodplain ordinance have been exhausted, a Section 1316 is in order. Send a letter to FEMA, (Sample letter 6 in Appendix A, page A-8) stating that all local efforts to enforce the ordinance have failed and that you are requesting they file a 1316, which lists the property as uninsurable with the NFIP. The letter should include the name of the property owner and the mailing address, the property address of the violation and the legal description, and the nature of the violation. Include with the letter:

- Copies of the violation letters or citations,
- Elevation certificate,
- Criminal complaint,
- Court decision, and
- A copy of the FP map and panel information

E. Requests for Information

Even if providing floodplain information upon request is not required by your ordinance, it is a service that most Floodplain Administrators provide. The process is similar to reviewing a floodplain permit, but it requires less from the inquirer, and the response may be less formal. (Sample floodplain information Form 4 in Appendix B, page B-7).

In most cases these requests for floodplain information originate with a lending institution. They need to know:

- Is the property in a floodplain;
- Are the structures in a floodplain (if you have enough information to make that determination);
- The community and panel numbers of the FIRM or Floodway map;
- The effective date of the FIRM or Floodway map;
- The BFE for the property or structure; and
- If your community has an Elevation Certificate if the structure is in the floodplain.

If you determine that an existing structure is not in a floodplain, a completed information form with an 8½X11 copy of the pertinent portion of the floodplain map and title box should be provided to the inquirer. The information form and accompanying information is filed in the Map Information Forms Completed folder.

If your determination is that the structure is in a floodplain, the inquirer will also need an elevation certificate to submit to the lending institution. If this structure was permitted and had the proper floodplain review, you should have record of the building permit and elevation certificate. You don't necessarily need to get a copy of the completed EC from the owner for information requests, but having it on record makes your job easier in the long run.

F. Variances

Read Chapter 17 of the Handbook. Variances from the standards set by the floodplain ordinance may be granted but only when very unusual circumstances or proof of exceptional hardship exists. Since most governing bodies are not going to be professionals in the field of hydrology or floodplain management, variances should only be considered if technical information supports the request. Guidelines for the granting of Variances are published by the NFIP.

The governing body may serve as a Variance Board or they may designate a Variance Board in the ordinance. Any variance request is brought before this Board through the public hearing process. It must be on the agenda of a public meeting and advertised in a local newspaper in advance of the public meeting. During the public hearing, all evidence is presented to the Variance Board, and the applicant and the general public have a chance to comment. The final decision should be based on state law and NFIP criteria. It is a good idea to include the guidelines in Figure 17.1, page 17-5 of the *Handbook*, in the packet to the members of the Variance Board to help them make their decision.

G. Recording Floodplain Use Permits:

All of the information developed for Floodplain Use Permits, violations, map information requests, and variances should be kept track of on a log sheet. The sample log listed as Form 7 in Appendix B and found on the enclosed CD is one way to keep records of all the activities of the Floodplain Administrators office. By keeping this information in an Excel workbook format, you can easily make inquiries by name, address, legal description, date, etc simply by sorting your list by the category you want or have information about. Quick access to floodplain information will make your job a lot easier.

Appendix A. Sample Letters

- a. Letter to CID requesting that they submit building permits in floodplains to your office.
- b. Violation Letter – no FP use permit
- c. Violation Letter – no EC
- d. Attorney Letter
- e. Compliance Letter
- f. 1316 letter to FEMA.

Your Community's Letterhead

(Date)

Lisa Martinez, Director
Construction Industries Division

Santa Fe, NM

RE: Plan Review for Floodplain Management

Dear Ms. Martinez:

[COMMUNITY NAME] has recently adopted a local floodplain ordinance and joined the National Flood Insurance Program (NFIP) pursuant to Section 3-18-7 NMSA, 1978. We are now responsible for enforcing our flood ordinance in areas of special flood hazard.

In order for us to effectively enforce this ordinance, we must be able to review permits for new development before building permits are issued. The Construction Industries Division (CID) is the state agency responsible for issuing building permits in our City (County). Please consider this letter a request for CID to require a floodplain manager's signature prior to issuing a building permit in [COMMUNITY NAME].

Floodplain Administrator (Print)

Community Name

Phone Number

Floodplain Administrator's Signature

Community Mailing Address

Please let us know if we need to provide you with any more information. Thank you for your assistance.

Sincerely,

(Signature)

City/County Manager

Enc: Map of Community
Floodplain Use Permit (Sample)

Sample Letter 1 – Letter to CID.

Your Community's Letterhead

(Date)

(Name of Violator)
(Address)

RE: Floodplain Violation Case # _____
Address: _____
Legal Description: _____

Dear (Owner):

Our office has recently discovered that a structure has been placed on the above described property which is located in a mapped flood hazard area. A Floodplain Use Permit is required for the placement of structures in flood hazard areas within [COMMUNITY NAME] and we do not have record of such a permit for your property.

The [COMMUNITY NAME] Flood Damage Prevention Ordinance states:

Section 4.3.1 A development permit (Floodplain Use Permit) shall be obtained before construction or development begins within any areas of special flood hazard established in Article 3. Application for a Floodplain Use Permit shall be made on official forms furnished by the Floodplain Administrator.

Contact the [FLOODPLAIN ADMINISTRATOR] office within 10 days of the receipt of this letter to discuss the corrective action required. Our phone number is 555-6666.

Sincerely,

(Signature) _____
(Name), CFM
Floodplain Administrator

Sample Letter 2 – Violation Letter - No Floodplain Use Permit

Your Community's Letterhead

(Date)

(Name of Violator)

(Address)

RE: Floodplain Violation Case # _____

Address: _____

Legal Description: _____

Dear (Owner):

According to our records, Floodplain Use Permit #FP 96-7 was issued for the above mentioned property on March 13, 1996. An Elevation Certificate was included with that Permit. The Elevation Certificate has not been returned to our office for verification that the structure was constructed according to our floodplain ordinance.

The [COMMUNITY NAME] Flood Damage Prevention Ordinance states:

Section 5.2.1 Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this subsection as proposed in Section 4.3.1 are satisfied.

Contact the [COMMUNITY NAME] Planning and Zoning office within 10 days of the receipt of this letter to discuss the corrective action required. Our phone number is 555-6666.

Sincerely,

(Signature) _____

(Name), CFM

Floodplain Administrator

Sample Letter 3 – Violation Letter - No Elevation Certificate

Your Community's Letterhead

(Date)

(Name of Violator)

(Address)

RE: Floodplain Violation Case # _____

Address: _____

Legal Description: _____

Dear (Owner):

The [COMMUNITY NAME] Floodplain Administrator recently sent you a letter stating that you were in violation of the [COMMUNITY NAME] Flood Damage Prevention Ordinance and asking you to contact his office within 10 days of the receipt of the letter. We have received no communication from you in the past 10 days.

Contact the [FLOODPLAIN ADMINISTRATOR] office at 555-6666 within 10 days of the receipt of this letter to discuss the corrective action required. If we do not hear from you, this floodplain violation case will be referred to Magistrate Court for appropriate legal action.

(Signature) _____

(Name)

City (County) Attorney

Sample Letter 4 – Violation - Attorney Letter

Your Community's Letterhead

August 13, 2004

Joe Smith
(Address)

RE: Violation Case Number: FV2004-5
 Address: 22 Somewhere Road
 Legal Description: Y O Subdivision, Block 10, Lots 5, 6, &7

Dear Mr. Smith:

This letter is to confirm our conversation of August 3, 2004 when we discussed the above mentioned floodplain violation. You agreed to raise the lowest floor of the residential structure 1.0 feet so that it would be above the base flood elevation. I agreed that you should have 120 days to elevate the structure.

I will make a final inspection on February 20, 2005. If the property is in violation at that time, I will refer this case to the County Attorney for legal action.

If you have any questions please contact me at 555-6666. Thank you in advance for your assistance in the abatement of this floodplain violation.

Sincerely,

Mean Person, CFM
Floodplain Administrator

Sample Letter 5 - Compliance Letter

Your Community's Letterhead

August 20, 2004

Dolores LeVinus
FEMA Region VI
800 North Loop 288
Denton, TX 76201-3698

RE: Section 1316 Declaration

Dear Dolores:

The following structure has been declared to be in violation of the [COMMUNITY NAME] Flood Damage Prevention Ordinance for failure to elevate the lowest floor at or above the base flood elevation.

Owner: _____

Mailing Address: _____

Violation Address: _____

Legal Description: _____

Violation: _____

An Elevation Certificate has been provided to the City (County) that indicates that the elevation of the lowest floor is below the base flood elevation and the owner has refused to comply with the flood ordinance.

This case was pursued through Magistrate Court. The Court did not require compliance, therefore [COMMUNITY NAME] requests FEMA deny NFIP insurance for the structure pursuant to Section 1316, NFIP Act of 1968.

Sincerely,

(Signature) _____
[FLOODPLAIN ADMINISTRATOR], CFM
[COMMUNITY NAME] Floodplain Administrator

Encl: (include FP map and panel, violation letters or citations, criminal complaint, court's decision, EC

Sample Letter 6 – 1316 Letter to FEMA

Appendix B. Model Forms

The following forms are included in Appendix B. These forms are models to be adapted to the needs of the local community. All but the EC are in Microsoft Word format. The EC is in pdf. It should not be changed in any way as it is an official FEMA form.

Forms 1 and 2: Floodplain Use Permit Application

Form 3: Warning and Disclaimer

Form 4: Map Information Form

Form 5: Violation Synopsis Form

Form 6: Criminal Complaint (for Magistrate Court)

Form 7: Logs for Floodplain Use Permits, Violations, Map Information Requests, and Variances (This is an Excel file on the CD. It is not available in printable form.)

Form 8: Elevation Certificate (FEMA Form)

Form 9: Agenda Item for Council/Commissioners (Sample)

Except for the FEMA Elevation Certificate, you may tailor any of these forms to suit your community's needs and preferences. They are provided simply to give you ideas on how to create forms for these various purposes.

FLOODPLAIN USE PERMIT APPLICATION (Sample Form 2)

Application #: _____ Date: _____

TO THE ADMINISTRATOR: The undersigned hereby makes application for a Floodplain Use Permit. 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 _____ (city/county) Flood Damage Prevention Ordinance and with all other applicable city/county ordinances and the laws and regulations of the State of New Mexico.

_____ (Owner or Agent) _____ (Date)	_____ (Builder) _____ (Date)
_____ (Address)	_____ (Address)
Telephone # _____	Telephone # _____

1. Location: _____ ¼ _____ ¼, Section _____, Township _____, Range _____

Street Address: _____

2. Type of development

Filling _____ Grading _____ Excavation _____ Routine Maintenance _____

Minor Improvement _____ Substantial Improvement _____ New Construction _____

3. Description of Development: _____

4. Size of site: ft. x _____ ft. Area of Site: _____ sq. ft. Estimated Cost: \$ _____

Principal Use: _____

Accessory Uses (Storage, parking, etc.): _____

5. Addition or modification to existing use? Yes ___ No ___ Value of structure: \$ _____

6. Flood Zone: A ___ A1 – A30 ___ AE ___ AO ___ AH ___

7. Is development located within a delineated floodway? Yes ___ No ___

(IF ANSWERED "YES," CERTIFICATION MUST BE PROVIDED PRIOR TO ISSUANCE OF A FLOODPLAIN USE PERMIT THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE 100-YEAR (BASE) FLOOD ELEVATION.

8. Elevation/depth of the 100-year (Base) flood (Identify source if other than the FIRM): _____

9. Highest adjacent grade at the development site (natural ground): _____ MSL/NGVD

10. Lowest adjacent grade at the development site (natural ground): _____ MSL/NGVD

11. Required elevation/depth for lowest floor (including basement): _____ MSL/NGVD
12. Proposed elevation/height above grade for lowest floor (incl. basement): _____ MSL/NGVD
13. Other floodplain information (Identify and describe source):

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOD (INCLUDING BASEMENT) OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING WILL BE ELEVATED TO AT LEAST ONE FOOT ABOVE THE 100-YEAR (BASE) FLOOD ELEVATION (IF AVAILABLE) OR AT LEAST ONE FOOT HIGHER THAN DEPTH NUMBER ABOVE THE HIGHEST ADJACENT GRADE (IN AO ZONES), AND THAT IF THE DEVELOPMENT IS PROPOSED IN A DELINEATED FLOODWAY, THE DEVELOPMENT WILL CAUSE NO INCREASE IN THE 100-YEAR (BASE) FLOOD ELEVATION. ALL UTILITIES, APPLIANCES AND DUCTWORK SHALL BE ELEVATED TO AT LEAST ONE FOOT ABOVE THE 100-YEAR (BASE) FLOOD ELEVATION OR DEPTH NUMBER, OR BUILT OF WATER RESISTANT MATERIALS AND DESIGNED TO BE FLOODPROOF.

OR

THIS PERMIT IS ISSUED WITH THE CONDITION THAT ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING (INCLUDING ANY MANUFACTURED HOUSE) COVERED BY THIS PERMIT WILL BE BUILT ON COMPACTED FILL THAT IS AT LEAST AS HIGH AS THE 100-YEAR (BASE) FLOOD ELEVATION, AND THAT SUCH FILL WILL EXTEND AT LEAST TEN FEET FROM ALL WALLS OF THE BUILDING BEFORE IT DROPS BELOW THE 100-YEAR (BASE) FLOOD ELEVATION.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING (INCLUDING ANY MANUFACTURED HOUSE) WILL PROVIDE A COMPLETED FEMA ELEVATION CERTIFICATE BY A REGISTERED ENGINEER, ARCHITECT OR LAND SURVEYOR BASED ON "ACTUAL CONSTRUCTION" PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT.

Plans and Specifications Approved this _____ Day of _____, 20____

(Signature of Developer/Owner)

(Signature of Floodplain Administrator)

COUNTY COMMISSIONERS (CITY COUNCIL)

Action Taken ↑ Approved ↑ Denied Other _____

Commission Action Confirmed By: _____

Floodplain Administrator

Date

Sample Form 2 – Floodplain Use Permit 2 – Page 2

FLOODPLAIN INFORMATION FORM
[COMMUNITY NAME] Floodplain Management

Date _____

Re: Flood Insurance Rate Map (FIRM) or Floodway Map Information

Inquirer's Name: _____ Agency: _____

The property located at _____, more particularly described as _____

_____ is located on the following FIRM or Floodway Map:

Chaves County Community Number _____ Panel Number _____

Date of the FIRM or Floodway Map _____

The property is located in zone _____

The property / main building on the property:

is not located in a Special Flood Hazard Area.

is located in a Special Flood Hazard Area.

The base flood elevation at the property is _____, NGVD 1929

The base flood elevation at the property is _____ feet above the highest adjacent grade.

Federal law requires that a flood insurance policy be obtained as a condition of a federally-backed mortgage or loan that is secured for the buildings. Flood insurance is available in [COMMUNITY NAME].

The location of the buildings cannot be made on the map. A copy of the map is attached for your information.

Note: This information is based on a Flood Insurance Rate Map or Floodway Map of the [COMMUNITY NAME] area. The information on this form does not imply that the referenced property will or will not be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a flood greater than the 100 year storm or from a local drainage problem not shown on the map. This form does not create liability on the part of [COMMUNITY NAME], or any officer or employee thereof, for any damage that results from reliance on information contained on this form.

Copy provided to inquirer

Phone inquiry

Sample Form 4 - Map Information Form

[COMMUNITY NAME], NEW MEXICO VIOLATION SYNOPSIS

VIOLATION CASE NO: _____

VIOLATION ADDRESS: _____

LEGAL DESCRIPTION: _____

PARCEL NUMBER: _____

VIOLATION: _____

ALLEGED VIOLATORS NAME: _____

VIOLATOR'S DATE OF BIRTH: _____ S.S. # _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE NUMBER: _____

Floodplain map number: _____

Open date: _____

Close date: _____

Zoning District: _____

Building permits: _____

Prior cases: _____

7/27/04 Sent open letter. Response due 8/6/04, 10 days

8/3/04 Mr. Smith came in and we discussed the violation on his property. Mr. Smith agreed to begin to work on raising the floor of the residence so that it is 1.0 feet above the existing elevation. He has until February 20, 2005 to complete.

8/23/04 Sent confirmation letter.

Sample Form 5 - Violation Synopsis Form

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT

COUNTY OF [COUNTY]

State of New Mexico

No. _____

v. _____ Date filed: _____

Anthony R. Violator, Defendant

22 Somewhere Road, Community Name, New Mexico, Violation Address: 22 Somewhere Road

DOB:

SSN:

CRIMINAL COMPLAINT

CRIME: Violation of the Chaves County Flood Damage Prevention Ordinance, Section 5.2.1 Specific Standards for Residential Construction.

The undersigned, under penalty of perjury, complains and says that on or about November 4, 2003, in the County of Chaves, State of New Mexico, the above-named defendant(s) did:

Violate and continues to violate the Chaves County Flood Damage Prevention Ordinance by failing to elevate the lowest floor of a new residential structure to or above the base flood elevation and by failing to submit a certification by a registered professional engineer, architect, or surveyor.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

If Probable Cause Determination Required: _____

Probable Cause Found ___; Not Found ___
(If not found, complaint dismissed and defendant released)

[FLOODPLAIN ADMINISTRATOR] CFM

Date: _____

Approved:

Judge: _____

Title

This Complaint may not be filed without the prior payment of a filing fee unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required.

Sample Form 6 - Criminal Complaint (for Magistrate Court)

Form 7: Logs for Floodplain Use Permits, Violations, Map Information Requests, and Variances (This is an Excel file on the CD. It is not available in printable form.)

Floodplain Administrators are encouraged to look at the Excel file on the CD and use it.

NOTE: A digital log is an aid for organizing information. It may be useful in helping the Floodplain Administrator find filed material. However, it is not a replacement for paper files. Keep applications for floodplain use permits, the permits and all other correspondence in a paper file and use the digital log to help keep track of all paperwork.

The proper way to use it is:

1. Enter all appropriate information on the worksheet labeled "Master."
2. Enter all appropriate information on the other tab that is appropriate to the inquiry or action by the Floodplain administrator.

The Excel worksheets can be sorted by simply clicking on a field and sorting on that field. This will enable the Floodplain Administrator to see if, for example, there are a lot of inquiries on a particular piece of property (by sorting by address) or if there are a lot of inquiries by a particular real estate agent, lender or insurance agent.

It will also make it relatively easy to find a particular Floodplain Use Permit.

NOTE: The Excel© file provided is larger and more complex than most communities will need. The Floodplain Administrator should modify it as needed to fit his/her community's needs. It is provided to give you an idea of how to set up a computer file to help keep track of floodplain management documents.

Some Floodplain Administrators may prefer to keep computer records in an Access© file or some other database or spreadsheet form.

Form 8 – FEMA Elevation Certificate

A copy of the FEMA Elevation Certificate (EC) is inserted in the inside pocket in the back of this packet. It is also provided on the CD in Adobe© Acrobat© so that you can print copies.

AGENDA ITEM: _____ Consent Item-Floodplain Use Permits

MEETING DATE: _____

STAFF SUMMARY REPORT

ACTION REQUESTED BY: _____ Department and/or Floodplain Administrator

ACTION REQUESTED: _____ Consent Item - Approve Floodplain Use Permits

ITEM SUMMARY: State Statute 3-18-7 NMSA, 1978 as amended, which is the Statute that gives local communities the authority to adopt floodplain management ordinances, was revised by the Legislature in 2001. The Statute now requires that every floodplain use permit issued by a local floodplain manager be approved by the local governing body.

Chaves County has had a flood ordinance since 1983 and I am the floodplain administrator for the County. I have issued FP Permit #2003-9 to (Property owner) for a new residence at (Property address) and FP Permit #2004-1 to (Property owner) for a manufactured home at (Property address). The elevation of the finish floors meet or exceed the minimum requirements of our local Flood Damage Prevention Ordinance No. 9 and the National Flood Insurance Program regulations.

Staff recommends approval of Floodplain Use Permits FP 2003-9 and FP 2004-1.

SUPPORT DOCUMENTS: Floodplain Use Permit No. FP 2003-9, Site Plan, Floodplain Map; Floodplain Use Permit No. FP 2004-1, Site Plan, Floodplain Map.

SUMMARY BY: _____ [Floodplain Administrator] CFM

TITLE: _____

Sample Form 9 - Agenda Item for Council/Commissioners

Appendix C. File Folders

A set of file folders with the following labels is inserted in this notebook.

- a. Floodplain Use Permits (forms) (This folder will contain all the blank Floodplain Use Permit applications)
- b. Warning and Disclaimer (forms) Blank warning and disclaimer forms
- c. Elevation Certificates (forms) Blank elevation certificates
- d. Map Information (forms) Blank map information forms
- e. Violation Synopsis (forms) Blank synopsis forms
- f. Floodplain Use Permit Log (This log can be as simple or as detailed as you want it to be. The sample log is an Excel workbook with several sheets. Each sheet is set up to record different information, i.e., use permits, violations, court cases, etc.)
- g. Violation Log (included in the Excel workbook)
- h. Floodplain Use Permits Pending (permit applications that have been submitted, along with other required information, and are waiting the return of the elevation certificate are kept in this folder until the EC is returned and any inspection that is required has been done. Once the completed EC is returned and any inspection is made, the application package can be moved to the Floodplain Use Permits Approved folder.
- i. Floodplain Use Permits Approved (includes completed and signed Floodplain Use Permit form, Disclaimer, floodplain map (could be an 8½X11 copy of the portion of the map that shows the project and an 8½X11 copy of the title box of the map), site plan, deed to the property, completed and signed elevation certificate, receipt for payment, etc)
- j. Violations (active) (this would be a file drawer with folders for each violation. Each violation folder would contain pertinent info for all active violations including the original letter to the violator, a floodplain map of the property, copies of any correspondence regarding the violation, and a synopsis form where each step of the violation process is accurately recorded. The synopsis is essential for any case that goes to court.)
- k. Violations (resolved) (as violations come into compliance, the above violation folders are moved to this file drawer. Each of these violation folders should also contain a letter to the violator stating that the violation is abated and a final statement on the synopsis and should be entered into the log. The violations log should have a place to note if a violation is active or resolved and the date of resolution)
- l. Map Information Forms Completed (After information about a property has been researched and recorded on the map information form, along with FP maps and other information about the property, and copies have been given to the person requesting the information, these forms and attached information is kept in this folder. Keeping track of each form on a log sheet makes for easy reference as other requests for floodplain information comes in)

- m. Section 1316 (contains all records pertaining to 1316 processes. Hopefully you won't have anything in this folder)
- n. Correspondence (Most of the correspondence will be kept in other folders such as violations, fp use permits, etc, but at times you may correspond with FEMA, NFIP, NMFMA, DPS, or other person or entity and want to keep record of it.)
- o. LOMR/LOMA (All LOMRs and LOMAs pertaining to your community floodplain maps should be on record in your office. These are areas that were once in the floodplain and now are not because technical information has taken them out. You need to check this folder when you make a flood determination for a use permit or information request)
- p. FIRMS, Floodway Maps, FIS (There should be a place in your file cabinet for your ordinance, flood insurance study (if you have one), and the maps of your floodplains)
- q. Ordinance (see above)
- r. Variances and Log (Variances are approved by the governing body or special committee designated by your ordinance as the authority for making these decisions. All information regarding each variance case should be kept in this folder or file drawer including letters, public ads, meeting agendas, technical information, decisions by the governing body, etc. The log for variances is on one sheet of the Excel workbook)

Appendix D. The Compact Disk (CD)

1. *Handbook for New Mexico Floodplain Managers*. This 400+ page manual is a major resource for New Mexico floodplain managers. It explains floodplain management, the National Flood Insurance Program, flood hazard mitigation and much more. The entire *Handbook* can be printed from the Adobe© Acrobat© files, or individual chapters can be printed.
2. *Ready Reference*. This companion to the Handbook is a condensation of the most common issues a community floodplain manager deals with on a day-to-day basis. 32 pages.
3. MS Excel© file – Log for Floodplain Management Activities.
4. Setting Up a Floodplain Management Office. See the instructions on page 9 of this packet.
5. NMFMA Constitution and Bylaws. See what NMFMA is all about and how it operates.
6. *Floodplain Management in New Mexico: A Call for Action*. A discussion of the status of floodplain management in New Mexico, our most immediate needs, and the actions needed to be taken by the NMFMA, community floodplain managers, communities, the New Mexico Legislature, state and federal agencies and others. Revised from the earlier version. 28 pages.
7. *A History of Floods and Flood Problems in New Mexico*. A compilation of the history of flooding and flood problems in New Mexico taken from Flood Insurance Studies, plus a transcript and related documents from a 1941 flood task force meeting in Santa Fe. 30+ pages.

