



# KANSAS



## ***FLOODPLAIN MANAGEMENT NEWSLETTER***

**January 2009**

### **UPDATING LOCAL FLOODPLAIN MANAGEMENT REGULATIONS**

All communities participating in the National Flood Insurance Program that have special flood hazard areas and have adopted regulations to meet or exceed the minimum standards of NFIP, regulating development in identified special flood hazard areas. To continue to meet this requirement a community will need to update floodplain management regulations from time to time.

The minimum standards are found in the Code of Federal Regulations (CFR) Title 44 [Part 60](#). The DWR, with FEMA, has developed model ordinances for communities to use to help them identify the minimum standards required for their specific floodplain management needs. The State of Kansas has adopted higher regulatory standards, pursuant to K.S.A. 12-766, that exceed the minimum NFIP standards. An example of a higher regulatory standard is the requirement that nonresidential development be elevated or floodproofed to a level at or above one foot above the base flood elevation. A guidance document for the development of higher regulatory standards in line with the principles of No Adverse Impact™ has also been developed and is available from DWR.

The Code of Federal Regulations and the Kansas Statutes Annotated have both had changes made to them over the years. The Kansas Administrative Regulations, K.A.R. 5-44-1 through 5-44-6, changed most recently in 2007. The older a community's ordinance, the more likely it is that the ordinance is not in compliance with the federal regulations or state statute. Some of the most common problems seen with ordinances involve definitions that are not included, citing statutory authority from a repealed statute, and requiring flood protection levels that do not meet the higher regulatory standards required by State of Kansas.

Another reason to update an ordinance is that a community may be getting new Flood Insurance Rate Maps (FIRM). When there is a new FIRM, the local jurisdiction is required to adopt the new map through a new ordinance. Last year, 56 different jurisdictions in Kansas adopted new floodplain management resolutions or ordinances.

Staff at DWR has model ordinances designed as fill-in-the-blanks documents. These models can be filled out easily and sent by email. The model ordinances have optional standards above the minimum requirements at the end. The higher standards can be used depending on the needs of individual communities. To request a model ordinance or to find out if an ordinance update is needed in your community contact Steve Samuelson, 785-296-4622 or [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov).

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## **What is a Residential Floodproofed Basement?**

Recent media coverage has prompted a lot of questions to be asked about residential floodproofed basements. Many homes with basements were damaged in the special flood hazard areas of Chapman during the tornado in June of 2008. Media accounts were not clear on all of the details of the residential basement floodproofing program. Here's an explanation of when, where and how a basement can be floodproofed.

First, a community must ask for a basement exemption from the FEMA Regional Office and the entire community must meet three requirements: Flood depths must not exceed three feet, the velocity of the flood water must not be more than five feet per second and flood warning times must be at least twelve hours. If a community meets these criteria, the regional office may seek approval for the exemption through FEMA headquarters. *In Chapman this will have to be evaluated on a lot by lot basis. Each person who wants to have a basement must submit survey information to prove the flood depths will be less than three feet.*

Residential basements can only be in Zones A1-A30, AE, AO, and AH. The structural floodproofing requirements are: the basement walls are watertight without human intervention; the walls will withstand collapse; and the floor at the base of the floodproofed walls will resist flotation. The structural aspects of basement floodproofing must be certified by a professional engineer on FEMA form 81-65.

The floor of the basement cannot be more than five feet below the base flood elevation. In an example where the water surface elevation of a 1% annual chance flood is two feet deep or two feet higher than the existing grade, the floor of the basement cannot be more than three feet below grade. Another requirement is that the foundation have compacted dirt against the foundation wall up to the level of flood proofing to create positive drainage. In Kansas, the flood protection level is one foot above the base flood elevation. Specific language outlining the basement exemption requirements can be found in the Code of Federal Regulations, C.F.R. 60.6 ( c).

In looking at the situation in Chapman it is unlikely any one will be able to keep an existing basement. Even though the city has requested from FEMA to be enrolled in the residential basement floodproofing program the existing basements were built as foundations to set houses on and not built to be watertight. The typical basement in Chapman is between five and six feet below grade and would be too far below the base flood elevation. Most of those basements have window wells at or slightly below grade.

In the State of Kansas there are ten communities that have approval for residential floodproofed basements. Those Kansas communities that have a basement floodproofing program are Chapman, Colwich, Derby, Great Bend, Halstead, Lindsborg, Rossville, Salina, Saline County, and Sedgwick. The list can be found in the special certifications section of the flood insurance manual.

Any community that would like additional information about residentially floodproofed basements can contact the Steve Samuelson at 785-296-4622 or Tom Morey at 785-296-5440.

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## The Affect of Map Changes on Insurance

A number of counties in Kansas are in the process of getting new digital flood insurance rate maps (FIRM). Other counties will be scheduled for such maps in the future and some areas have already been provided with new maps. Changes in special flood hazard areas from a previous map to a new map can affect property owners.

If a property was in Zone A on a previous map and is still in Zone A as shown on a new map there is no change in flood insurance for that property. If the property is shown as being in Zone A on the older map but is shown as a Zone X area on the new map then the property owner may be able to request a refund of premiums for up to two years. If flood insurance has been required by a lending institution this would require approval of the lender. A better option would be to convert the policy from a Zone A policy to a Zone X policy and use the refund to prepay the Zone X policy for a number of years in advance.

In some cases a property will not be in Zone A on a previous flood map but will be shown as being in Zone A on a new map. It is likely that if the property has a federally backed loan the lender will require the property owner to buy flood insurance when the new map becomes official.

One option for a property owner in the above situation is referred to as “grandfathering”. If a policy is obtained prior to effective date of the map change, the policy holder is eligible to maintain the prior zone and base flood elevation for insurance rating purposes as long as continuous coverage is maintained. The policy can even be transferred to a new owner if the property is sold. This could lower insurance premiums dramatically.

If a property owner has a preferred risk policy prior to the map change taking place the policy will not be renewed as a preferred risk policy. Preferred risk policy is not allowed in zone A. The preferred risk policy will be converted to the policy for the zone it was in prior to the map change.

Dean Ownby is an insurance specialist with FEMA Region VII in Kansas City, Missouri. Dean helped us with some calculations based on a \$150,000 home in a Zone X that is shown in Zone A because of a map change. If a property owner buys insurance the day after the new maps go into affect the flood insurance premiums will total \$6,525 over the next five years. The cost of the same amount of insurance if purchased immediately before the new maps go into affect is \$3,470 over a five year period. Over a period of five years the property owner will save \$3,055.

With those kinds of savings possible it is important to make this information available to the public. It is especially important in communities getting a new flood map. Contact Steve Samuelson email: [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) or phone 785-296-4622 to request flyers that explain more of the details of reimbursement of premiums, conversion, or grandfathering.

Want a Quick Quote on Flood Insurance?

Visit <http://www.floodsmart.gov/floodsmart/> and type an address in the pink box on the left hand side of the page. Click on the “go” button. The next page will provide you with the flood risk and estimated premium. From there you can get a detailed premium or the name of an insurance agent.

## Training Opportunities

The Floodplain Management Program will host the following training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at (785) 296-5440 or Steve Samuelson at (785) 296-4622.

### Basics of the National Flood Insurance Program

This is for officials responsible for administering their local floodplain management ordinance. The focus is on the NFIP and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance.

Abilene-Apr. 8, 2009, 8:00am-12:00pm

Hutchinson-Apr. 9, 2009, 8:30am-12:30pm

### Residential Substantial Damage Estimation

The Kansas Division of Water Resources and FEMA are working to make available the class Residential Substantial Damage Estimation (RSDE). This is a field deployed course that brings FEMA instructors to Kansas. RSDE is the tool used to quickly determine if a property has been substantially damaged. FEMA's RSDE Estimator Program software is used to answer the question "Do we have any substantially damaged structures?" Students in the class will learn how to use the software and the check lists used for field data collection purposes. Because disasters can happen at any time and any place every community official should become familiar with RSDE. A community official who may not be hands on using the software should still have knowledge of how RSDE is used. The community official may need to explain substantial damage and RSDE to constituents. If you are interested in this class watch for a future announcement about the exact dates and location.

How to Read A Flood Map This class is being offered in cooperation with Kelly Dixon and the Kansas Association of Floodplain Managers. Class will be on February 17, 2009 in Wichita. Contact a KAFM officer or visit <http://www.ekafm.org> for details.

**Registration for this class is through KAFM and not DWR.**

Division of Water Resources has a newsletter called "Currents"  
[http://www.ksda.gov/appropriation/ mailing\\_list/id/68](http://www.ksda.gov/appropriation/ mailing_list/id/68)

Mark your calendar. The Kansas Association for Floodplain Management 2009 conference will be September 2 and 3 at the Guest House Inn in Emporia. Contact Jon Bristor, Treasurer, 110 E. 10<sup>th</sup> Street, Wellington, KS 67152, (620) 326-2207, for registration information.

Kansas Department of Agriculture  
Division of Water Resources  
Floodplain Program  
Training Registration Form

Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Name, date and location of training you will attend \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Please share this invitation with anyone else who could benefit from the training.  
\*\*Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE  
FLOODPLAIN MANAGEMENT PROGRAM  
109 SW 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
TOPEKA, KS 66612-1283  
Fax to: (785) 296-4835

If you have questions about training, please contact Steve Samuelson at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) or (785) 296-4622, or Tom Morey at [tom.morey@kda.ks.gov](mailto:tom.morey@kda.ks.gov) or (785) 296-5440.

Please help us keep our records up to date. If the name that appears on this newsletter is for an individual no longer with your organization, please call (785) 296-5440, or send an e-mail to [tom.morey@kda.ks.gov](mailto:tom.morey@kda.ks.gov) to report the change.

046-08  
Kansas Department of Agriculture  
Division of Water Resources  
Floodplain Management  
109 SW 9th Street 2nd Floor  
Topeka KS 66612-1283

**Funds available to attend the ASFPM June 7-12, 2009 National Conference in Orlando, FL**

The 2009 ASFPM National Conference “*Green Works to Reduce Flood Losses*” will be June 7-12, 2009 in Orlando, Florida. This conference is an excellent opportunity for Kansas floodplain managers to receive premier training on mapping technologies, adopting new flood hazard maps, and to discuss topics directly related to mapping and Map Modernization. The conference will be attended by over 1,000 floodplain management professionals and officials.

To help you attend this important event, Kansas is making funds available to defray your costs. Funds will be available through FEMA’s Map Modernization Management Support grant and will provide up to \$1,200 each for 10 community officials.

If you are interested in attending the conference and would benefit from financial assistance, please contact Tom Morey at [tmorey@kda.state.ks.us](mailto:tmorey@kda.state.ks.us), or (785) 296-5440. Application forms are being sent out to those that have already expressed an interest and spots are still available. Assistance awards will be granted on a first-come, first-served basis.

**KDA/DWR Water Structures  
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