

# KANSAS

## FLOODPLAIN MANAGEMENT

### NEWSLETTER



December 2012

#### Be Prepared: Get Your Storm Ready Community

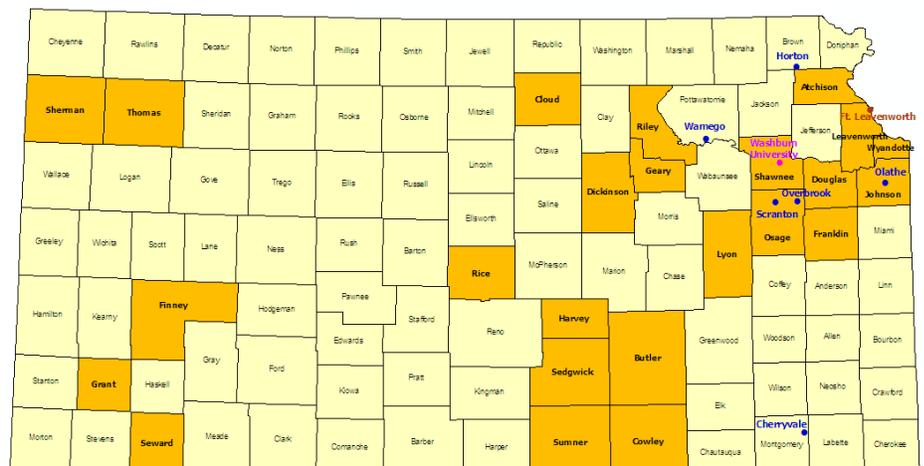
Kansas experiences many types of severe weather including floods, tornados and blizzards. These weather events, which are not always predictable, can be potentially deadly. Communities can take proactive steps to be prepared. The National Oceanic and Atmospheric Administration's (NOAA) National Weather Service's StormReady program helps communities nationwide guard against weather extremes.

The StormReady program gives communities the skills and education needed to survive severe weather – before and during the event. The NOAA National Weather Service helps community officials, floodplain managers and emergency managers strengthen their local hazardous weather operations through the StormReady program.

Being StormReady does not mean storm proof. StormReady communities are better prepared to save lives from the onslaught of severe weather through better planning, education and awareness. Communities have fewer fatalities and property damage if they plan before dangerous weather arrives. No community is ever storm proof, but the StormReady program can help communities plan and prepare for severe weather.

The entire community – from the mayor and emergency managers, to business leaders and civic groups – can take the lead on becoming StormReady. Local National Weather Service forecast offices work with communities to complete an application and review process. To be recognized as StormReady, a community must establish a 24-hour warning point and emergency operations center, have more than one way to receive severe weather warnings and forecasts and to alert the public, have a system that monitors local weather conditions, promote the importance of public readiness through community seminars and develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises.

For information on enrolling your community in the StormReady program visit the NOAA National Weather Service web page <http://www.stormready.noaa.gov/howto.htm>. Look for a StormReady sign on public buildings in your community. Talk to the emergency management coordinator for your community. Every community in Kansas should consider becoming StormReady.



Map of Storm Ready Communities in Kansas shown in yellow.

#### In this newsletter...

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## **Aggregate Stockpiles in a Floodplain**

Administrative regulations for aggregate stockpiles in floodplain areas are contained in K.A.R. 5-45-19 thru 23. These regulations concern unconsolidated material storage stockpiles (UMSS), also called aggregate stockpiles, in floodplains and floodways. An example of a UMSS would be the sand piles and associated safety berms for aggregate mining operations.

The administrative regulations describe the permitting process for aggregate stockpiles and grandfather some older existing stock piles. An exemption is made, at the state level, for the temporary storage (9 months or less) of materials related to stock piles from batch plants, dirt farms, and construction projects. The regulations do not exempt aggregate stock piles from local floodplain management regulations. There is a little bit of a conflict between requirements under the National Flood Insurance Program (NFIP) and the Kansas regulations. The NFIP requirements do not allow for development to exist for 9 months without a permit.

Any development in a floodplain will need a floodplain development permit from the community under National Flood Insurance Program (NFIP) requirements. Floodplain managers will want to find out if a stockpile should be permitted or may be grandfathered under the state level before issuing a local floodplain development permit. A community official can make a permit determination request, on behalf of the property owner, by contacting Jean Darrah, Kansas Department of Agriculture, Division of Water Resources, 109 SW 9<sup>th</sup> Street, 2<sup>nd</sup> floor, Topeka, KS 66612, email [jean.darrah@kda.ks.gov](mailto:jean.darrah@kda.ks.gov) or phone 785-296-2855. Include as much information as possible about the location, age, and condition of the development in question.

## **Community Rating System Changing and Growing**

The Community Rating System (CRS) is a program that awards points to creditable activities in floodplain management. Communities earn points that translate into flood insurance premium discounts for citizens. In addition to the premium discounts, the CRS program also makes communities safer and more disaster resilient.

The CRS program is undergoing revisions. Changes to CRS can be read online at <http://www.crs.2012.org/>. Communities interested in joining the CRS program can learn details about the creditable activities by viewing the draft manual. Communities already in the CRS program should read the draft manual to find out how they may need to revise their local program for CRS in the future.

There are currently thirteen Kansas communities in the CRS program. Communities at class 9 have earned a minimum of 500 points to enter the first level of the program. Every additional 500 points that a community earns is an increase in level. The following communities are active in the CRS Program:

City of Ellis class 9	City of Lyons class 9
Harvey County class 9	City of Olathe class 8
City of Lansing class 8	City of Overland Park class 8
City of Lawrence class 7	City of Shawnee class 8
City of Lenexa class 8	Shawnee County class 9
City of Lindsborg class 8	City of Wamego class 9
Lyon County class 9	

Contact Steve Samuelson at 785-296-4622 to ask about CRS for your community. A Community Assistance Visit (CAV) is required to start the CRS application process. A CAV is an audit of the community's floodplain management program. Once a CAV is successfully completed, there is a CRS Specialist to contact for the State of Kansas working for the Insurance Services Office. Christina Groves is the CRS Specialist and can be reached at 270-338-1930 or [Christina.Groves@iso.com](mailto:Christina.Groves@iso.com).

## **Mitigated Open Space in Two Communities**

One of the main goals of the Kansas Hazard Mitigation Strategy has been to remove structures from high risk flood areas. The Kansas Division of Emergency Management (KDEM) manages the Hazard Mitigation Grant Program (HMGP) in Kansas for the Federal Emergency Management Agency (FEMA). Using HMGP and state and local matching funds KDEM has been involved in buying out properties from the special flood hazard areas across Kansas. There have been 1,451 voluntary property buy outs in Kansas. Structures that were at high risk to flooding were removed and the property owners were given funds to rebuild in a safer location. Once a property is purchased, the land is turned over to the local jurisdiction to manage as open space. It would be impossible for KDEM or FEMA to keep track of 1,451 properties spread out all over Kansas.

The requirements for open space are often spelled out on the deed for the property. The deed restrictions have language that says that the property should be maintained as open space to preserve natural floodplain functions. No new buildings or improvements are allowed. No paved parking areas can be permitted. There are some exceptions. One exception is for a public restroom in a park. Another type of exception is for a public facility that is open on all sides and related to the open space use, such as a picnic shelter.

In the City of Strong City properties were damaged in 1998 flooding. There was a mitigation grant to buy out those properties. The city clerk's office has been managing those properties for the past 14 years. There is a list of all of the mitigation grant buyout properties in Strong City that is kept with their flood map. The City of Strong City is currently drafting a zoning map that will also show those properties as required open space. The properties are all currently managed as open space. One open space property has been leased and a nursery company keeps garden bedding plants there.

Another Kansas community also has mitigation grant buyout properties. The original homes on these properties were flooded in 1993. Those properties were part of a mitigation grant buyout, just as it was done in Strong City. The community was required to manage the properties as open space. The community leased some of the mitigation buyout land for the purpose of an outdoor recreational area to hold go kart races. In the beginning there was just an oval mud track with open bleachers to watch the races and portable restrooms.

At one point, the lease holder received a donation of building materials and decided to erect buildings on the land. The signed lease said "no buildings." The lease holder contacted the community but went forward with putting up the buildings without waiting for a permit. An office, concession stand, ticket booth, storage building, garage and a tower for watching races were built. The buildings, except for the tower, were all built at grade without being flood protected on the land that was required to remain as open space.

Allowing buildings on a mitigated open space property is a violation of the mitigation grant program agreement the community made and also the floodplain management requirements for the community under the National Flood Insurance Program (NFIP). The buildings were there for a number of years before being discovered in a Community Assistance Visit (CAV) by staff from Division of Water Resources (DWR). Notice was given to KDEM and to FEMA. The community was required to remove all of the buildings.

Floodplain managers should be aware of any mitigation grant buyout properties in their jurisdictions. Those who are unsure about any mitigation grant properties should contact the Emergency Management Coordinator for their county. In one case, a community official searched deed records to find out about buyouts in his jurisdiction. You may also ask KDEM about buyouts in your community.

The intended purpose of these mitigation buyout properties is for open space. Do not allow uses on them that would jeopardize your community's standing in the NFIP. It is suggested that communities have procedures in place for managing mitigation buyout properties. The City of Strong City has a simple system that works well for them. In communities with Geographic Information Systems (GIS) computer mapping of the mitigation parcels could be tagged so that all departments using the GIS map would be aware of the properties.

## 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. A training registration form is in this newsletter.

### **Post Flood Responsibilities**

This free class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, Increased Cost of Compliance and violations. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Iola - Feb. 27, 2013 8:30 a.m.-12:30 p.m.

### **Elevation Certificates and Letters Of Map Amendment**

This free class is designed for community officials responsible for administering floodplain management as well as surveyors and engineers who complete Letters Of Map Amendment (LOMA) and Elevation Certificate forms. The course will focus on accurate completion of Federal Emergency Management Agency (FEMA) technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Emporia - Feb. 12, 2013 8:30 a.m.-12:30 p.m.

### **Basics of the National Flood Insurance Program**

This class is for officials responsible for administering their local floodplain management ordinance. The focus is on the National Flood Insurance Program (NFIP) and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Ellsworth– Jan.15, 2013 8:30 a.m.-12:30 p.m.

We have a new Federal Emergency Management Agency contact for Kansas. Georgia Wright has been assigned to be our State Specialist. Georgia can be reached at [Georgia.Wright@fema.dhs.gov](mailto:Georgia.Wright@fema.dhs.gov) .

Email saves money on postage. The electronic newsletter also has additional attachments, website links and the photos are in color. For those who are receiving this newsletter by postal mail and would prefer email please contact Steve Samuelson at [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov).

Free online training is now available on many floodplain management topics. The training is a part of the Risk MAP program through FEMA and the STARR Training Center. An announcement about the trainings is attached to the email version of this newsletter.

Mark your calendar. The Kansas Association for Floodplain Management 2013 conference will be September 4 and 5 in Topeka. More information will be posted at the website [www.kafm.org](http://www.kafm.org). Registration will be available at the KAFM website. If you have questions about registration please contact Jon Bristor, Treasurer, at 620-326-2207.

**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: 785-296-1176

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

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-4622, or send an e-mail to [steve.samuelson@kda.ks.gov](mailto:steve.samuelson@kda.ks.gov) to report the change.

046-17  
Kansas Department of Agriculture  
Division of Water Resources  
Floodplain Management  
109 SW 9th St 2nd Floor  
Topeka, KS 66612-1283

### **ASFPM 2013 National Conference in Connecticut**

The 2013 Association of State Floodplain Managers National Conference will be June 9-14, 2013 in Hartford, Connecticut. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices. It is estimated the conference will be attended by more than 1,000 floodplain management professionals. This conference is great chance to network with other professionals and to learn the latest news in floodplain management. Funds may become available to subsidize attendance at this conference. Contact Tom Morey to inquire about scholarships to the ASFPM conference at 785-296-5440.

### **KDA/DWR Water Structures Floodplain Program Staff**

Tom Morey, CFM, RS, NFIP Coordinator	785-296-5440	<a href="mailto:tom.morey@kda.ks.gov">tom.morey@kda.ks.gov</a>
Erika Stanley, CFM, Floodplain Mapping Coordinator	785-296-2513	<a href="mailto:erika.stanley@kda.ks.gov">erika.stanley@kda.ks.gov</a>
Steve Samuelson, CFM, NFIP Specialist	785-296-4622	<a href="mailto:steve.samuelson@kda.ks.gov">steve.samuelson@kda.ks.gov</a>
Dane Bailey, Flood Hazard Identification Manager	785-296-7769	<a href="mailto:dane.bailey@kda.ks.gov">dane.bailey@kda.ks.gov</a>

Mailing Address:  
109 SW 9<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1283  
Fax: (785) 296-1176

[www.ksda.gov/dwr](http://www.ksda.gov/dwr)