

# KANSAS

## FLOODPLAIN MANAGEMENT

### TIPS



June 2019

#### Don't Fence Me In

Privacy fences are a popular project for homeowners across Kansas. An apocryphal saying quoted by Robert Frost in his classic poem "Mending Wall" states that "good fences make good neighbors." However, improperly built fences in the floodplain can push water onto nearby properties and disrupt neighborly relationships.

The process of installing a fence represents a "man-made change to improved or unimproved real estate" covered by the definition of "development" in 44 Code of Federal Regulations (CFR) 59.1. Therefore, it requires a floodplain development permit. If you are using the Kansas Dept. of Agriculture-Division of Water Resources (KDA-DWR) sample permit, check the "Other" box and use the blank space to briefly describe the fence project.

Since privacy fences are not considered fill, they will not require a state permit from KDA-DWR. Fill is considered to be rock, rubble, or soil, and placement of these materials in the floodplain does require a state permit. Privacy fences will only need a local floodplain development permit from the community to document the development.

To limit the amount of debris in floodwaters, fences in the floodplain must be adequately anchored to resist flotation and be constructed of flood-resistant materials. However, they do not to be elevated in the manner of a structure and can be built at grade.

Fences in the floodway can be an especially challenging issue. Property owners often ask if they require a "no-rise" certification in addition to local and state permits. The Federal Emergency Management Agency (FEMA) 480 manual states that "Barbed wire farm fences that will be pushed over or ripped out early in the flood may also be permitted without a [no-rise] certification; however, larger more massive fences could be an obstruction to flood flows and may require an engineering study and certification." For instance, a chain-link fence may seem easily permeable to the flow of

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*Above: This privacy fence in the Special Flood Hazard Area (SFHA) needs a local floodplain permit and potentially a state floodplain permit.*



*Above: This fence became an obstacle to the conveyance of water.*

## **Don't Fence Me In (cont.)**

water. However, just as the air filter in a car engine or air conditioner can quickly become clogged in dusty conditions, a chain-link fence can easily trap debris during a flood. This creates an impromptu dam that can cause a damaging increase in upstream water surface elevations. Therefore, even chain-link fences can only be constructed in the floodway if an engineer's encroachment analysis provides a "no-rise" certification.

Another aspect of fences to keep in mind is the potential for privacy fences to block views of violations. It is important to be sure that property owners don't take advantage of hidden areas to build non-compliant structures. However, it is also important to avoid violating property owners' Fourth Amendment right to be protected from unreasonable searches. One way to streamline the inspection process is to stipulate consent to inspection as a condition of having a permit or variance approved.



*Above: Fences, like sheds, often appear in the floodplain without proper permits. It is a good idea to publicize your community's permitting requirements to avoid surprises.*

## **Flood Insurance for Renters**

A recent National Public Radio story highlighted the hardship faced by a Houston-area renter in the wake of Hurricane Harvey. Challenges have occurred for renters here in Kansas, as well. The fall 2018 floods along Wildcat Creek in Manhattan inundated the parking lot of a large apartment complex. Another apartment complex in Manhattan will be acquired through a Hazard Mitigation Assistance Grant later this year. For many tenants, the possessions in their rental property represent their most valuable investment. However, most standard renters' insurance policies do not cover damage to contents from flooding.

National Flood Insurance Program (NFIP) policies provide up to \$100,000 in coverage for contents of a rental property. Renters should also be aware that landlords are not required to disclose flood hazards to prospective tenants. It is a good idea to use the [Kansas Current Effective Map Viewer](#) or the [FEMA Map Service Center](#) to check the status of a property before signing a lease. This is especially critical for students, military personnel, and others who may be moving to an area for the first time and may not be familiar with local flood patterns.

Even renters of properties not located in a Special Flood Hazard Area can protect their possessions with a preferred-risk policy. More information is available from FEMA's [PRP brochure](#). To purchase flood insurance, contact your local insurance agent.



*Above: Water approaches apartment homes in Manhattan during the Labor Day 2018 flood event (courtesy City of Manhattan).*



## **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 Martin Koch at 785-296-0854 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

### **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. Provides 3.5 hours Continuing Education Credit (CEC) toward the Certified Floodplain Manager (CFM) credential. Limited to 20 participants.

- **S. Hutchinson—Tuesday, June 4th, 2019 from 8:30 a.m.—12:30 p.m.**
- **Lawrence—KAFM Conference (visit [www.kafm.org](http://www.kafm.org) for details)**

### **Violations and Enforcement**

This free class is intended for community officials responsible for enforcing floodplain management regulations. The course will focus on various types of violations, steps toward correcting violations, and enforcement procedures. Provides 3.5 hours Continuing Education Credit (CEC) toward the Certified Floodplain Manager (CFM) credential. Limited to 20 participants.

- **Ellinwood—Thursday, July 11th, 2019 from 8:30 a.m.—12:30 p.m.**

### **Floodplain Management—'The Things They Don't Teach You' (NEW)**

This free class will feature four 45-minute sessions with a variety of important technical and policy-oriented topics. Floodplain managers with a range of responsibilities can learn about "Record-Keeping," "How to Fill Out a Permit," "KDA-DWR Online Resources/BFE Portal," and "Managing Local Politics." Provides 3.5 hours Continuing Education Credit (CEC) toward the Certified Floodplain Manager (CFM) credential. Limited to 20 participants.

- **Erie—Tuesday, August 13th, 2019 from 8:30 a.m.—12:30 p.m.**

### **Floodplain Design, Construction, and Impacts on Flood Insurance**

This free 1-hour class provides insight into the importance of proper foundation flood vents and compliance with Building Codes and FEMA standards and how they can effectively prevent major damage to buildings due to flooding. The course will review applicable codes pertaining to foundation flood venting, including a complete review of FEMA's Technical Bulletin TB-1. Offered in collaboration with "Floodproofing.com" (an ASFP/IA/CES Registered Provider). Provides 1 hour of Continuing Education Credit (CEC) toward the Certified Floodplain Manager (CFM) credential and includes a free lunch.

- **Valley Center—Wednesday, August 28th, 2019 from 12:00 p.m.—1:00 p.m.**

Find more information about floodplain management from Kansas Department of Agriculture  
Division of Water Resources on line at:  
<http://agriculture.ks.gov/divisions-programs/dwr/floodplain>

Email saves money on postage. The electronic newsletter also has links and the photos are in color. If you are getting this newsletter by postal mail and would prefer email please contact Martin Koch at [Martin.koch@ks.gov](mailto:Martin.koch@ks.gov).

Mark your calendar. The Kansas Association for Floodplain Management 2019 conference will be September 4 and 5 in Lawrence. More information will be posted at the website: [www.kafm.org](http://www.kafm.org). Registration will be done through a link on the website. If you have questions about registration please contact Jon Bristor, Chairman, 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

6531 SE Forbes Ave., Suite B

TOPEKA, KS 66619

Fax to: 785-296-8298

For questions about training, please contact Martin Koch by email at [martin.koch@ks.gov](mailto:martin.koch@ks.gov) or by phone at 785-296-0854, or contact Steve Samuelson by email at [steve.samuelson@ks.gov](mailto:steve.samuelson@ks.gov) or by phone at 785-296-4622.

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 email [steve.samuelson@ks.gov](mailto:steve.samuelson@ks.gov) to report the change.

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Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
Floodplain Management  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

### **ASFPM 2020 National Conference in Fort Worth**

The 2019 Association of State Floodplain Managers National Conference will be June 7-11, 2020 in Fort Worth, Texas. 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 meet people for networking and to learn the latest news in floodplain management. Visit [www.floods.org](http://www.floods.org) for more information.

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

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