

## Summary of Proposed Revisions to the 2008 Flood Damage Prevention Order

### MANDATORY Updates/Revisions:

1. Prohibit encroachments, adopt minimum NFIP criteria for the protection of regulated floodways [44 CFR §60.3(d)(3) & (d)(4)] and establish procedures for the Court to select and adopt floodways not shown on FIRM [44 CFR §60.3(d)(1) & (d)(2)].
2. Consider and establish regulations for the protection of critical facilities [44 CFR §60.22(c)(8)].

### Recommended Updates/Revisions [44 CFR §60.1(d)]:

1. Establish more stringent regulations for the Court to designate floodways or flood protection measures for flood hazard areas not shown on FIRM [44 CFR §60.3(b)(4) and 44 CFR §60.3(d)(1) & (d)(2)]
2. Establish more stringent standards for certain critical facilities (emergency responders, law enforcement, jails, detention centers, hospitals, clinics, nursing homes, daycares, residential facilities relying upon life-saving equipment, etc.) [44 CFR §60.22(c)(8)]
  - a. Class 1 – to be located outside both the 100-yr and 500-yr flood hazard areas and meets the higher elevation criteria (see 2.c. below).
  - b. Class 2 – may be located within the 100-yr flood hazard areas however, must meet the higher elevation criteria or be flood-proofed to that elevation (see 2.c. below).
  - c. Classes 1 & 2 - to be elevated (or Class 2 flood-proofed) to 12 inches above the 500-yr flood event.
3. Modify existing freeboard requirements from 12 inches to 18 inches above the BFE in an effort to be uniform with the City of Laredo's regulations [44 CFR §60.22(c)(16)] and adopt more stringent standards for flood-protection structures (dams and berms) to be elevated 24 inches above the BFE.
4. Segregate and establish stream-lined procedures for Variances (44 CFR §60.6) and Appeals to include:
  - a. Define and limit variance eligibility to ensure on-going conformance with 44 CFR §60.6 and authorize the Floodplain Administrator to grant variances that meet the established criteria.
  - b. Establish time limits to file an appeal of the Floodplain Administrator's decision (30-days from written notice plus, additional 15 working days to complete an incomplete appeal application).
  - c. Change the existing appeal body from the Planning Advisory Board to the Commissioners Court.
  - d. Require affirmative action by at least 3 members of the Commissioners Court to grant an appeal since FEMA considers such action as a variance to the regulations.
5. Establish local regulations for development in Zone A (approximate studies) to more clearly set out the NFIP's increased responsibilities in such areas [44 CFR §60.3(b)(4)]. As a precautionary flood protection measure, include more stringent standards [44 CFR §60.1(d)], as follows:
  - a. Include buffer zones (100 feet of a Zone A boundary or 100 feet of a stream center-line shown on the U.S. Geological Survey Topo maps).
  - b. Prohibit fill until studied and a Letter of Map Change is issued by FEMA (structures must be elevated by pier & beam or wait until map change occurs).
6. Establish procedures for Map Changes through FEMA [44 CFR Part 65] and require that existing conditions affecting Zone A areas be official approved by FEMA before authorizing any application to modify the flood hazard area or a watercourse through a Conditional Letter of Map Revision.
7. Clarify the applicability of "development" [44 CFR §59.1] in all sections, incorporate applicability of fees, provide additional definitions of terms and make similar amendments to remove any ambiguity in the order.