
INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVIORS

FROM: RACHEL VEGA

SUBJECT: FLOODPLAIN MANAGEMENT

DATE: 4/18/23

CC: CORINA MANN

I previously mentioned some important information regarding FEMA audits for floodplain management. Based on what Lower Windsor is going through with their FEMA audit and my weekly April trainings with FEMA, I wanted to outline what needs to be done to be in compliance when we are audited by FEMA. We will be audited by FEMA. In one of my training sessions, participants were told that FEMA intends to audit each municipality every 10 years. Failure to comply and enforce the floodplain ordinance could result in being expelled from the National Flood Insurance Program (NFIP) which means property owners could lose their flood insurance or be required to pay a much higher premium.

The following items need to be done:

1. Each property needs to be photographed and documented for the current condition of the property and structures. An inspection must occur at least once a year to ensure work has not been done without a permit and to do future substantial damage/substantial improvement determinations. Those inspections will be compared to the photographs taken at the initial inspection.
2. Attached is the initial letter Lower Windsor sent out to the residents in the floodplain. I plan to send a similar letter to our residents letting them know what the regulations are and that we will be documenting the properties and regularly inspecting them.
3. After the initial letter is sent and the properties are photographed, the photos need to be compared to the approvals in the property file. If there are improvements to the property that occurred without a permit then a Notice of Violation will be issued and the Property Owner and they will be required to bring their property into compliance. We are not allowed to be a "policing community" in the floodplain. We must do periodic inspections of properties in the floodplain and proceed with enforcement without a written complaint.
4. EVERYTHING placed in the floodplain requires a permit including driveways, gravel, playground equipment, storage of materials, etc. Lower Windsor has

shared a floodplain permit application that they created. I have attached that to this memo.

This will be a very time-consuming process. I was asked if a third-party is available to assist with this task. Per Lower Windsor, the only third-party in Pennsylvania is located in Philadelphia and they will not come out to York County. Lower Windsor is using CSDavidson to assist with this task.



LOWER WINDSOR TOWNSHIP

Board of Supervisors

2425 CRALEY ROAD
WRIGHTSVILLE, PA 17368
(717) 244-6813 FAX: (717) 244-0746
www.LowerWindsor.com

January 3, 2023

Ryan & Jennifer Kinsey
25 Silverdale Avenue
Wrightsville, PA 17368

Re: Lower Windsor Township Floodplain Ordinance
FEMA Community Assistance Visit
Notice of Property Owner Obligations
Parcel ID: 35-000-IM-0024.B0-00000
Address: 25 SILVERDALE AVE

Lower Windsor Township has been working with the Federal Emergency Management Agency (FEMA) mitigation specialists since 2014 in order to bring the Township into compliance with requirements issued by FEMA related to development in flood hazard areas. We are required by federal law to reduce the risk to residents and properties, improve the health of the waterways of the Commonwealth, and bring the Township into compliance with FEMA's directives. Failure to do so jeopardizes flood insurance for all property owners within the Township. Our records show that your property/structure is within the Special Flood Hazard Area (SFHA) with high flood risk.

FEMA created the Federal Insurance Rate Maps (FIRM) for the Lower Windsor area in 1975. The Lower Windsor Floodplain Ordinance (first adopted in 1983, and twice revised) requires structures located within the floodplain to obtain permits when improvements are made, regardless of whether those improvements meet the requirements of the Uniform Construction Code or the Township Zoning Ordinance for permit obligation. Improvements to structures within the floodplain without a permit are a violation of the floodplain ordinance Sec. 235-32.B *"Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of **fifty (50) percent or more** of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance."*

and 235-32.F *"Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or **amount of less than 50%** of its market value shall be elevated and/or floodproofed to the **greatest extent possible**."* [emphasis added].

Over the next 60 days, the Township will be investigating improvements that may have been made to the properties within the floodplains of the Susquehanna River, Cabin Creek, Canadochly Creek, Fishing Creek, Klines Run, Kreutz Creek and their tributaries. If the investigation shows improvements to have been made without permits, you will be notified of potential violation and a site visit request scheduled. If the site visit warrants further investigation, you will be advised to obtain an Elevation Certificate for structures. This must be prepared by a professional surveyor, engineer or architect. Requirements for an

Elevation Certificate may be found here: https://www.fema.gov/sites/default/files/2020-07/fema_nfip_elevation-certificate-form-instructions_feb-2020.pdf

Additionally, the following requirements will need to be met.

- Any fully enclosed space below the lowest floor may be used solely for the parking of a vehicle, building access, or incidental storage, and shall allow for the automatic entry and exit of floodwaters (vents) for the purpose of equalizing hydrostatic forces (Sec. 235-24.C(1))
- The first finished floor must be above Regulatory Flood elevation (Base Flood elevation + 18")
- All utilities/mechanical systems must be above Regulatory Flood elevation (Base Flood elevation + 18")
- The electric panel/distribution box must be 36" above the Base Flood Elevation.
- Accessory structures shall not exceed 200 s.f., shall be anchored to prevent flotation, and shall provide for the automatic entry and exit of floodwaters (vents)
- There shall be no storage of buoyant, flammable, explosive, and/or hazardous materials, or they shall be stored above Regulatory Flood elevation (Base Flood elevation + 18")
- RVs, trailers, and vehicles parked or stored within the SFHA must be maintained, licensed, registered and roadworthy. Permanent construction added to a vehicle is not permitted and must be removed.

If it is discovered that significant improvements have been made, a full accounting of the cost of the improvements will be needed. FEMA has a list of items that must be included in the Substantial Improvements as well as those that may be excluded.

Types of development within the Special Flood Hazard Areas that must be **approved and permitted** include, but are not limited to building, paving, adding stone, grading, storage of materials, installation of any accessory structure (walls, fences, patios, sheds, pergolas, etc.) changing or adding utilities, repairs and improvements to existing structures or utilities, dredging, mining, etc.

Your cooperation is required by law. Failure to comply with the requirements of the Floodplain Ordinance may result in enforcement, in accordance with Section 235-16 of the Lower Windsor Township Codified ordinances, providing for fines and penalties, including a summary filing at the District Magistrate. A complete copy of the Floodplain Ordinance is available on the Township website www.LowerWindsor.com

If you have questions regarding this letter or if you would like to schedule a site inspection or a meeting, please contact the Township Zoning Officer, Monica Love.

Sincerely,

Lower Windsor Township Board of Supervisors

Copy: file

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION – LOWER WINDSOR TOWNSHIP, YORK COUNTY, PA

A Floodplain Development Permit is required for **any** development proposed in a Special Flood Hazard Area (SFHA) shown on the effective Flood Insurance Rate Map for Lower Windsor Township. The term “development” includes new or improved structures, placement of fill, excavation, storage of materials, and other activities defined in the Lower Windsor Township Floodplain Management Ordinance. All development that occurs in the SFHA must be in compliance with this Ordinance to protect lives and property from future flood damages.

_____	_____
Date	
_____	_____
Property/Site Address	Parcel ID Number
_____	_____
Property Owner Name	Mailing Address
_____	_____
Phone Number	Email Address
_____	_____
Contractor Name	Mailing Address
_____	_____
Phone Number	Email Address

The primary contact person is the Property Owner Contractor [Check one].

The Applicant must obtain all other necessary Federal, State and/or county permits before a floodplain development permit can be issued.

Are other permits required from County, State or Federal jurisdictions for this project? Yes No

If yes, please indicate which apply and attach copies of the permits:

- PA DEP/USACE Waterways Permit
- PA DEP/USACE Wetlands Permit
- PA DEP Subsurface Systems Permit
- PA DEP Alteration of Terrain
- PA DEP/USACE General Permit
- PA DEP On-lot Sanitary Sewer Permit
- USACE/Section 9&10 of Rivers and Harbors Act
- Section 404 of Clean Water Act
- Other: _____

Type of Proposed Development – Check all that apply.
Structures

- | | |
|--|--|
| <p><u>a. Type of Structure</u></p> <ul style="list-style-type: none"><input type="checkbox"/> 1. Residential Structure<input type="checkbox"/> 2. Non-Residential Structure<ul style="list-style-type: none"><input type="checkbox"/> To be elevated <input type="checkbox"/> To be floodproofed<input type="checkbox"/> 3. Manufactured Home<input type="checkbox"/> 4. Accessory Structure<input type="checkbox"/> 5. RV - 180 day placement | <p><u>b. Type of Development Activity for Structure</u></p> <ul style="list-style-type: none"><input type="checkbox"/> 1. New Construction<input type="checkbox"/> 2. Addition to Existing Structure<input type="checkbox"/> 3. Renovation/Repair/Maintenance of Existing Structure<input type="checkbox"/> 4. Other: _____ |
|--|--|

Other Development Activities

- 1. Functionally Dependent Use:
 - 1. Ramp
 - 1c. Other: _____
- 2. Paving
- 3. Filling
- 4. Grading
- 5. Dredging
- 6. Excavation
- 7. Drilling
- 8. Mining
- 9. Bridge or Culvert Construction/Alteration
- 10. Road Construction/Alteration
- 11. Fence or Wall Construction
- 12. Watercourse Alteration
- 13. Storage of Equipment or Materials
- 14. Sewage Disposal System
- 15. Water Supply System
- 16. Other: _____

General Description of Proposed Development:

The following documentation must be included with this permit application (as applicable):

- Valuation of improvements, with breakdown
- For any additions or renovations, repairs, or maintenance to an existing residential, a non-residential structure or a manufactured home, a completed *Application for Substantial Improvement/Substantial Damage Determination*;
- Copies of all required Federal, State and County permits as indicated above;
- A site plan showing:
 1. Property boundary and lot dimensions;
 2. Location of all proposed development on the site as indicated above;
 3. Nearby roads and bodies of water;
 4. Flood zone and floodway boundaries from the community's Flood Insurance Rate Map (FIRM);
 5. If applicable, the Base Flood Elevation (BFE) that applies to the site from the FIRM and Flood Insurance Study (FIS) report with vertical datum indicated. The BFE to the 10th of a foot should be provided when available (e.g., 149.3 feet);
 6. For proposed new or modified structures in an AE flood zone: the proposed elevation of the bottom of the lowest floor of the structure with vertical datum indicated.

For a proposed development in a Regulatory Floodway: The Applicant must submit certification prepared by a Professional Engineer, along with supporting technical data and analyses, that shows the development will not cause any (0.0 feet) increase in the BFE **OR** obtain and provide a FEMA [Conditional Letter of Map Revision](#) (CLOMR) evaluating the project. In the latter case, a FEMA [Letter of Map Revision](#) (LOMR) must also be provided following completion of the project. CLOMR and LOMR submittal requirements and [fees](#) are the responsibility of the Applicant.

For a proposed development in an AE flood zone for a watercourse that has BFEs shown on the FIRM but no regulatory floodway: The Applicant must submit certification prepared by a Professional Engineer, along with supporting technical data and analyses, that shows the development, when combined with all other existing and anticipated development, will not increase the BFE more than 1.0 foot at any point within the community.

For a proposed watercourse alteration: the Applicant must submit:

1. a detailed description of the project;

2. copies of all required notifications as documented in the Floodplain Management Ordinance;
3. certification provided by a registered professional engineer, assuring that the flood carrying capacity of the altered watercourse can and will be maintained.

- For a proposed development that is located in Zone A (no BFEs) and is either greater than 50 lots or greater than 5 acres:** The Applicant must develop a BFE for the area, and provide data such as hydraulic and hydrologic analyses that were used to develop the BFE.
- For existing buildings determined to be Substantially Improved or Substantially Damaged:** A completed and certified [Elevation Certificate form](#) that includes the elevation of the current lowest floor of the existing structure.
- The proposed development requires documentation to be submitted following completion of development.** The Applicant must complete and sign the *Agreement to Submit Post-Construction Floodplain Development Documentation* form.

The Floodplain Administrator reserves the right to require additional documentation not listed above, as needed, to process the permit application and ensure compliance with the Lower Windsor Township Floodplain Management Ordinance.

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The Applicant understands and agrees that:

- No work may begin until a completed permit application is approved and a Floodplain Development Permit issued;
- It is both the owners and owners' representatives' responsibility to comply with all local, state and federal regulations, codes, and ordinances.
- If issued, a permit may be revoked and a stop work order issued if any false information is found to have been provided in this application and supporting documents;
- Construction plans submitted to and approved by the Lower Windsor Township in support of an issued permit must be followed and adhered to. Any deviance there from may also be the basis for a notice of violation, stop work order, and revocation of a permit and/or assessment of a penalty by Lower Windsor Township;
- If a permit is revoked, all work shall cease until the permit is reissued or a new permit is issued;
- The Applicant hereby gives consent to the Lower Windsor Township Floodplain Administrator to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- If issued, the permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to, this application are a true description of the existing property and the proposed development project.

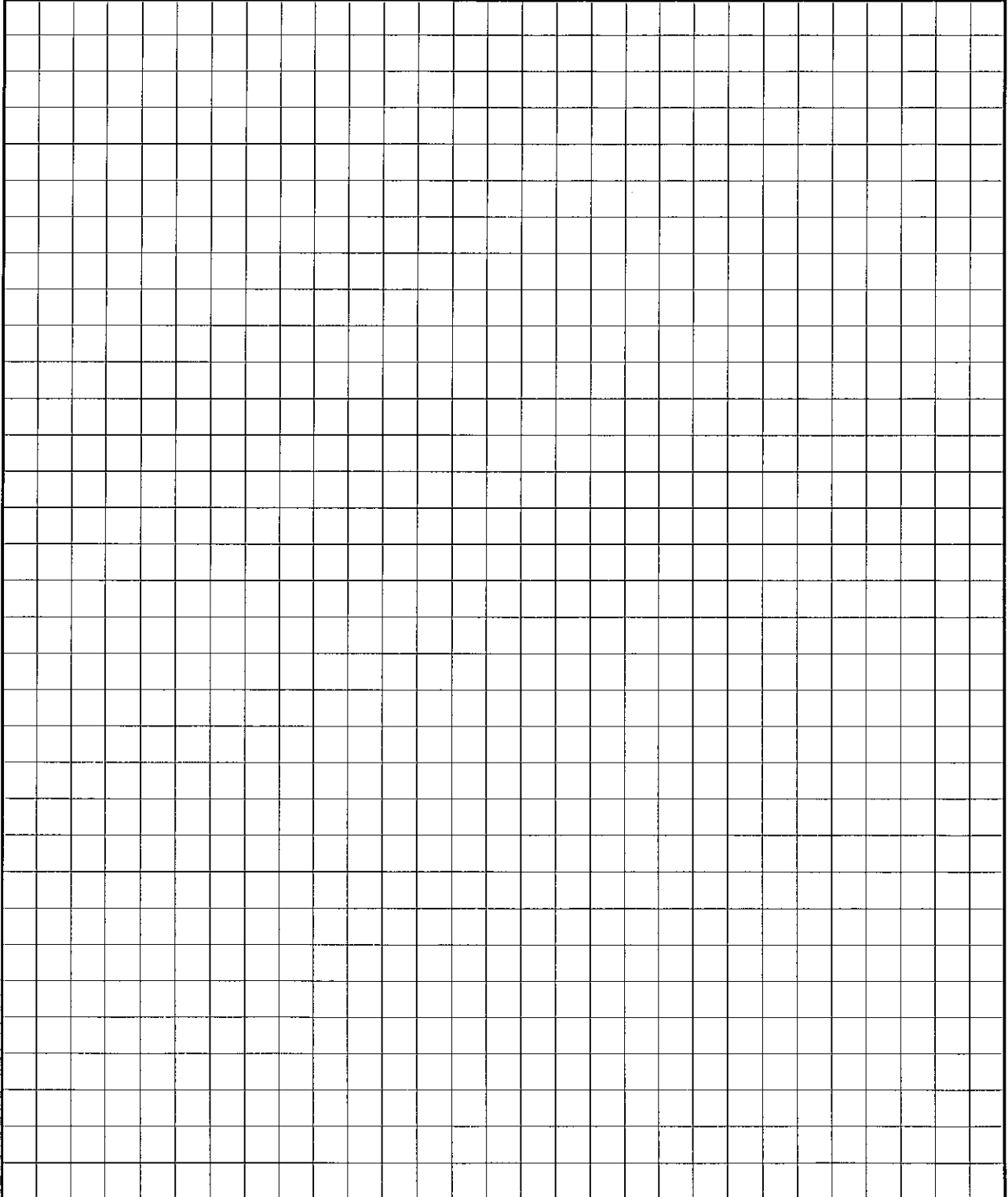
Property Owner/Authorized Agent: _____
Signature Date

Lessee/Tenant: _____
Signature Date

Authorized agent shall have a signed, dated letter of permission from the property owner, specific to the site and the work proposed

Plans need not be drawn to scale, but must show:

- 1. Dimensions of lot, setbacks, distances between new construction and property line, dimensions of all improvements (proposed and existing)*
- 2. Septic tank and drainfield, water wells, stormwater management, streams, and adjoining streets.*
- 3. Neighboring structures within 20 feet of the property line.*
- 4. Existing easements and rights-of-way on this lot.*



THIS SECTION TO BE COMPLETED BY LOWER WINDSOR TOWNSHIP

Name of Flooding Source: _____ FIRM Panel No. / Effective Date: _____

Flood Zone Determination of Proposed Development (check all that apply):

AE Zone (Includes A1-30) A Zone AO Zone VE Zone X Zone (Floodplain Development Permit not required)

Floodway Determination of Proposed Development:

Site located in floodway? Yes No N/A

Development site located in FEMA AE zone for river or stream with BFEs but no floodway established? Yes No N/A

Base Flood Elevation Determination of Proposed Development:

BFE at the development site (rounded to 10th of a foot, e.g. 100.2, if applicable): _____ Vertical datum: NAVD88 NGVD29

Basis of Zone AE (includes A1-30) and VE determination (if applicable): FIS FIRM

Basis of Zone A BFE determination (if applicable):

From a Federal Agency: USGS USDA/NRCS USACE Other _____

From a State Agency: NHDOT Other: _____

Established by Professional Land Surveyor or Engineer

Two feet above Highest Adjacent Grade to structure: Highest Adjacent Grade Elevation: _____ + 2 ft. = BFE of _____

Other: _____

Basis of Zone AO BFE determination (if applicable): Highest Adjacent Grade Elevation: _____ + Zone AO Depth _____ = BFE of _____

Substantial Improvement/Damage Determination (if applicable):

Based on the review of the Application for Substantial Improvement/Damage Determination form and accompanying documentation, the proposed development has been determined to be:

Substantial Improvement/Damage Not a Substantial Improvement/Damage

For New Construction or Substantial Improvement of any structure:

New Construction: Proposed lowest floor elevation of structure: _____

Substantial Improvements: Lowest floor elevation of existing structure: _____

Vertical datum that applies for elevation: NAVD88 NGVD29

For New Construction or Substantial Improvement of a non-residential structure:

Building will be: Elevated Floodproofed

Section Completed by: _____ Title: _____

Completed Date: _____

Permit Application is: Approved Denied Comments: _____

Permit #: _____ Issued by: _____ Date: _____

Cost: _____