ORDER NO. 2004-1
FLOOD DAMAGE PREVENTION

be it enacted by the Commissioner's Court as follows:

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Commissioner's Court of the County of San Saba finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of San Saba County and that such damage may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this court order to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damages;

(5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;

(6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this court order are:

(1) to protect human life and health;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

(6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blight areas;

(7) to provide that developers are notified that property is in an area of special flood hazard; and,

(8) to ensure that those who occupy the area of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Using Glossary of Terms from Managing Floodplain Development Through The National Flood Insurance Program

{Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.}

A-ZONES — **A-Zones are found on all Flood Hazard Boundary Maps (FHBMs), Flood Insurance Rate Maps (FIRMs), and Flood Boundary and Floodway Maps (FBFMs). An A-Zone is an area that would be flooded by the Base Flood, and is the same as a Special Flood Hazard Area (SFHA) or a 100-year floodplain. These areas may be unnumbered as AE, AH, or AO Zones. Numbered A-Zones indicate an area's risk to flooding.**

ALLUVIAL FAN FLOODING — **Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.**

ANCHOR — **A series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.**

AREA OF SHALLOW FLOODING — **A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.**

AREA OF SPECIAL FLOOD HAZARD — **The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been**

	completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
BASE FLOOD	**A term used in the National Flood Insurance Program to indicate the minimum size flood to be used by a community as a basis for its floodplain management regulations; currently required by regulation to be that flood which has a one-percent chance of being equaled or exceeded in any given year. Also known as a 100-year flood or a one-percent chance flood.**
BASE FLOOD ELEVATION (BFE)	**The elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it. The BFE is determined by statistical analysis for each local area and designated on the Flood Insurance Rate Maps. It is also known as the 100-year flood elevation.**
BASE FLOODPLAIN	**The floodplain that would be inundated by a one-percent chance (100-year) flood.**
BASEMENT	**Any area of the building having its floor subgrade (below ground level) on all sides.**
BREAKAWAY WALLS	**A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Breakaway walls are required by NFIP regulations in coastal high-hazard areas (V-Zones) and are recommended in areas where flood waters could flow at significant velocities (usually greater than four feet per second) or could contain ice or other debris.**
CHANNEL	**A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.**
CRITICAL FEATURE	**An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.**

CROSS SECTION — **A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.**

DESIGNATED FLOODWAY — **The channel of a stream and that portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.**

DEVELOPMENT — ***ANY* man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or of equipment or materials.**

ELEVATION — **The placement of a structure above flood level to minimize or prevent flood damages.**

ENCROACHMENT — **Any physical object placed in a floodplain that hinders the passage of water or otherwise affects flood flows, such as landfills or buildings.**

FILL — **Material such as earth, clay, or crushed stone that is dumped in an area and compacted to increase ground elevation.**

FLASH FLOOD — **A flood that crests in a short length of time and is often characterized by high velocity flow. It is often the result of heavy rainfall in a localized area.**

FLOOD OR FLOODING — **Means: (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) the collapse or subsidence of land along the shore of a lake or suddenly caused by an unusually high water level in a**

natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD BOUNDARY FLOODWAY MAP (FBFM) — **A map that may be included with a Flood Insurance Study printed prior to 1986. It identifies the floodway and, along with the study, provides the technical basis for floodplain management regulations.**

FLOOD DISASTER ASSISTANCE — **This includes development of comprehensive preparedness and recovery plans, program capabilities, and organization of Federal agencies and of State and local governments to mitigate the adverse effects of disastrous floods. It may include maximum hazard reduction, avoidance, and mitigation measures, as well as policies, procedures, and eligibility criteria for Federal grant or loan assistance to State and local governments, private organizations or individuals as the result of the major disaster.**

FLOOD FREQUENCY — **A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude expected to be equaled or exceeded on the average of once every hundred years, such a flood has a one-percent chance of being equaled or exceeded in any given year. Often used interchangeably with recurrence interval.**

FLOOD FRINGE — **That portion of the floodplain that lies beyond the floodway and serves as a temporary storage area for flood waters during a flood. This section receives waters that are shallower and of lower velocities than those of the floodway.**

FLOOD HAZARD — **The potential for inundation and involves the risk of life, health, property and natural value. Two reference bases are commonly used: (1) For most situations, the base flood is that flood which has a one-percent chance of being exceeded in any**

given year (also known as the 100-year flood); (2) for critical actions, an activity for which a one-percent chance of flooding would be too great, at a minimum the base flood is that flood which has a 0.2-percent chance of being exceeded in any given year (also known as the 500-year flood).

FLOOD HAZARD BOUNDARY MAP (FHBM) — **An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e. mudflow), related erosion areas having special hazards have been designated Zones A, M, and/or E.**

FLOOD INSURANCE RATE MAP (FIRM) — **An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.**

FLOOD INSURANCE STUDY (FIS) — **An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.**

FLOODPLAIN — **Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).**

FLOODPLAIN MANAGEMENT — **The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.**

FLOODPLAIN MANAGEMENT REGULATIONS — **Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as a flood-plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination**

thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING — **Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.**

FLOODWALL — **A constructed barrier of resistant material, such as concrete or masonry block, designed to keep water away from a structure.**

FLOODWAY — **The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.**

FLOOD WARNING — **The issuance and dissemination of information about an Imminent or current flood.**

FLOOD ZONES — **Zones on the Flood Insurance Rate map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.**

ZONE SYMBOL	
A	**Area of special flood hazard without water surface elevations determined.**
A1-30, AE	**Area of special flood hazard with water surface elevations determined.**
AO	**Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet.**
A-99	**Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.**

AH **Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet and with water surface elevations determined.**

B, X **Area of moderate flood hazard.**

C, X **Area of minimal hazard.**

D **Area of undetermined but possible flood hazard.**

FOUNDATION **The underlying structure of a building, usually constructed of concrete, that supports the foundation walls, piers, or columns.**

FREEBOARD **A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.**

HYDRODYNAMIC LOADS **Forces imposed on structures by floodwaters due to the impact of moving water.**

HYDROLOGY **The science of the behavior of water in the atmosphere, on the earth's surface, and underground.**

HYDROSTATIC LOADS **Forces imposed on an object, such as a structure, by standing water.**

LEVEE **A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.**

LEVEL OF PROTECTION **The greatest flood level against which a protective measure is designed to be fully effective.**

MANUFACTURED HOME — **A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle".**

MEAN SEA LEVEL — **For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.**

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — **The Federal program, created by an act of Congress in 1968, that makes flood insurance available in communities that enact satisfactory floodplain management regulations.**

ONE HUNDRED (100)-YEAR FLOOD — **The flood elevation that has a one-percent chance of being equaled or exceeded in any given year. It is also known as the base flood.**

REGULATORY FLOODPLAIN — **That portion of the floodplain subject to floodplain regulations (usually the floodplain inundated by the one-percent chance flood).**

REGULATORY FLOODWAY — **The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.**

REGULAR PROGRAM — **The Program authorized by the Act under which risk premium rates are required for the first half of available coverage (also known as "first layer" coverage) for all new construction and substantial improvements started on or after the effective date of the FIRM, or after December 31, 1974, for FIRM's effective on or before that date.**

RETROFITTING	**Floodproofing measures taken on an existing structure.**
RIVERINE	**Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.**
RUNOFF	**That portion of precipitation that is not intercepted by vegetation, absorbed by the land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (runoff, call immediate subsurface runoff, also takes place in the upper layers of the soil).**
SLAB ON GRADE	**A structural design where the first floor sits directly on a poured concrete slab that sits directly on the ground.**
SPECIAL HAZARD AREA	**An area having special flood, mudslide, (i.e. mudflow) and/or flood-related erosion hazards, as shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, or E.**
STREAM	**A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. Streams that flow only during wet periods are termed "intermittent streams."**
STRUCTURE	**A walled and roofed building, including a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home.**
SUBSIDENCE	**Sinking of the land surface, usually due to withdrawals of underground water, oil, or minerals.**
SUBSIDIZED RATES	**The rules established by the Administrator involving in the aggregate subsidization by the Federal Government.**
SUBSTANTIAL IMPROVEMENT	**Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for**

improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE — **A grant of relief by a community from the terms of a floodplain management regulation.**

VENTING — **A system designed to allow flood waters to enter an enclosure, usually the interior of foundation walls, so that the rising water does not create a dangerous differential in hydrostatic pressure. This is usually achieved through small openings in the wall, such as a missing or rotated brick or concrete block or small pipe.**

WATER SURFACE ELEVATION — **The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal riverine areas.**

WETLANDS — **Areas that are inundated or saturated at a frequency and for a duration sufficient to support a prevalence of vegetative or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction.**

ZONING ORDINANCE — **An ordinance under the State or local government's police power that divides an area into districts and, within each district, regulates the use of land and buildings, height and bulk of buildings or other structures, and the density of population.**

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS COURT ORDER APPLIES

This court order shall apply to all areas of special flood hazard within the jurisdiction of the County of San Saba.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map (multiple panels) Index No. 48411C0000 whose effective date is July 2, 1991.

(2) A scientific and engineering report entitled, "The Flood Insurance Study for San Saba County" dated March 1, 1990.

The above documents are hereby adopted and declared to be a part of this Court Order. The Flood Insurance Study and/or maps are on file at The Office of Emergency Management/Floodplain Administration, at the courthouse of San Saba County, located at 500 E. Wallace #111, San Saba, Texas, 76877.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Court Order includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws Adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this court order shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this court order are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this court order shall not invalidate any other section or provision thereof.

3.5 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this court order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This court order does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This court order shall not create liability on the part of the community, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this court order or any administrative decision lawfully made thereunder.

SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Emergency Management Coordinator is hereby appointed the Local Administrator to administer and implement this court order by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials, drainage facilities and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied an application fee of $20.00. In addition, the applicant shall be responsible for reimbursing the county for any additional costs necessary for review, inspection and approval of this project.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

(1) **The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-30, AE or AH, or Zone A, if base flood elevation data is available. Upon completion of the lowest floor, the permitted shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.**

(2) **The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.**

(3) **A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.**

(4) **A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.5, NON-RESIDENTIAL STRUCTURES.**

(5) **A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local**

Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether the proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

(7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following:

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATIONS FOR A PERMIT, and for compliance with the provisions and standards of this law.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, subsection 5.1-2, SUBDIVISION PROPOSALS.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the

applicant to submit additional technical analyses and data necessary to complete the determination.
If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone Z or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3 (8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

(1) Notification to adjacent communities and the State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said

watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

(1) In Zones A1-30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor of completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest flood or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit-holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be caused to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriated times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this court order.

(2) **The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this court order.**

4.4-7 CERTIFICATE OF COMPLIANCE

(1) **In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this court order.**

(2) **A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.**

(3) **Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.**

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

(1) **Floodplain development permits and certificates of compliance;**

(2) **Certifications of as-built lowest floor elevations of structures, required pursuant to subsections 4.4-4(1) and 4.4-4(2) of Section 4.4, CONSTRUCTION STAGE, and whether or not the structures contain a basement;**

(3) **Floodproofing certificates required pursuant to subsections**

4.4-4(1) of Section 4.4, CONSTRUCTION STAGE, and whether or not the structures contain a basement;

(4) Certifications required pursuant to paragraph (10) of Section 4.3, APPLICATION FOR A PERMIT;

(5) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and

(6) Notices required under subsection 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0
CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

(1) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

(1) Within Zone A1-30 and AE, on streams without a regulatory

floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(ii) the County of San Saba agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the County of San Saba for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the County of San Saba for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in *any* increase in flood levels during occurrence of the base flood, or,

(ii) the County of San Saba agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the County of San Saba for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the County of San Saba for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

(1) **New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.**

(2) **New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.**

(3) **for enclosed areas below the lowest floor of a structure within Zones A1-30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:**

(i) **a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and**

(ii) **the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.**

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of flood waters.

5.2-3 UTILITIES

(1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through the building's exterior wall; and

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards, in addition to the standards in subsection 5.1-2, SUBDIVISION PROPOSALS, and 5.1-3, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to structures located in areas of special flood hazard as indicated.

(1) Within Zones A1-30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.

(2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map, enumerated in Section 3.2 (at least two feet if no depth number is specified).

(4) Within Zone AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in subsections 5.1-2, SUBDIVISION PROPOSALS, and 5.1-3, ENCROACHMENTS, and 5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:

(i) have the lowest floor (including basement or cellar) elevated to or above the base flood elevation; or

(ii) be floodproofed so that the structure is watertight below base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(i) have the lowest floor (including basement) elevated

above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in subsection 5.4(1)(ii).

(3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(5) Within Zones A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

(1) The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply to manufactured homes and to recreational vehicles which are located in areas of special flood hazard. Recreational vehicles placed on sites within Zones A1-30, AE and AH shall either:

(i) be on site fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (4), and (5).

A recreational vehicle is ready for highway use if wheels or jacking system, is attached to the site, if there are disconnect type utilities and security devices and there are no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-30, AE or AH that is on a site either:

(i) outside of an existing manufactured home park, or subdivision;

(ii) in a new manufactured home park or subdivision as herein defined;

(iii) in an expansion to an existing manufactured home park, or subdivision as herein defined;

(iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood;

shall, within Zones A1-30, AE and AH, be elevated on a permanent foundation such as the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(3) A manufactured home to be placed or substantially improved in Zone A1-30, AE and AH, in an existing manufactured home park or subdivision that is <u>not</u> to be placed on a site which a manufactured home has incurred substantial damage shall be:

(i) elevated in a manner such as required in paragraph 5.5(2), or

(ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than three feet in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(4) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall have the floor elevated at least three feet above the highest adjacent grade.

(5) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the FIRM enumerated in Section 3.2 (at least two feet if no depth number is specified).

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

(1) The Commissioner's Court of San Saba County shall hear and decide appeals and requests for variances from the requirements of this court order.

(2) The Commissioner's Court of San Saba County shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this court order.

(3) Those aggrieved by the decision of the Commissioner's Court of San Saba County may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Commissioner's Court of San Saba County, shall consider all technical evaluation, all relevant factors, standards specified in other sections of this court order and;

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger of life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) **the necessity to the facility of a waterfront location, where applicable;**

(vi) **the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;**

(vii) **the compatibility of the proposed use with existing and anticipated development;**

(viii) **the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;**

(ix) **the safety of access to the property in times of flood for ordinary and emergency vehicles;**

(x) **the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;**

(xi) **the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and**

(xii) **the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.**

(5) **Upon consideration of the factors of Section 6.1(4) and the purposes of this court order, the Commissioner's Court of San Saba County may attach such conditions to the granting of variances as it deems necessary to further the purposes of this court order.**

(6) **The Local Administrator shall maintain the records of all appeal actions including technical information and report any variance to the Federal Emergency Management Agency upon request.**

6.2 CONDITIONS FOR VARIANCES

(1) **Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures**

constructed below the base flood level, providing items (i)(xii) in Section 6.1(4) have been fully considered.

As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and created no additional threat to public safety.

(4) Variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification of:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on

or victimization of the public or conflict with existing local laws or ordinances/orders.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be in enacted this _____ day of _____, 20___ by the _____ of the _____, _____ County, Texas, to be effective _____.

_____
County Judge, Byron Theodosis

_____
Precinct 1, Roger Crockett

_____
Precinct 2, Rickey Lusty

_____
Precinct 3, Wayland Perry

_____
Precinct 4, Roger McGehee

SEAL

_____
ATTEST _____CLERK